

## **Duval County**

### **Central Counting Station Plan**

#### **A. Purpose**

The central counting station is the location where ballots are counted, vote totals are accumulated, and the unofficial election results are generated.

Section 127.007 of the Texas Election Code requires a Manager of Central counting station (“CCS”) to “establish and implement a written plan for the orderly operation of the central counting station.” This plan must 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.”

This plan includes the dates and times for convening the central counting station, the personnel that will be involved in the operation of the central counting station, and the procedures that will be used in conducting the activities of the central counting station.

Throughout this plan, all references are made to appropriate sections in the Texas Election Code, unless otherwise noted. Any reference to the Texas Administrative code Are cited to the relevant section of “TAC”

#### **B. Location**

The Duval County Central Counting Station Will Be Located At 400 E. Gravis St. Court House Basement in The Election Office.

All CCS personnel will report to the same office for Their Duties.

#### **C. Dates and Times for Convening**

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.

The central counting station will begin the process to count early voting in-person ballots on March 5<sup>th</sup> 2024 @ 9:00 a.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 convene at 8pm on March 5<sup>th</sup> for Election Day ballots

The central counting station will convene to count late-arriving mail ballots and provisional ballots on March 7<sup>th</sup> at 10 a.m.

If any additional meeting of the central counting station is required, then this plan will be updated to reflect those additional meetings, and notice will be provided at [co.duval.tx.us](http://co.duval.tx.us) and posted on the bulletin board in front of the courthouse at least 24 hours before the central counting station convenes.

#### **D. Notice Procedures**

Before the central counting station convenes, notice will be provided at [co.duval.tx.us](http://co.duval.tx.us) and the bulletin board in front of the court house.

##### Convening on Election Day

The Central Counting Station Manager will manage the overall administration of the station and supervision of personnel. (sec. 127.002)

Bobby Gonzalez is designated as the Central Counting Station Manager.

The Tabulation Supervisor is Responsible for operating the Automatic Tabulating Equipment. (Sec. 127.003)

Bobby Gonzalez is designated as the tabulation Supervisor

The presiding judge will serve to maintain order at the central counting Station, administer oaths, resolve questions of voter intent, and receive ballots to be counted. The Alternate Judge will serve as the Presiding Judge if the Presiding Judge is unavailable, Otherwise The Alternate Judge Will Preform other duties as needed at the central counting station. (sec 127.005)

[Leticia Cervantes] will serve as the Presiding Judge.

[John Saenz] will serve as the Alternate Judge.

Additional individuals may be appointed to serve in the following roles at the central counting station as needed:

- The Assistant Tabulation Supervisors will assist the Tabulation Supervisor in the operation of the automatic tabulating equipment. (Sec. 127.004)
- Central Counting Station Clerks may be appointed as needed by the Central Counting Station Manager, the Presiding Judge, and/or the Alternate Judge to perform various Duties at the central counting station that are assigned by the authority that appointed The Clerk. (Sec. 127.006)

In the event of extenuating circumstances, an emergency appointment may be made to fill an Unexpected vacancy in one of these roles.

#### **F. Procedures for Convening the Central Counting Station**

The Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Alternate Judge will be present each time that the central counting station convenes.

The Presiding Judge and Alternate Judge will take the constitutional Oath of Office before beginning their duties at the central counting station. (Sec. 62.003)

In the general election for state and county officers, a joint primary election, or a special election ordered by the governor, the following oath will be administered verbally to all personnel at the central counting station prior to those individuals commencing their duties at the central counting station:

**"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."**

In all other types of elections that do not contain party affiliation or for primary elections that are conducted separately, the following oath will be administered verbally

to all personnel at the central counting station prior to those individuals commencing their duties at the central counting station:

"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."

Once the Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Alternate Judge are present and all personnel have taken the appropriate oaths, the central counting station will begin conducting its duties. (Sec. 127.0015)

## **G. Security Procedures**

A licensed peace officer will be posted when the central counting station is convened to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation, in accordance with the requirements of Section 127.1232 of the Texas Election Code.

## **H. General Conduct Rules**

The Manager has prescribed the following conduct rules for the operation of the central counting station, pursuant to Section 127.002 of the Texas Election Code

- Wireless communication devices and devices that are capable of recording sound or images are prohibited in the central counting station. These devices may only be used in the central counting station by the Manager, Tabulation Supervisor, Presiding Judge, Alternate Judge, State Inspector, or Voting System Technician in the performance of their official duties under the Texas Election Code. All other individuals must deactivate these devices when present in the central counting station. If an individual needs to use one of these devices, they must obtain the permission of the Presiding Judge before leaving the central counting station to use the device. (Secs. 33.051(c), 61.007, 127.002, 127.007)

- If a person who is authorized to be present in the central counting station (including poll watchers or central counting station personnel) causes a disruption in the central counting station that impedes the ability of central counting station personnel to perform their duties, or if the person willfully violates the Texas Election Code, then the Presiding Judge may remove that person from the central counting station. (Secs. 32.075, 127.005)
- Release of results before the time the polls close or the last voter has voted is strictly prohibited and constitutes a criminal offense. Section 61.007 of the Texas Election Code provides that an election officer, watcher, or other person serving in an official capacity commits an offense if before the last voter has voted or the polls close, whichever is later, the person reveals the number of votes that have been received for a candidate or for or against a measure, a candidate's position relative to other candidates in the tabulation of votes, whether a measure is passing or failing, or the names of persons who have voted or not voted in the election. An offense under Section 61.007 of the Texas Election Code is a Class A misdemeanor. (Sec. 61.007)
- News media are not authorized to be present in the central counting station, but may be present in the area designated for the media. Unofficial results will be made available to the media and to the public as soon as they are available after polls close. (Secs. 127.008, 127.1311)

### **I. Poll Watchers**

A poll watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results until the election officers complete their duties at the station. (Sec. 33.055)

A poll watcher is entitled to observe any activity occurring at the location at which the watcher is serving, and is entitled to inspect the returns and other records prepared by the election

officers at the location at which the watcher is serving. This includes the ability to request audit logs from the central accumulator before any votes are tabulated, after early voting results are tabulated, and immediately following the completion of the vote tabulation. (Sec. 33.056; 1 TAC 81.62)

A poll watcher may call the attention of an election officer to an occurrence that the watcher believes to be an irregularity or violation of law. The officer may refer the matter to the Presiding Judge. Once the Presiding Judge has been notified, the watcher may not discuss the occurrence further with the subordinate officer unless the Presiding Judge invites the discussion. (Sec. 33.058)

The procedures for acceptance of a poll watcher are outlined in Section 33.051 of the Texas

**Election Code:**

- A poll watcher who is appointed to serve at a central counting station must present a valid certificate of appointment and a certificate of completion of the poll watcher training to the Presiding Judge at the time the watcher reports for service at the central counting station. The certificates provided by the watcher will be retained with the records of the central counting station. (Sec. 33.051(a))
- When the poll watcher reports for service and presents their certificates to the Presiding Judge, the Presiding Judge shall require the watcher to countersign the certificate of appointment to ensure that the watcher is the same person who signed the certificate of appointment. (Sec. 33.051(b))
- A watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device. The CCS Presiding Judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service. (Sec. 33.051(c))
- A watcher who presents himself or herself with the required certificates at the proper time shall be accepted for service unless the person is ineligible to serve, the watcher refuses to disable or deactivate a prohibited recording device, or the number of watchers to which the appointing authority is entitled have already been accepted for service. (Sec. 33.051(b))
- Before accepting a watcher for service, the CCS Presiding Judge shall require the watcher

to take the following oath, administered by an election officer:

**“I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties.”(Sec. 33.051(h))**

- If the watcher is accepted for service, an election officer will provide the watcher with a form of identification that must be worn by the watcher in the central counting station. (Sec.33.051(f))
- If the watcher is not accepted for service, the certificates shall be returned to the watcher with a signed, written statement of the reason for the rejection. (Sec. 33.051(e))
- An election officer commits a Class A misdemeanor if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by the Election Code. (Sec. 33.051(g))

The Presiding Judge has the responsibility to maintain order, prevent breaches of the peace, and prevent violations of the Election Code in the central counting station, and has the power of a district judge in the performance of those responsibilities. If a poll watcher causes a disruption in the central counting station that impedes the ability of central counting station personnel to perform their duties, or if the watcher willfully violates the Election Code, then the Presiding Judge may remove the watcher from the central counting station. (Secs. 32.075, 127.005)

#### **J. 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.

#### **K. Testing Procedures**

Before the counting of ballots begins, the Manager, Tabulation Supervisor, and Presiding Judge will perform the Second Tabulation Test to verify that the tabulation equipment is functioning correctly. If the test is successful, the Presiding Judge will certify in writing that the test was successful and the date and hour the test was completed. This certification and the media and materials from the test will be placed in a sealed container until the Third Tabulation Test is conducted. (Secs. 127.097, 127.099)

After the counting of ballots is completed, the Manager, Tabulation Supervisor, and Presiding Judge will perform the Third Tabulation Test to verify that the tabulation equipment is still functioning correctly. If the test is successful, the Presiding Judge will certify in writing that the test was successful and the date and hour the test was completed. This certification and the media and materials from the test will be placed in a sealed container for the duration of the 22-month preservation period, or until another Tabulation Test is performed. (Secs. 127.098, 127.099)

Both tests will be performed on the tabulation computer using the test media that was originally generated during the First Tabulation Test that was performed during the public testing process.

#### **L. Tabulation procedures**

1. Upon receipt of the election records, ballots, and/or electronic media, the CCS Presiding Judge or the Judge's designees shall give a signed receipt for materials delivered to one of the delivering officers.
2. CCS personnel shall verify that all locks and seals are properly affixed to the equipment and/or transfer cases.
3. CCS personnel shall inspect the equipment or transfer cases to determine if the serial number on the seal corresponds to the serial numbers on their records.
4. If there is a discrepancy, CSS personnel shall contact the presiding judge of the polling place to determine the basis for the discrepancy.
5. Any paperwork provided by the authority conducting the election shall be completed indicating that verification has taken place and records are accounted for.
  - a. This verification should include verifying serial numbers and completing required chain of custody checks.
  - b. This verification should also include verifying the ballot and seal certificate paperwork.
6. Ballots and/or electronic media containing votes shall be sorted and reviewed for damaged ballots, write-in votes, or other ballots requiring special handling. Those ballots that need to be separated, shall be separated and delivered to the appropriate CCS personnel.
7. The remaining ballots and/or electronic media shall be delivered to the Tabulation Supervisor for counting or accumulation of vote totals.

#### **M. Duplication Procedures**

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. Those ballots will be duplicated according to the procedures outlined in Section 127.126 of the Texas Election Code.

The [Early Voting Ballot Board / Central Counting Station] will be responsible for the duplication of ballots that are irregularly marked or damaged. Those ballots will be duplicated to reflect the intent of the voter. [If Ballot Board: (Sec. 87.102) / If CCS: (Sec. 127.126)]

[Only if duplication is performed at your Central Counting Station]: The Manager will prepare the ballots for duplication, and may be assisted by other central counting station personnel in performing this process. The Presiding Judge is responsible for determining the intent of the voter during the duplication process. (Sec. 127.005, 127.126)

[Only if duplication is performed at your Central Counting Station]: When the ballots are duplicated, the duplicate ballot will be clearly labeled "Duplicate", and the serial number of the original ballot will be placed on the duplicate ballot. After the ballot is duplicated and the ballots have been approved for counting by the Manager, the duplicate ballot will be counted using the automatic tabulating equipment. The original ballot and the duplicate ballot will be retained together, and will be retained with the other voted ballots for the duration of the preservation period. (Sec. 127.126)

## **N. Resolving Voter Intent**

If a voter's ballot contains ambiguous markings that must be adjudicated, if the ballot contains write-in votes that must be assigned to a write-in candidate, or if a ballot requires duplication, then the Presiding Judge will determine the voter's intent and the ballot will be counted according to that intent. The Presiding Judge may be assisted by other CCS personnel in resolving voter intent based on the standards outlined in Section 65.009 of the Election Code and other specific standards established by the Presiding Judge. (Secs. 65.009, 127.005)

[If you have county-specific or system-specific procedures for the adjudication process and the resolution of write-in votes, describe them here. If your Presiding Judge has established specific standards for adjudication by designated CCS personnel, then you may also include them here.]

## **O. Reconciliation**

Section 127.007 of the Texas Election Code requires the central counting station plan to address a process for comparing the number of voters who signed the combination form with the number of votes cast for the entire election. The reconciliation procedures for the central counting station are outlined below.

The Manager, Tabulation Supervisor, and Presiding Judge will perform a reconciliation for each category of ballots as follows:

### **Early Voting in Person**

To reconcile the results for early voting in person, the Presiding Judge will compare the total number of voters that signed in on the combination form or pollbook, as applicable, to the total number of votes cast during early voting.

### **Early Voting by Mail**

To reconcile the results for early voting by mail, the Presiding Judge will compare the number of ballots entered on the "Ballot Transmittal Form" from the EVBB to the number of ballots counted.

### **Election Day**

To reconcile the results for election day, the Presiding Judge will compare the number of voters that signed in on the combination forms or pollbook, as applicable, to the total number of ballots cast on election day.

### **Final Reconciliation**

To reconcile the total results for the election after the central counting station has completed the final tabulation of results after election day, the Presiding Judge will compare the total number of voters who are listed as having voted in the election on the combination form or on the pollbook and the number of ballots listed on the ballot transmittal form to the total number of votes cast during early voting in person, ballot by mail, and election day.

### **Reconciliation Form – Election Night**

The Presiding Judge will provide and attest to a written reconciliation of votes and voters on election night by completing the Preliminary Election Reconciliation Form at the close of tabulation on election night. The completed form will be posted at [link to location on website where election results and Reconciliation Form will be posted]. (Sec. 127.131(f))

### **Reconciliation Form – Final Totals**

The Presiding Judge will provide and attest to a written reconciliation of votes and voters at the close of tabulation after the central counting station meets for the last time to process late-arriving ballots by mail, corrective action ballots that were cured after election day, and provisional ballots. The completed form will be posted at [link to location on website where election results and Reconciliation Form will be posted]. (Sec. 127.131(f))

## **P. Generating Results and Returns**

After the counting of ballots has completed, the Presiding Judge will prepare and sign the precinct returns for the election. The returns will include the totals for each candidate and for and against each measure, and will include a tabulation of overvotes and undervotes by office and by proposition. These results will be prepared for each precinct in the election. The Presiding Judge will sign the precinct returns for the election. (Secs. 127.1301, 127.131)

#### **Q. Reporting Results to the Secretary of State**

In a special election ordered by the Governor, a primary election, or the general election for state and county officers, the general custodian of election records will report unofficial results on election night to the Secretary of State's Office using the statewide voter registration and election management system. (Secs. 68.001, 68.034)

#### **R. Convening the Central Counting Station for Provisional, Late-Arriving Ballots by Mail, and Corrective Action Mail Ballots After Election Day**

The central counting station will convene after election day to count any provisional ballots, late-arriving ballots by mail, or ballots by mail that were corrected by voters through the corrective action process after election day. (1 TAC 81.37)

The Manager will notify the Presiding Judge of the Early Voting Ballot Board whether the central counting station will reconvene after election day, and the date and time that the central counting station will reconvene. (1 TAC 81.37)

The Manager will post notice of the reconvening of the central counting station after election day and will post this notice at least 24 hours prior to reconvening. The notice will be posted at [location of bulletin board where notice will be posted and/or link to website where notice will be posted.] (1 TAC 81.37)

[Describe your procedures for conducting these meetings after election day, including your process for verifying chain of custody, validating your election night results before the counting process begins, and generating your results and returns after counting ends. Sample procedures are outlined in Sections 6 and 7 of the Central Counting Station Handbook.]

#### **S. Delivery of Materials to the General Custodian of Election Records**

After the central counting station concludes its activities, the ballots, media, returns, and other election records will be delivered to the general custodian of election records. (Secs. 66.051, 127.132)

#### **T. Publication and Revision**

The central counting station plan will be published at [Co.Duval.Tx.us](http://Co.Duval.Tx.us)

This plan was last revised on [02/29/2024]