

Frio County Central Counting Station Plan

November 8, 2022 General Election

As per 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.” HB 1735 (85th Legislative Session, RS, 2017) amended Section 127.007 to now require that 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. For the November 8, 2022 election, that date is **Thursday, November 3, 2022**.

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.” In addition to the specific requirement outlined in Section 127.007(b), the Secretary of State (“SOS”) recommends that the following information be contained in your plan.

1. Central Counting Station Personnel

The roles and responsibilities of the CCS personnel are contained in Sections 127.002-127.006 of the Texas Election Code. At a minimum, we must appoint a CCS Manager, Tabulation Supervisor, Presiding Judge, and Alternate Presiding Judge. (It is noted both the CCS Manager and the Presiding Judge can appoint clerks to the CCS. As the SOS recommends that our plan identifies the key personnel and any duties assigned to those personnel, here are the following:

CCS Manager: Sylvia Santos

Tabulation Supervisor: Daniella Perez

Presiding Judge: Criselda Marquez

Alternate Presiding Judge: Dana Hernandez

2. Procedures for Convening the Central Counting Station

Section 87.0241 of the Texas Election Code dictates when an entity is permitted to count ballots. As such, the CCS Manager has planned the Election Day (November 8, 2022) at 12:00PM, (noon) to begin, and will wait until the last deposit from the post office due at 5:00PM. The CCS will not convene prior to Election Day. The CCS Manager also includes here the “*potential dates and times*” that the CCS will convene after Election Day to provide for the counting of provisional ballots and late ballots as follows. The task will be handled by the appointed Early Ballot Board:

November 16, 2022 8:30AM Frio County Elections Office, 500 E. San Antonio, Pearsall, TX

November 17, 2022 8:30AM Frio county Elections Office, 500 E. San Antonio, Pearsall, TX

3. Administration of Oaths

HB 1735 also created new Section 127.0015 of the Texas Election Code. This provision prescribes a required oath for all CCS personnel. The plan should account for the administration of oaths prior to those individuals commencing any of their duties at the central counting station. (Note details on this oath, are covered under Advisory 2017-10).

4. Intake of ballots, electronic media and supplies

Sections 129.051 and 129.052 of the Texas Election Code require the Frio County Elections Administrator (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. The CCS plan provided verification of equipment identifiers, verification of seals, and verification of chain of custody. The Frio County procedures related to the chain of custody requires two or more individuals to perform a check and verification check whenever a transfer of custody of voting system equipment occurs. This will be the responsibility of the Elections Administrator with a member of his staff.

5. Duplication of Ballots

Election Day and Early Voting in Person ballots are counted via our automated tabulators, however; 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. Section 127.126 provides procedures that must be followed when the duplication of ballots must occur. The CCS plan accounts for this process and assign this task to all CCS personnel involved in the counting process. Upon storage, the duplicate substitutes will be filed together in the sealed ballot boxes.

6. 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. The CCS plan her provides said instructions on how this process will be handled will be covered utilizing the current edition of the Election Day Handbooks and Early Ballot Board. The CCS Manager must confer with the Presiding Judge on what the final decision will be.

7. Tabulation Procedures

Frio County currently utilizes the ES&S Voting System. The procedures related to counting or accumulating vote totals includes the entering of individual all individual flash drives containing voting for Absentee Ballots by Mail (ABBM), Early Voting,(EV) and Election Day (ED) of voting system, type of equipment, and vendor.

8. Reconciliation

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

- a. **Early Voting in Person** – Compare the number of early votes on the early voting roster/combination form to the number of ballots cast.
- b. **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)

- c. **Election Day** – Compare the number of voters on the combination forms (or appropriate reports generated by an epollbook, if applicable) to the total number of ballots cast. (127.007(b))

9. Printing of Precinct Returns and Election Totals

Your CCS plan addresses here the process for the printing of precinct returns and the certification (signing) by the Presiding Judge via printed copies from our stand alone computer (internet is not utilized). The plan also include our process for the release of the unofficial election results will not occur until a formal verbal announcement is made by the Elections Administrator or his Alternate.

Under Section 127.127, the Tabulation Supervisor and the assistants to the 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 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.

As we are using ES&S's voting system's certified software to assist us with the accumulation and printing of reports, the printed "precinct by precinct" report that has been adjusted to include any hand-counted ballots (if necessary) constitutes your 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 Elections Administrator, may withhold the release of unofficial results until the last voter has voted. (Section 121.1311, Texas Election Code). Our CCS plan indicates here that announcing unofficial election results will occur in front of the Frio County Courthouse on the night of election.

10. Reporting Results to the SOS

For certain elections, including primary elections, the general election for state and county officers, and constitutional amendment elections, the SOS is requires to tabulate the unofficial results statewide. (68.001, Texas Election Code). This information will be reported to the SOS through our online portal or if disabled for whatever reason via telephone. Our CCS plan includes the process for reporting these returns will be the responsibility of the Election Department.

10. 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 certificate of training to the Presiding Judge of the CCS and the Presiding Judge must countersign their certificate. The CCS plan should address the presence of poll watchers. If necessary, the CCS plan may address this process and may stipulate the areas where a poll watcher is permitted to stand or sit to observe the counting activities.

11. 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 must be delivered to the

Election Administrator (general custodian of election records). The CCS plan addresses here that all ballots and confidential items are returned to the general custodian allowing for the proper review of serial numbers, seals, and inventory control procedures.

A handwritten signature in black ink, appearing to read 'Carlos E. Segura', with a long horizontal flourish extending to the right.

Carlos E. Segura
Frio County Elections Administrator