

# Preparing, Proofing and Counting Your Ballots



February 22, 2024 Webinar



Authority Ordering the Election	Who Prepares the Ballot?
Governor	County Elections Officer
County	County Elections Officer
City	City Secretary
Political Subdivision	Secretary of the subdivision's governing body. If no secretary, the presiding officer. Frequently delegated to same employee who accepts candidate applications

**If contracting with the county...**

Work closely with the county elections officer to send information about the candidates and propositions on the ballot. Ensure redistricting is complete and all precincts and ballot style information is given before the list of registered voters is prepared and before programming takes place.

**If running your own election...**

Work with the county voter registrar to ensure that redistricting is complete and all precincts and ballot style information is given before the list of registered voters is prepared and before programming takes place.



- Counties do not have to contract with political subdivisions in even numbered years, but they can if both parties agree to a contract.
  - Try to negotiate with your county election official.
  - It's best when multiple entities can agree to a joint election in May so that voters only have to visit one polling place to vote in all elections taking place.
  - Consider military and overseas voters in your timeline.
- Ballots must be **prepared**, **finalized**, and **tested** in time for mail ballots to be mailed in compliance with Section 86.004 of the Texas Election Code, UOCAVA, MOVE.
- **45<sup>th</sup> day before May 4, 2024 =**

**Wednesday, March 20, 2024**



# Ballot Formatting Requirements

- Printed on white or light-colored paper (not yellow) with black ink or some other color as approved by SOS.
- Numbered consecutively beginning with 1 unless you own a voting system that numbers the paper ballot automatically during the voting process.
- Must be of uniform size and type.
- Nature of the election and date of the election must be printed at the top of the ballot.
- “**OFFICIAL BALLOT**” must be printed in large letters on the ballot immediately below the designation and date of the election.
- Ballots must be in English and Spanish and any other languages required in your county.



- “**Unexpired term**” shall be printed on the ballot following the office title, if applicable.
- Each proposition stating a measure shall appear on the ballot after the listing of candidate offices. Section 52.072(c), Texas Election Code.
- If an election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on the ballot before the listing of offices. Section 52.072(d), Texas Election Code.
  - Propositions must include the name of the entity in the title and must be designated by letter, not number.
- “Voting shapes” and mandatory instructions = Sections 52.070, 52.071, 124.063 of the Texas Election Code.



- Election Day ballots must have the presiding judge's signature on the back of the ballot
  - Judges may use a signature stamp
- Early Voting ballots must have the early voting clerk's initials on the back of the ballot
  - Including ballots by mail
- These requirements apply to paper ballots and ballots marked by ballot marking devices
  - The signature or initials should be placed on the ballot in a location and in a size/color that will not interfere with the tabulation process
    - Work with your voting system vendor to determine the best location to place the signature and initials for your specific system configuration



- **Who conducts the drawing?**
  - The authority responsible for preparing the ballot
- **Who can be present at the drawing?**
  - Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing
- **What are the notice requirements for ballot drawings?**
  - Must provide notice in one of three ways:
    - **Written Notice**
      - Mailed to address on candidate's application no later than fourth day before date of drawing; or
      - Provided to candidate (or candidate's representative) at the time that the application is filed with the filing authority
    - **Telephone**
      - If candidate provided a phone number on application
    - **Email**
      - If candidate provided an email address on application
  - Notice must include the date, hour, and place of drawing



3-1  
Prescribed by Secretary of State  
Sections 52.094, 172.082, 172.084, Texas Election Code  
9/2023

## NOTICE OF DRAWING FOR A PLACE ON BALLOT

Notice is hereby given of a drawing to determine the order in which the names of candidates are to be

printed on the ballot for the election to be held on \_\_\_\_\_, 20\_\_\_\_ in  
(month) (day)

\_\_\_\_\_, Texas. The drawing will be held at \_\_\_\_\_ (a.m.)(p.m.)  
(name of political subdivision) (hour)

on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
(date) (address, including room number, if applicable)

\_\_\_\_\_, Texas.  
(city)

\_\_\_\_\_  
Officer Conducting Drawing

## AVISO DEL SORTEO PARA UN LUGAR EN LA BOLETA

Por lo presente se da aviso que habrá un sorteo para determinar la orden en que aparecerán los

nombres de los candidatos en la boleta para la elección que se celebrará el

\_\_\_\_\_, 20\_\_\_\_ en \_\_\_\_\_, Texas. El  
(día) (mes) (nombre de la subdivisión política)

sorteo tendrá lugar a las \_\_\_\_\_ (a.m.) (p.m.) el \_\_\_\_\_, 20\_\_\_\_  
(hora) (fecha)

a \_\_\_\_\_, Texas.  
(dirección, incluyendo el número del cuarto, si aplicable) (ciudad)

\_\_\_\_\_  
Oficial Manejando el Sorteo

-Sample Notice: [Form 3-1](#)

-Date, hour, and place of drawing.

-Notice must be posted for at least 72 hours preceding the drawing.

-Notice must be posted in the office of the authority conducting the drawing.





# How Many Ballots Should be Ordered?

Formula for calculating number of ballots to be ordered:

$$A \times B^* + C = D$$

A = Percentage of voter turnout in a precinct

B\* = Current number of registered voters in precinct

C = Add 25% to the product of A x B

D = Minimum number of ballots to be ordered

\*REGISTERED VOTERS WHO APPEAR ON THE LIST WITH AN "S" DESIGNATION DO NOT HAVE TO BE INCLUDED IN THE TOTAL NUMBER OF REGISTERED VOTERS IN THE PRECINCT.

Use figures from last similar election (May 2023 uniform date or earlier, as applicable) to perform calculations.

(Sec. 51.005)



- Ballot proofing is one of the most important things that must be done in the election process!
- Proper proofing can identify errors before the electronic ballot is *locked down* or the paper ballot has gone to the printer.
- If you are conducting your own election, proof, proof, proof!
- Even if you are contracting with the county, be sure to take part in the proofing process for your election!
  - If they have an in-person proofing process, go to it!
- Failure to proof can lead to increased costs for the election and open the entity to potential legal challenges.



- Proof the following things
  - Candidate names, spellings and phonetic pronunciations
  - Position on the ballot
  - Order of names on the ballot
  - Accuracy of translations
  - Accuracy of instructions
  - Ballot audio
- Listen to the audio while looking at the words
  - Make sure they match in all languages
- Have multiple people look at the ballot
- Ask candidates to review their positions on the ballot, name spellings and pronunciations
  - Require them to approve the ballot programming in writing



- Proofing should occur at several stages:
- **Paper Ballots**
  - When the list of candidates or measures is assembled after the ballot drawing
  - After the vendor sends the electronic/paper proof (if vendor programmed)
  - Before the information is submitted to the ballot printer
  - After the ballot proofs are created by the printer
  - After the official ballots are received
  - Before ballots by mail are sent to voters
  - Before sample ballots are sent to polling locations



# When Should Proofing Occur?

- Proofing should occur at several stages:
- **Electronic Ballot**
  - When the list of candidates or measures is assembled after the ballot drawing
  - After the ballots are programmed into the electronic system
  - After the vendor sends the electronic proof (if vendor programmed)
  - During a proofing Logic and Accuracy Pretest before the Public L&A
  - Before ballots by mail are sent to voters
  - Before the sample ballots are sent to polling locations



- Even if the entity contracts with the county election officer, the entity is the authority responsible for preparing the ballot. [Sec. 52.002]
- The entity is responsible for submitting ballot language and candidate names and the order in which they are to appear on the ballot to the county election officer, if the entity is contracting with the county
  - For propositions, a proposition shall be printed on the ballot in the form of a **single statement** and may appear on the ballot only once. [Sec. 52.072(b)]
  - Your contract may have specific deadlines for when this information must be submitted to the county
- The entity must also provide maps to the voter registrar, who will then determine the precincts in the entity's district. This should be done well in advance of an election being ordered.
- If changes need to be made, and the vendor programs the ballot, consider the turnaround time for those corrections to be made.



- The test must be designed to determine whether the automatic tabulating equipment accurately counts ballots and otherwise functions properly. [Sec. 127.094]
- A Logic and Accuracy test must be performed before every election where tabulation equipment is being used.
- The chief election officer must post notice of the date, hour, and place of the test in the newspaper and on the county's website at least 48 hours before the date of the test. [Sec. 127.093(b)]
- The test is open to the public. – No poll watcher appointment required
- It is recommended to have an “internal” or “proofing” L&A test prior to the official public test so corrections can be made in a timely fashion.
- The test ballots must be printed on the same stock as the official ballots for the election. [Sec. 127.094(b)]
  - NOTE: If your county/entity uses DRE voting machines, this requirement still applies to you for mail ballot, limited ballot, and any other paper ballot purposes.
- If testing with blank ballot card stock, it is recommended to have the words “test” or “training” printed on the ballot stock.



- Senate Bill 1 (87th Leg., 2nd C.S., 2021) amended Section 129.023 to require that when conducting an L&A test for each election, the general custodian must also demonstrate, using a representative sample of the voting system equipment, that the source code has not been altered.
- The method for doing so is to perform a hash validation, which compares a hash generated by the system to a trusted hash provided by the SOS or the Election Assistance Commission (EAC) to verify that the two hashes are identical.
- Trusted hash files can be obtained from your vendor, the EAC, or from the Office of the Secretary of State. If you need the trusted hash file from the SOS, please email your equipment type and version number to:  
[ElectionSecurity@sos.texas.gov](mailto:ElectionSecurity@sos.texas.gov)
- For more information on the Hash Validation process, please see [Election Advisory 2022-30](#)
- For the Public L&A Test to be considered successful, a successful hash validation must be performed on a representative sample of the voting devices





- The Programmer, Tabulation Supervisor, Counting Station Manager, and Presiding Judge of the Central Counting Station shall prepare and conduct the test jointly. [Sec. 127.092]
- Work with the CEO to establish a testing board with at least two persons. The general custodian of election records shall make every reasonable effort to ensure that the testing board consists of at least one person from each political party that holds a primary election. [Sec. 129.023(a)]
  - Other persons who may participate in the testing can be county employees, poll workers, and temporary staff.
  - Reminder: Criminal background checks are required for all election officials, staff and temporary workers who are engaged in pre-election programming, testing and preparing of the voting system equipment for Early Voting and Election Day.
  - A person having a criminal record is not automatically disqualified from working with electronic voting equipment. You may wish to consult with your HR Department to develop a policy similar to your governing body's regular employment policy regarding persons with a criminal background.
- [Election Advisory No. 2019-23](#) has more detailed information on electronic voting system procedures, including testing procedures.



- A group of test ballots shall be counted with the equipment using the program prepared for processing the ballots voted in the election.
- The group of test ballots must contain a predetermined number of valid votes for each candidate and for and against each proposition on the ballot for the election. The test group must also contain ballots with votes in excess of the allowable number and with other improper votes. For example: a provisional ballot, a blank ballot, and overvotes.
- The same test shall be administered each time the equipment is tested for the same election.
- The group of test ballots is also commonly referred to as the “test deck.”
- The automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful.
- A test is successful if a perfect count of the test ballots is obtained and the automatic tabulating equipment otherwise functions properly during the counting of the test ballots.



# What Should be Tested?

- Every position for every candidate and measure on every ballot style in every precinct.
- Verify the write-in contests are working properly, if applicable.
- Verify that the ADA peripherals for the voting equipment are functioning properly.
- Verify that contests where more than one person can be voted on are working on the voting equipment. For example, for a contest where the voter can vote for up to two candidates, ensure the voting equipment allows for up to two votes and verify all combinations of candidates.
- If a precinct scanner is being used, verify that it will accept the marked ballots. Test for overvotes. Test the contests where more than one candidate can be selected, ensuring the scanner is accepting those ballots and not kicking them back out as overvotes.



## Public L&A Test / First Test of Automatic Tabulating Equipment

- The first test combines the public logic and accuracy test (including the hash validation), and the first test of automatic tabulating equipment.
- The first test must be conducted at least 48 hours before voting begins on the voting system and at least 48 hours before the automatic tabulating equipment is used to count ballots voted in the election.
  - **NOTE: It is STRONGLY recommended that you test the ballot prior to distribution. The best time to test your ballot is before the 45<sup>th</sup> day before Election Day. This is the FPCA mailout deadline and if an error is found, you must create a corrected ballot and resend them to all voters who have already received the ballot.**

## Second Test of Automatic Tabulating Equipment

- The second test shall be conducted immediately before the counting of ballots with the tabulating equipment begins.

## Third Test of Automatic Tabulating Equipment

- The third test shall be conducted immediately after the counting of ballots with the tabulating equipment is completed.

## Retention Requirements

- After completing each test, the Presiding Judge shall place the test ballots and other test materials in a container provided for that purpose and seal the container so it cannot be opened without breaking the seal. [Secs. 127.099, 129.024]
  - Once sealed, the container may not be unsealed during the 22 month preservation period except as authorized by the Election Code.



- When all votes are cast, the designated General Custodian of Election Records and Testing Board shall observe the tabulation of all test ballots and compare the results to the predetermined results.
- A test is successful if the results report of the electronic voting system matches the predetermined results. The voting system should otherwise function properly during the counting of the test ballots.
- If the initial test is unsuccessful, the Presiding Judge of the Central Counting Station and General Custodian of Election Records shall prepare a written record of what caused the discrepancy and what actions have been taken to achieve a successful test. The record shall be retained with the test materials.



- If the test is successful, the Testing Board and the General Custodian of Election Records shall:
  - Sign a written statement attesting to the qualification of each device that was successfully tested, any problems discovered, and the cause of any problem if it can be identified, and provide any other documentation as necessary to provide a full and accurate account of the condition of a given device.
  - We recommend that the number/characters of the seal attached to the voting device at the end of the test should be included in the written statement.
- [Form 15-5 – Certification of Public Logic and Accuracy Test, Hash Validation, and First Test of Automatic Tabulating Equipment](#)



What if an Error is Discovered After Testing?



- **When is a ballot correction necessary?**

- When the error affects the choices that a voter would make on the ballot
  - When a candidate or race has been left off the ballot
  - When a candidate remained on the ballot after his or her name was required to be removed from the ballot
  - When incorrect instructions tell a voter to choose more or less than the number of candidates in a particular race.
  - There are many other fact-specific situations that may arise
    - Please call our office if you are unsure whether the situation warrants a ballot correction.





3-10  
Prescribed by Secretary of State  
Section 52.0061, Texas Election Code  
9/2023

## NOTICE OF BALLOT CORRECTION

To: Secretary of State

I, \_\_\_\_\_, the authority responsible for having the official  
(printed name of authority)  
ballots printed for the \_\_\_\_\_ Election, to be held  
(name of election)  
on \_\_\_\_/\_\_\_\_/\_\_\_\_\_, have determined that the official ballots must be reprinted  
to correct a defect in the original ballots. I understand that failure to deliver this notice to  
the Secretary of State within 24 hours after making the determination to reprint the official  
ballots is a Class A Misdemeanor.



Please explain the nature of the correction to be made

Give name, address and telephone number of the vendor who will reprint the ballots

\_\_\_\_\_  
Signature of Authority Responsible for Ordering Ballots

\_\_\_\_\_  
Printed Name of Authority Responsible for Ordering Ballots

\_\_\_\_\_  
Name of Political Subdivision

- Once it is determined that a ballot correction is necessary, you **MUST** provide written notice to the Secretary of State's Office within 24 hours. [Sec. 52.0061]
  - Notice of Ballot Correction
    - [Form 3-10](#)
    - The Notice of Ballot Correction may be emailed to [Elections@sos.texas.gov](mailto:Elections@sos.texas.gov) for expediency



- Paper Ballots

- Section 52.006 specifically authorizes several different methods of correction for errors on pre-printed paper ballots:
  - Preparing new ballots
  - Marking through or obscuring the incorrect information
  - Affixing correction stickers to the ballot
    - Sticker must be printed in the same type style and on the same color paper as the ballot

New paper ballots may also require you to reprogram and retest your voting system equipment.

Anytime the ballot is reprogrammed, the entire ballot must be tested again, not just the part that needed correction.



- Procedures for destroying ballots that could not be corrected by one of the previously mentioned methods
- Once the corrected ballots have been received, the incorrect ballots must be destroyed. [Sec. 52.0064]
- NOTICE: Before destroying the incorrect ballots, notice of the time and place where the ballots will be destroyed must be posted for 72 hours before the destruction of ballots will occur.
  - [Form 3-11 - Notice of Destruction of Ballots](#)
- The process must be conducted in the presence of the:
  - Sheriff (in a primary election or governor-ordered election), or
  - Authority ordering the election (for all other elections)
- A record of the incorrect ballots that are destroyed must be kept.
  - [Form 3-12 – Record of Ballot Destruction](#)



- A corrected ballot must be sent to any ballot by mail voter who received an incorrect ballot. [Sec. 86.009]
  - You must keep a list of the voters who have been sent a corrected ballot.
  - [Form 3-15 – List of Voters Mailed a Corrected Ballot](#)
  - Reminder: The names of voters who voted by mail are not available for public inspection until after the corrected ballot is returned. [Sec. 87.121]
- When sending the balloting materials for a corrected ballot to the voter, the early voting clerk must include a written notice explaining the reason for providing the corrected ballot.
  - [Form 3-14 – Notice of Correction to Ballot by Mail](#)
  - A notation must be made on the carrier envelope indicating that the ballot is a corrected ballot.
  - A notation must also be made on the voter's Application for Ballot by Mail that the voter was sent a corrected ballot.



- Only one of the two ballots (incorrect or corrected) will be counted.
- Which ballot is counted depends on which ballot is returned, when it is returned, and whether the voter is a domestic voter using an ABBM, an overseas voter using an ABBM or FPCA, or a military voter using an FPCA.
  - Each situation has different return deadlines for ballot by mail, which also apply in the corrected ballot context
- A voter may still cancel his or her ABBM, and vote in person, up until the time the voted ballot is received by the early voting clerk. [Sec. 84.032]



- [Advisory 2020-23: Ballot Corrections](#)
- [Advisory 2024-03: Emergency Ballot Procedures](#)



1. Is the entity contracting with a county?
2. Is it a joint election with any other entities?
3. Are we running our own election?
4. Will there be a central counting station or hand-counted paper ballots at the precinct?
5. What type of voting system or systems will be used?
6. How will accessibility requirements be met?
7. How will each type/category of ballots be counted?
  - Ballot by Mail
  - In-Person early votes
  - In-Person election day votes



- **MUST be counted continuously on Election Day**
  - Early Voting in Person
  - Early Voting by Mail (Received by Election Day)
  - Election Day Ballots
- **Can be counted after Election Day**
  - Provisional Ballots (Have 6 days to cure ID issues)
  - Certain LATE Mail Ballots (Ballot received by 5:00 p.m. the following business day after election if time stamped/postmarked by 7:00 p.m. on election day or prior)
  - Ballots by Mail that are awaiting corrective action
  - Late Ballots mailed from outside the US
  - Late Ballots from military voters using FPCA





- **Ballots Counted with a Scanner**
  - **Precinct Ballot scanner** – Scanner is in the polling place
  - **Central Scanner** – Scanner is at the Central Counting Station
  - **Hand-marked or marked using a ballot marking device**
- **Direct Recording Electronic (DRE) Voting System**
  - All votes are electronically stored as soon as they are cast.
  - No paper record of the vote
- **Hand-counted Paper Ballots**
  - Counted at the precinct polling place
  - Vote centers are not allowed when hand-counting ballots
    - Returns are precinct based



- Refers to a ballot that is made of paper and meant to be hand counted/tallied
- Not an optical scan ballot that would normally be counted using a precinct ballot counter or a centralized tabulating machine.
- References in the Election Code to “paper ballots” are referring to hand counted paper ballots. Texas Election Code - Chapter 66
- Election Day **Precinct Returns** are **always** prepared by presiding judge of polling place.
  - Precinct returns for Early Voting In Person and Ballot by Mail prepared by presiding judge of early voting ballot board.
- Returns and counted ballots are delivered to the General Custodian by the Presiding Judge or a clerk designated by the judge. [Secs. 66.051, 66.052]



# Hand-Counted Paper Ballots

	How are ballots counted?	Where?	When?
Election Day	Hand-Tallied by poll workers	At the polling place	On Election Day after there are at least 10 ballots in the box [Sec. 65.002(a)]
EV Ballots by Mail	Hand-Tallied by the Early Voting Ballot Board	When the EVBB is convened	After the polls open on Election Day
EV Ballots Cast by personal Appearance	Hand-Tallied by the Early Voting Ballot Board	When the EVBB is convened	After the polls open on Election Day
Provisional Ballots, Late arriving mail ballots, Military and Overseas Ballots	Hand-Tallied by the Early Voting Ballot Board	When the EVBB is convened	Counting must be completed no later than the 9 <sup>th</sup> day after Election Day [Sec. 87.125(a)]





- **How are precinct results accumulated?**

1. Presiding Judge and the election clerks will count the ballots at the precinct polling place.
2. Presiding Judge will complete precinct returns for the polling place.
3. The precinct returns, voted ballots, and other precinct election records are delivered to the General Custodian of Election Records by the Presiding Judge.
4. The General Custodian will take the early voting results, provisional ballot results (if available), and the precinct returns and will add all of them together to determine the unofficial election returns.

- **Ballots are NOT counted by the General Custodian.**

- **There is NO Central Counting Station for hand-counted paper ballots!**

- **There is no authority for poll watchers to be present when the General Custodian is determining unofficial election results.**



- Ballots from a voting system that uses a scanner to read the marked ballots.
- Ballots are made of paper and marked by using an **indelible marking instrument** to fill in a square or shape next to the candidates' names or "for" or "against" a ballot measure.
  - Alternatively, the ballot may be marked using a ballot marking device which yields a printed vote record that will be scanned after the voter completes the voting session.
- **Two Variations:**
  - **Precinct Scanner:** Ballots are deposited **by the voter** into a scanner at the **precinct or polling place**.
  - **Central Scanner:** Ballots are deposited by the voter into a pre-locked, pre-sealed ballot box. The ballot box is later transferred to a central counting station for counting.



★ Texas Secretary of State Ballots Counted by a Precinct Scanner







- A voting machine with an electronic interface (display screen) that allows a voter to mark a paper ballot
  - The voter selects his or her choices electronically on the screen and the system prints out a paper ballot that reflects those choices.
- The paper ballot is then hand-counted or counted by a scanner.





- A voting machine that is designed to allow a direct vote on the machine by the manual touch of a screen, monitor, wheel, or other device and that records a voter's individual votes and vote totals electronically.
- Two Options for Counting
  - Presiding Judge of Central Counting Station can prepare precinct returns after they are transferred to General Custodian.
  - Presiding Judge of the polling place can print and sign tapes at the precinct polling place and the General Custodian will aggregate the totals.
- A direct recording electronic voting machine deployed for early voting may not be redeployed on election day. [Sec. 129.057]



# Direct Recording Electronic (DRE)



- After September 1, 2026, DRE voting systems may not be used in Texas elections. (SB 598, 87th Regular Session)
  - Exception: DREs may only be used for curbside voting.  
[Sec. 129.003(i)]
- After September 1, 2026, a paper-based method of voting must be used.
  - Hand-marked paper ballots; or
  - Paper-based electronic voting systems



- You need a CCS if:
  - Results are generated by reading media into a central computer
  - Election Day ballots from your polling locations are brought to a central location and read into a scanner
- You do not need a CCS if:
  - Ballots are hand-tallied in the precinct polling place
  - Results are generated by printing tapes from scanning equipment in the precinct polling place and adding those totals by hand/calculator
- If you're not sure, just ask!



- The authority adopting a voting system for use is responsible for establishing one or more central counting stations.
  - For a political subdivision's election, this is the political subdivision's governing body. [Sec. 127.001]
- Central Counting Station Manager must establish and implement a written plan for conducting the CCS.
  - The Central Counting Station Plan must be made available to the public on request not later than 5:00 p.m. on the fifth day before the date of election.
- Licensed Peace Officer at CCS
  - Must be posted to ensure security of ballot boxes whenever CCS is convened on Election Night and any subsequent meetings of the Central Counting Station for late counting.
  - Applies to all counties and entities. [Sec. 127.1232]



- Presiding Judge of CCS is responsible for determining voter intent.
  - Hand-marked paper ballot voter intent determinations
  - Write-in adjudications
- CCS is not open to the public but poll watchers **CAN** be present at CCS if **duly appointed**.
- Counting must be conducted continuously until all ballots that can legally be counted on Election Day are counted. [Sec. 65.002(c)]
  - You can't go home and come back in the morning to resume counting activities.
- After CCS has adjourned on election night, there is no authority to reconvene CCS to resolve errors. A court order is required to reconvene.
  - The CCS must reconvene to count late arriving mail ballots and provisional ballots. These are regular CCS activities.





# Who Prepares Election Night Returns?

	Precinct Returns	Election Night Returns
Ballots Hand-Tallied at the Precinct or Aggregation of results tapes printed at the precinct polling place	Presiding Judge of the Polling Place	General Custodian of Election Records
Ballot Counted at a Central Counting Station	Presiding Judge of the Central Counting Station	Presiding Judge of the Central Counting Station



# Counting Ballots - General Reminders

- Early Voting Clerk **DOES NOT** Count Ballots!!
  - Early Voting ballots must be counted by EVBB or Central Counting Station.
  - Election Day ballots are counted either by polling place workers or Central Counting Station, depending on the systems.
- Counting **MUST** occur on election day/night.
  - You can't stop and come back in the morning to resume counting.
- Double check the number of voters that voted at each polling place with the totals for that polling place.
  - If the total number of voters doesn't match the total number of voted ballots by a substantial amount, there may be a problem.
- If you have questions, **contact the SOS THAT NIGHT!!!!**



- The Presiding Judge of the CCS must provide and attest to a written reconciliation of votes and voters at the close of tabulation on Election Day. [Sec. 127.131(f)]
- Election Night Preliminary Reconciliation Form - [Form 12-1](#)
  - This is used for the reconciliation process on election night.
- Must be posted on the entity's website as soon as practicable after the unofficial count has concluded.
  - Must be accessible by the “two click” rule.
  - The results must be accessible without having to make more than two selections or view more than two network locations after accessing the Internet website home page of the county, city, or district, as applicable. [Sec. 65.016(c)(2)]
    - Have your IT Department standing by to assist, if needed



- The Presiding Judge of the CCS must provide and attest to a written reconciliation of votes and voters at the close of tabulation on Election Day and again after the Central Counting Station meets for the last time. [Sec. 127.131(f)]
- Must also perform this reconciliation after the CCS meets for the last time to count late-arriving mail ballots, provisional ballots and ballots that were subject to the corrective action process.
- Election Reconciliation - Official Totals - [Form 12-2](#)
  - This is used for your final reconciliation after the last meeting of CCS.
- Post the form on your entity's website.
- Remember the “two click” rule
  - Have your IT Department standing by to assist, if needed



12-1  
Prescribed by the Texas Secretary of State  
Section 127.131(f)  
9/2023

## Preliminary Election Reconciliation - Unofficial Totals

Disclaimer: These numbers are subject to change as information is verified after election day

County \_\_\_\_\_ Election Name \_\_\_\_\_

Registered Voters \_\_\_\_\_ Election Date \_\_\_\_\_

2. Rejected or pending ballots		3. Counted ballots	
A. In person voters		G. In person ballots counted	
B. By mail voters		H. Mail ballots counted	
C. Total voters (A+B)		I. Total ballots counted (G+H)	
D. Provisional ballots rejected or pending			
E. Mail ballots rejected or pending			
F. Total ballots rejected or pending (D+E)			

### 4. Comparison of voters and counted ballots

J. Difference between voters and ballots (C-F) \_\_\_\_\_

K. Difference as percentage of voters  $(J+(C-F)*100)$  \_\_\_\_\_ %

L. Notes:


### Attestation

M. "I certify that the information contained in this preliminary election reconciliation document accurately reflects the unofficial votes and voters as known to me on election night. The information will likely change based on provisional votes, mail ballots, and additional reconciliation efforts by election personnel."

\_\_\_\_\_  
Presiding judge signature                      Print name                      Date

### 6. Ballots that could be added to the final count

Disclaimer: These numbers typically change as information is verified after election day

N. Mail ballots not returned or pending voter action		O. Estimated Provisional ballots	
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12-2  
Prescribed by the Texas Secretary of State  
Section 127.131(f)  
9/2023

## Election Reconciliation - Official Totals

County \_\_\_\_\_ Election Name \_\_\_\_\_

Registered Voters \_\_\_\_\_ Election Date \_\_\_\_\_

2. Rejected ballots		3. Counted ballots <small>(from tabulation software)</small>	
A. Early voting in person voters		I. Early voting ballots counted	
B. Election day in person voters		J. Election day ballots counted	
C. Mail ballot voters		K. Mail ballots counted	
D. Provisional ballots submitted		L. Provisional ballots counted	
E. Total voters (A+B+C+D)		M. Total ballots counted (I+J+K+L)	
F. Mail ballots rejected			
G. Provisional ballots rejected			
H. Total ballots rejected (F+G)			

N. Difference between voters and ballots (E-H-M) \_\_\_\_\_

O. Difference as percentage of voters  $(N+(E-H)*100)$  \_\_\_\_\_ %

P. Explanation for difference, if any


Q. "I certify that the information contained in this document accurately reflects the official reconciliation of votes and voters from the above stated election"

\_\_\_\_\_  
Presiding judge signature                      Print name                      Date

6. Mail ballots		7. Provisional ballots	
R. Mail ballots sent		U. Provisional ballots deemed incomplete	
S. Mail ballots not returned by voter			
T. Mail ballots surrendered			



Questions?

