Preparing, Proofing and Counting Ballots

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Who is Responsible for Preparing Ballots

Authority Ordering the Election	Who Prepares the Ballot?
Governor	County Election Officer
County	County Election Officer
City	City Secretary
Political Subdivision	Secretary of the governing body or, if none, the presiding officer—often the same employee handling candidate applications.

- If contracting with county, county may be delegated authority to prepare ballot
- Must coordinate with partner entities, candidates, and vendors
- Responsible for providing correct ballot content (names, measures, etc.)

Preparing the Ballot

- Counties have the ability to contract with local entities to conduct their elections (including ballot preparation), and may be required to do so in some situations
    - If the county election officer is a county clerk or a tax assessor-collector, then they **may** contract with local entities, but are not required to do so
    - If the county election officer is an elections administrator, then they **must** contract with local entities who request a contract
        - Except: Not required to contract in May of even-numbered years
- Whether you are contracting with your county or not, make sure that all of the information on your ballot is correct before the printing process begins
- Ballots must be prepared, finalized, and tested in time for mail ballots to be mailed to military and overseas voters by the 45th day before election day

Ballot Formatting Requirements

- The Election Code requires ballots to meet certain formatting requirements:
  - Printed on white or light-colored paper (not yellow) with black ink
  - Numbered consecutively beginning with "1"
    - Unless using voting system that meets ballot numbering requirements
  - Must use a uniform size and type for each category on the ballot
  - Must include specific language:
    - Date and nature of the election must be printed at the top
    - Must say "OFFICIAL BALLOT" below the date and nature of the election
  - Must be in English, Spanish, and any other languages required for your entity

Ballot Formatting Requirements

- Election-Specific Requirements
  - Vacancies: Must say "unexpired term" after the office title
  - Propositions must be listed after offices, if both are on the ballot
    - Exception: if the election of offices is contingent on the proposition, then the proposition goes first (e.g. creation elections)
  - Proposition titles must have the entity's name and a unique letter of the alphabet
- Other General Requirements
  - Signed by presiding judge (election day) or initialed by early voting clerk (EV)
  - Must contain voting shapes and prescribed ballot instructions

Ballot Drawing

- The order of candidates on the ballot in each race is determined by a drawing conducted by the filing authority

- Each candidate is entitled to be present or have a representative present

- Filing authority must provide notice of the date, time, and place of the ballot drawing in one of three ways:
  - Written Notice
    - To the candidate's address stated on their application no later than the 4th day before the date of the drawing; or
    - Delivered to candidate or representative when their application is filed
  - Telephone
    - If candidate provided a phone number on application
  - Email
    - If candidate provided an email on their application

- Must post notice at filing authority's office of date, time, and place of drawing for 72 hours before drawing

Ballot Preparation Best Practices

Ballot Preparation Best Practices

- County Election Officer is responsible for Federal, State, and County ballots
  - Secretary of governing body is responsible for preparing own ballots, or providing correct content, if contracting

- Begin ballot preparations as soon as practical
  - Update candidate names during the candidate filing period
  - Work with local entities to gather ballot language and translations

- Notice of Ballot Order Drawing must be posted in the office of the authority conducting the drawing for at least 72 hours preceding the drawing.
  - Consider scheduling a tentative drawing date well in advance

Ballot Formatting Best Practices

- Follow legal standards for ballot layout
    - Font size, spacing, alignment
    - Proper ballot language and instructions
    - Proper order of races/measures appearing on the ballot
    - Multiple languages
    - White or light-colored paper (not yellow)
    - Maintain consistency across all ballot types (mail, in-person, provisional)

Number of Ballots Required

Formula for calculating number of ballots to be ordered:

A x 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

- Use last similar election (e.g. May 2024) to determine turnout (A)
- Number of Registered Voters (B) does not include voters on suspense list

Ballot Proofing

- Ballot proofing is one of the most important parts of the election process
    - No specific statutory requirements for proofing, but there are best practices
- Proofing is an opportunity to identify potential errors on your ballot before your ballot is finalized
- Failure to proof or inadequate proofing can result in mistakes on your ballot that impact the validity of your election and can subject it to legal challenges
    - At minimum, this can result in significant costs to correct the ballot
    - In some situations, it may lead to an election contest
- Even if you are contracting with your county, be sure to involve yourself in the proofing process

Voting System Testing Requirements

- Must conduct a Public Logic & Accuracy Test of the voting system equipment used in the election
    - Designed to ensure that the system is marking the ballots correctly
- If using scanners/DREs to count ballots, must also conduct a test of automatic tabulating equipment
    - Designed to ensure that the system is counting the ballots correctly
    - First test of automatic tabulating equipment may be conducted at the same time as the Public L&A test
- If using a central counting station, must conduct a second and third tabulation test immediately before and immediately after ballots are counted in the election
    - Designed to ensure that the system was working during the official count

Public L&A Test / First Tabulation Test

- Must be open to the public

- Must provide notice of the date, time and place of the test
  - Public L&A Test – Notice must be published on website 48 hours before test
  - First Tabulation Test - Notice must be published in newspaper 48 hours before test

- Must test each precinct, ballot style, and contest position

- Must test overvotes and undervotes

- Test is successful if expected results match the results of the test

- Must also perform a successful hash validation of the equipment

Hash Validation

- Must perform a hash validation as part of the Public L&A test

- Designed to ensure that the software used with the system has not been altered and matches the software that was tested and certified during federal and state certification

- Must be performed on a representative sample of the devices used in the election
  - At least one of each type of device
  - The more devices you use, the more you should test

- Hash validation must be successful for Public L&A test to be considered successful

Ballot Corrections

- If an error on the ballot is discovered, then the error must be corrected if the error rises to the level of a necessary correction
  - Necessary correction = an error that has the potential to impact the choice of the voters on a race in the election
- Must provide notice to SOS within 24 hours of determining that a correction is needed
- May require reprinting of ballots and reprogramming of voting system equipment, depending on when error was discovered
- If incorrect ballots were distributed to ballot by mail voters, must send them a corrected ballot
- Specific procedures for ballot corrections and sending corrected ballots:
  - Advisory 2020-23: Ballot Corrections

Ballot Proofing Best Practices

Ballot Proofing Best Practices

- **Catch errors before printing or finalizing ballots**

- At minimum, review for:
  - Candidate names, spellings and phonetic pronunciations
  - Grammatical errors
  - Position on the ballot
  - Order of names on the ballot
  - Proper ballot styles and ballot splits
  - Accuracy of translations
  - Accuracy of instructions and election information
  - Ballot audio

Ballot Proofing Best Practices

- Encourage multiple reviews
  - Invite staff, candidates, and local authorities appearing on the ballot
- Consider creating checklists and checkpoints
- Proof at multiple stages
  - Paper proofs, electronic proofs, after printing
- Errors can lead to high costs and legal challenges

Logic and Accuracy Testing

- Verify tabulation equipment accurately counts ballots

- Test Deck
  - Test Overvotes, Undervotes, & Blank Ballots

- Where to Begin:
  - Communicate with internal/external stakeholders
  - Plan equipment/facility setup and deadlines

Logic and Accuracy Testing

- Open to the public
  - Public Notice: 48 hours before testing begins
- Internal/Proofing L&A recommended prior to official test
- Test ballots must match official ballot stock [Sec. 127.094(b)]

Hash Validation

- Required by Senate Bill 1, amending Texas Election Code 129.023

- Confirms source code integrity to demonstrate source code has not been altered

- Compares voting system's hash to SOS/EAC trusted hash

- Obtain trusted hash from vendor, EAC, or SOS
  - Email electionsecurity@sos.texas.gov

- Must be successful for representative sample of devices

- For more information on Hash Validation process, please see Election Advisory 2022-30

Ballot Corrections

- Notify SOS within 24 hours if correction is needed (Form 3-10)

- Errors might include missing contests, wrong instructions, or removed candidates still on ballot

- Paper Ballots:
  - New ballots OR
  - Mark through/obscure incorrect info OR
  - Correction stickers (must match ballot style/size)

- Any ballot reprogramming requires complete retesting

- If ballots are reprinted, follow guidelines for proper ballot destruction

Counting Your Ballots

Methods of Counting

- Three basic methods for counting paper ballots:
  - **Hand Counting**
    - Counted at polling place (ED) or by early voting ballot board (EV)
  - **Counting Using Precinct Scanners**
    - Ballots deposited by voters into scanners at polling place
    - Results generated by printed tapes or by reading media into central counting station computer
  - **Counting Using Central Scanners**
    - Ballots deposited into ballot boxes by voters, delivered to central counting station, and counted using central scanner
    - Results generated by reports from scanner or by reading media into central counting station computer
- DREs are also currently an available method of casting/counting ballots
  - Will no longer be available after Sept. 1, 2026

Hand Counting

- Ballots are deposited by voters into ballot boxes at the polling place

- Election day ballots are counted by presiding judge and clerks of the election day polling place at which the ballots are cast
  - Presiding judge will prepare precinct returns of the results received for each candidate and for or against each measure in that precinct

- Early voting in person ballots and ballots by mail are delivered to early voting ballot board for counting
  - Presiding judge of early voting ballot board is responsible for preparing precinct returns of the results received for each candidate and for or against each measure in each precinct

- Procedures for counting in Chapter 65 of Election Code
  - Outlined in Election Judges and Clerks Handbook

Counting Using Precinct Scanners

- Ballots are deposited by voters into precinct scanners at the polling place

- Precinct scanner counts the ballots

- Two ways to generate results:
  - Tapes printed by the precinct scanner at the polling place (ED) and at the early voting ballot board (EV)
  - Media drives from scanners taken to the central counting station and read into a computer at the central counting station

- Can be used with hand-marked ballots or with ballots marked by electronic ballot marking devices
  - Ballot marking device = electronic device used by a voter to mark a ballot electronically that is then printed onto a paper ballot from the device

Counting Using Central Scanners

- Ballots are deposited by voters into ballot boxes at the polling place

- Ballot boxes are brought to a central counting station and read into central scanners at the central counting station

- Precinct returns are generated from the scanners, or by reading media into a central computer at the central counting station and generating a report

- Requires the use of a central counting station

Central Counting Station (CCS)

- A central counting station is the place on election night where ballots are counted, vote totals are accumulated, and unofficial results are generated

- You need a CCS if:
    - You generate your results by reading media into a central computer
    - You bring your ballots from your polling locations to a central location and read them into a scanner

- You do not need a CCS if:
    - You hand-count your ballots at the polling place
    - You generate your results by printing tapes from your equipment in the polling place and adding those totals up by hand/calculator

- If you're not sure whether you need a CCS, just ask!

Central Counting Station (CCS)

- Must appoint specific individuals to serve anytime the CCS convenes:
  - CCS Manager
    - Responsible for personnel and the overall operation of the CCS
  - Tabulation Supervisor
    - Responsible for operating the voting systems at the CCS
  - Presiding Judge
    - Responsible for maintaining order, determining voter intent, precinct returns, and reconciliation forms
  - Alternate Judge (for county elections)
- May also appoint additional personnel to assist with CCS operations
  - CCS Clerks – Presiding Judge and Manager may appoint clerks to assist them
  - Assistant Tabulation Supervisor – Assists Tabulation Supervisor in operating voting system

Central Counting Station (CCS)

- Poll Watchers may be present when CCS is operating

- Manager must create a plan for the operation of the CCS and must make it available to the public no later than 5 PM of 5th day before election day

- Presiding Judge is responsible for creating precinct returns of the total number of votes received by each candidate and for/against each measure in each precinct

- Presiding Judge must prepare reconciliation form, which must be posted on website with election results
    - Must do so on election night and again after final meeting of CCS to count late-arriving mail ballots, provisional ballots, and corrective action ballots

- Must have licensed peace officer present anytime CCS convenes.

- Central Counting Station Handbook

Texas Secretary *of* State
ELECTIONS DIVISION

Ballot Counting Best Practices

Secure Ballot Counting

- Ballot box security:
  - Must be sealed and locked inside a secure room for at least 60 days after Election Day
  - Can be transferred to a secondary secure container after 60 days
- Access is restricted—ballots may only be opened for:
  - Partial manual count
  - Court order
  - Official recount request
  - After 60-day period, for public inspection

Ballot Chain of Custody

- Establish secure chain of custody procedures for ballot management
  - Include contingency planning for emergency procedures
  - General custodian oversees ballot security and must maintain detailed records of all ballot transportation
- Election Night:
  - Ballots transported from polling places to Central Counting Station (CCS) or designated secure facility
  - Ballot transfer logs must be signed by election officials
- Post-Election Storage:
  - Voted ballots must remain sealed and locked in a secure location
  - If accessed, the box must be resealed and logged

Ballot Transparency

- Public Access to Ballots:
  - On Day 1 after final canvass, ballot images and cast vote records are available for public review
  - On Day 61 after Election Day, original voted ballots are available for inspection
  - Ballots must be properly redacted before public release—coordinate with legal counsel
- 22-month retention period

Partial Manual Count

- Purpose: Ensures accuracy of electronic vote tabulation

- Conducted on at least 1% of precincts or three precincts, whichever is greater

- Includes all paper ballots (Election Day, Early Voting, Mail-In Ballots)

- Random precinct selection by the General Custodian of Election Records

Partial Manual Count

- Must begin within 72 hours after polls close and complete within 21 days

- Candidates & representatives may observe
  - Form 4-30 required for representatives

- Results must be reported to the SOS within 3 days after completion

Central Counting Station & Election Night Returns

- Ballots are scanned and results are accumulated at CCS

- Write-in votes are adjudicated by the CCS Presiding Judge

- Precinct-level results are reported and reconciled against voter check-ins

- Unofficial results are generated and submitted to SOS

- Final reconciliation ensures accuracy of ballots cast vs. voters checked in

Reconciliation Forms

- Reconciliation Forms track votes counted vs. voters checked in

- Required twice in counties using a Central Counting Station (CCS):

  - Form 9-12f – Completed at the end of tabulation on election night.

  - Form 9-13f – Completed after canvass when late mail and provisional ballots are processed.

Reconciliation Forms

- Must be signed by the Presiding Judge of CCS.

- Posted online with election results for transparency

- Helps identify and explain discrepancies between ballots cast and voters checked in

- 22-month retention period

Available Support

WEBINARS

TRAINING

RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov