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**TRAVIS COUNTY CLERK  
ELECTIONS DIVISION  
CENTRAL COUNTING STATION PLAN  
December 15, 2020**

In compliance with Center for Disease Control recommendations, the Travis County Judge's Order 2020-16, and Texas SOS Election Advisory 2020-19; and due to the unique and historically unprecedented circumstances presented by the ongoing COVID-19 pandemic, especially considering the recent and alarming increases in the numbers of cases of and hospitalizations due to COVID-19 in Travis County and around the State of Texas; and further due to the expected high voter turnout already demonstrated during the early voting period; and to promote and preserve the health and safety of the Travis County Elections Division employees and guests, all who are present are required to wear face masks/coverings and adhere to 6ft. social distancing to the fullest extent possible.

The Presiding Judge is in charge of and responsible for the management and conduct of the election pursuant to Sections 127.005(c) and 32.071 of the Texas Election Code, and has adopted and requires adherence to the following procedures to protect employees and guests at the central counting station: All persons are required to use a face covering while in the Travis County Clerk's offices and while observing any activities including the Central Counting Station while in the building. All visitors must review health protocols and self-screen before entering the building and the Presiding Judge of the Central Counting Station will request a replacement poll watcher if any poll watcher has visible signs or symptoms of COVID-19. The Presiding Judge shall preserve order and prevent breaches of the peace, and has the power of a district judge to enforce order and preserve the peace, including the power to issue a warrant. (Section 32.075)

**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 must be made available to the public on request not later than 5:00 pm on the fifth day before the date of the election which is Thursday, December 10, 2020.

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 Travis County Central Counting Station will be located at Travis County Elections Division 5501 Airport Blvd. Austin, TX 78751. The Central Counting Station will convene at 10:00 am on Saturday, December 12, 2020 and 3:00 pm on Monday, December 14, 2020 (if needed) and 3:00 pm on Tuesday, December 15, 2020.

**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:

Central Count Presiding Judge: Nina Seaman

Central Count Alternate Presiding Judge: Charlene Casillas

Central Station Manager: Bridgette Escobedo

Tabulation Supervisor: Charlie Johnson

Assistants to Tabulation Supervisor: Adam Alvarez, Dan Hayes, Kyle Rush, Scott Flom, Dan Roman, Dan Grosser, Chris Baldenhofer, Paul DeLaRosa, Kyle Barsalou, Robert Espinosa, Adana Hess, employees of ES&S, and other qualified employees of Travis County (as needed)

- The Elections Division Director, Bridgette Escobedo, will serve as the Central Counting Station Manager to manage the overall administration of the station and supervision of personnel. (Section 127.002)
- The Ballot Technology Manager, Charlie Johnson, will serve as the Tabulation Supervisor to operate automatic tabulating equipment. (Section 127.003)
- The Assistants to Tabulation Supervisors will assist the Tabulation Supervisor in the operation of the automatic tabulating equipment as directed by the Tabulation Supervisor. (Section 127.004)
- The Presiding Judge will serve to maintain order at the Central Counting Station, administer oaths, and receive ballots to be counted. (Section 127.005) Nina Seaman will serve as the Presiding Judge and Charlene Casillas will serve as the Alternate Presiding Judge.

Note: The Presiding Judge is 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. (Section 127.005(d))

- Central Counting Station Clerks may be appointed as needed by the Central Counting Station Manager and the Presiding Judge as outlined Section 127.006 of the Election Code.

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. (Section 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. (Section 127.006(c))

A clerk is entitled to compensation at the same rate as a precinct election clerk, except that a clerk who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked. (Section 127.006(d))

#### **D. PROCEDURES FOR CONVENING THE CENTRAL COUNTING STATION:**

Section 87.0241(b)(2) 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 Judge.

The Central Counting Station will begin the process to count early voting ballots on December 12, 2020 at 10:00 am. 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 on December 12, 2020 at 10:00 am.

The Central Counting Station will begin the process to count Election Day ballots on Tuesday, December 15, 2020 starting at 7:00 pm or when the Election Judge arrives with the results stick.

## **E. ADMINISTRATION OF OATHS:**

Section 127.0015 of the Texas Election Code prescribes a required oath for all CCS personnel.

This oath will 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 December 15, 2020 election:

"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:**

Section 129.051 & 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, or their designee, brings paper ballot cards (in locked and sealed blue ballot bin) and results sticks (in sealed green election results bag) to the Travis County Elections Division intake located in the Multipurpose Room at 5501 Airport Blvd., Austin, Texas 78751.
2. Intake personnel will verify location tags and verify the seals on the green results bags and blue ballot bins are the same as the seal numbers on the seal log.
3. Intake personnel will deliver the ballot bin to a secure area in the warehouse, and deliver the green election results bag with the results stick to the Multipurpose Room where Central Counting Station Clerks will verify the seal numbers with the Ballot and Seal Certificate under the supervision of a clerk assigned by the Presiding Judge. A scan will be conducted on the outside label of the results stick for location tracking purposes in the Poll Asset Management System (PAMS). This is done to track the physical location of the results stick and to keep track of how many sticks have been received and processed and how many are still outstanding. A pie chart will be projected on the wall to show these statistics.

## **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 scanning equipment.

1. The Presiding and Alternate Judges of the Early Voting Ballot Board, Maria Jimenez and Ramona Koehl with any assistants they deem 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. (Section 127.005 & 127.125)

1. The Presiding Judge and other members will make a determination of voter intent prior to duplication of a ballot.
2. The duplicate ballot will then be created under the supervision of the Presiding Judge in the manner in which the voter's intent was determined.

## **I. TABULATION PROCEDURES:**

### **EVBB After Early Voting – December 12, 2020**

- Presiding Judge will confirm seals match the Seal Log for Early Voting Results Bags, Ballot Bins, and Provisional Bags.
- Election results bags are opened and results stick is verified and then placed into sealed container and secured until the Tabulation Supervisor is ready to read results sticks into Electionware. Ballot Bins will be stored in a vault and remain unopened until needed. Once seals have been verified, Provisional bags will be given to Elections Staff for processing.
- In Electionware, before any data from the tabulation test is loaded, a Zero Report will be printed from the Electionware software and signed by the Tabulation Supervisor and tabulation assistants and Presiding Judge of Central Count.
- The second test of the tabulation equipment will be conducted by counting of the public test full-page paper ballots by scanning them at the DS850 & DS450 and printing a paper copy of the results. The results will also be saved to a results stick. (Section 127.093 & 127.097)
- In Electionware, before any data from the early voting mail ballots are counted or results sticks are loaded, a Zero Report will be printed from the Electionware software and signed by the Tabulation Supervisor and tabulation assistants and Presiding Judge of Central Count.
- After Ballot Board completes their review of all Early Voting ballots by mail, approved ballots will be scanned by the DS850 & DS450, the resolution board under the direction of the Presiding Judge will resolve any ballots needing to be reviewed.

- After all Early Voting ballots by mail have been scanned; results will be saved to a results stick and read into Electionware, then sealed and stored in the vault by the Tabulation Supervisor and/or tabulation assistants.
- Ballots voted by mail will be placed back into the blue ballot bins, which will be sealed with the seal numbers recorded by the Presiding Judge of Early Voting Ballot Board and stored in the vault.

### **Election Day – December 15, 2020**

- All results will be read into the Electionware software by the Tabulation Supervisor with tabulation assistants present and the Presiding Judge of Central Count.
- Any un-scanned approved ballots will be scanned at the DS850 & DS450, and any ballots needing to be reviewed will be resolved by the resolution board under the direction of the Presiding Judge.
- Results will be saved onto a results stick and loaded into the Electionware.
- Tabulation Supervisor and tabulation assistants will confirm the results sticks 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 7:00 pm, but in no case will results reports be released to the public before that time.

### **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 Precinct Central (electronic poll book) 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. (Section 87.021, 87.1221)
3. Election Day – Compare the number of Election Day check-ins from Precinct Central (EPB) to the number of ballots cast. (Section 127.007(b))

### **K. PRINTING OF PRECINCT RETURNS AND ELECTION TOTALS:**

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, under the direction of the Presiding Judge of the CCS the precinct election returns are prepared. The Presiding Judge is required to sign a copy of the precinct returns to certify their accuracy. (Section 65.014, 127.131)

The printed “precinct by precinct” report will be adjusted to include any hand-counted ballots (if necessary) and constitutes our certified precinct returns. (Section 127.131(e))

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 Division Director may withhold the release of unofficial results until the last voter has voted. (Section 66.056, 127.1311)

Unofficial election results will be released via the Travis County Clerk Elections Division webpage, beginning no earlier than 7:00 pm 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. (Section 68.001) 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)

The poll watcher must deliver their certificate of appointment to the Presiding Judge of the CCS and the watcher must countersign their certificate in the presence of the Presiding Judge. (Section 33.051) A watcher serving at central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station. The watcher may serve during the hours the watcher chooses, except as provided by Subsection (b) a watcher may not leave during voting hours on Election Day without the Presiding Judge’s permission if the counting of ballots at the central counting station has begun.

Poll watcher(s) are permitted to stand or sit to observe the counting activities. The Presiding Judge may dictate where the poll watcher(s) may stand and/or sit in order to prevent interference with the duties of the Central Counting Station personnel while still being able to observe all activities.

All activities of poll watcher(s) shall be in compliance with the current Poll Watchers Guide issued by the Secretary of State.

A poll watcher may request a printed copy of an audit log produced by a central accumulator:

- (1) before any votes are tabulated;
- (2) after early voting results are tabulated; and
- (3) immediately following the completion of the vote tabulation.

**RULE 11 AGREEMENT BETWEEN RELATORS AND RESPONDENT**

**IN RE HON. MATT MACKOWIAK, AND THE TRAVIS COUNTY REPUBLICAN PARTY, AND MARTIN HARRY, Relators**

**No. 20-0889**

**In the Supreme Court of Texas**

**In light of the Texas Supreme Court's denial of Relators' petition because of issues of disputed fact that should be resolved at the trial court level and to avoid further litigation between Relators and Respondents with relation to those issues, as well as to clarify changes to central count procedures represented to the Supreme Court in Respondent's Brief made in response to this litigation for central counting station operation in the remainder of the 2020 General Election for State and County Officers, Relators and Respondents agree as follows:**

WITH RELATION TO CENTRAL COUNT OPERATION IN THE RUN-OFF FOR THE 2020 GENERAL ELECTION WHERE CHAPTER 33, ELECTION CODE, AS CURRENTLY STATED, IS IN OPERATION:

1. Relators and Respondent agree to conduct the operations of the central counting station in a facility which allows all duly-appointed and serving poll watchers to observe any activity conducted at the location and sit or stand conveniently near the election officers conducting the observed activity while the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station, as was always Respondent's intention.
2. No physical barriers will be placed between poll watchers and activity conducted in the central counting station. To protect the health and safety of the poll workers and poll watchers due to the presence of COVID-19, Relators and Respondent agree there may be tape affixed to the floor to mark six-feet of social distancing from the poll workers' work station. Relators agree to wear masks as indicated in paragraph 4 above and only approach the poll workers' work station beyond the six-foot demarcation only to the extent necessary to view the screen and notate any irregularity or violation of law and then agree immediately to again observe the six-foot demarcation for social distancing. Relators agree to direct any question to the presiding judge.



**N. 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 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.