



Texas Secretary of State
ELECTIONS DIVISION



Hand Counting and Post Election Audits

22nd Biennial
Election Law Seminar
for County Chairs
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Hand Counting is part of every election in Texas.



Post Election Hand Count Audit

- Formerly known as the “Partial Manual Count”
- Required for all elections that use automatic tabulating equipment
- Designed to validate the accuracy of the tabulating equipment used to mail ballots, early voting ballots and election day ballots.
- SB 827 made significant changes to these provisions in the Texas Election Code to expand this post election audit



Expansion of Post Election Hand Count Audit

- Requirements for Primary Election
 - Three (3) Election Day Polling locations and three (3) Early Voting locations or one (1) percent of the Election Day polling locations and one (1) percent of early voting locations which ever is greater.
 - One (1) percent of the precincts or three precincts, which ever is greater, in which a ballot by mail was cast and in which the ballots were tabulated using automatic tabulating equipment.
 - No more than three races
 - Races, precincts, and polling places are selected at random by the SOS.



Expansion of Post Election Hand Count Audit

- Counting will be conducted by members of the Early Voting Ballot Board that have been selected by the General Custodian of Election Records
- Poll Watchers may be present.
 - They must meet the eligibility requirements under Chapter 33 of the Texas Election Code and must be appointed in the same manner.
 - Individuals entitled to appoint poll watchers may be present
- Results of Post Election Hand Count Audit must be posted on the County's website.



Expansion of Post Election Hand Count Audit

- The general custodian of election records, in accordance with procedures prescribed by the secretary of state, may select additional precincts and polling places to be counted.



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Procedures for Conducting a Hand Count



Hand Counting Procedures

- General Procedures
 - Counting Procedures
 - Preparing Precinct Returns
 - Generating Unofficial Results
- Election Worker Eligibility Requirements
- Precincts and Polling Places for Hand Counting
- Forms



General Procedures

- The basic process for conducting a hand count is the same for all types of hand-counting activities in a Texas Election
 - Election conducted by hand counting
 - Post Election Hand Count Audit
 - Manual recount under Title 13
- These procedures are outlined primarily in Chapter 65 of the Election Code



General Procedures

- Who counts?
 - Early voting + ballot by mail – Counted by Early Voting Ballot Board (EVBB)
 - Election Day – Counted by election judges and clerks at polling place
- Basic Process
 - Ballots are counted by election workers using tally sheets
 - Tally sheets are aggregated and presiding judge prepares precinct returns
 - Precinct returns are delivered to general custodian, who prepares unofficial results



General Procedures

- When does counting start?
 - Early voting + ballot by mail
 - After the polls open on election day
 - Note – early voting and ballot by mail are counted and reported separately
 - Election Day
 - After the polls have been open for at least one hour
 - Ballots may only be counted at a polling place while polls are open if there are at least 10 ballots in the ballot box



General Procedures

- Where does the count happen?
 - Early voting + ballot by mail
 - At the meeting place of the EVBB
- Election Day
 - At each election day polling place
 - If counting is conducted while polls are open, must occur in a separate room at the building that is used as a polling place
 - If this is not possible, then must create a separate area for counting that is out of the sight range or hearing range of the voters at the location
 - If counting while polls are open, must use two rotating ballot boxes at the polling place
 - One ballot box for voters to deposit
 - One ballot box for counting team to count
 - Rotate the two ballot boxes throughout the day



General Procedures

- What happens after the count is completed?
 - Tally lists prepared by counting teams
 - Precinct returns prepared by presiding judge
 - Returns, ballots, and other records delivered to general custodian
 - General custodian aggregates precinct returns to create unofficial results



General Procedures

- What are the deadlines?
 - Counting of ballots must be conducted continuously until all ballots are counted
 - Presiding judge must complete precinct returns and deliver to the general custodian within two hours after polls close or the last voter has voted, or as soon as practicable after the two-hour deadline
 - Precincts returns **must** be delivered to general custodian no later than 24 hours after polls close
 - Failure to deliver the precinct returns or failure to meet the 24-hour deadline is a Class B misdemeanor



Counting Procedures

Counting Teams

- Counting process is conducted by one or more teams of election officers assigned by the presiding judge
- Each counting team must consist of two or more election officers
 - One caller
 - Examines the ballot and announces the name of each candidate for whom a vote has been received or whether a vote was received for/against a measure
 - Talliers
 - All other members of counting team will act as talliers
 - Records the votes announced by the caller on a tally list



Counting Procedures

Tally Lists

- Three tally lists must be maintained for each counting team
- Tally lists are used to record each vote for a candidate or for/against a measure
- Counting team is responsible for periodically comparing the tally lists
 - Must verify that there are no discrepancies between the tally lists
 - If a discrepancy is identified and cannot be resolved, then the ballots must be recounted and the necessary corrections must be made on the lists
- Once the count is completed, the talliers will compute the total number of votes tallied on their list and enter the totals
- If all three tally lists are in agreement, then the counting officer must sign their tally list and provide the list to the presiding judge



Counting Procedures

Overvotes and Undervotes

- **Overvote** – If a voter selects more candidates than the number of choices available, then the voter's selection in that race is treated as an overvote, and none of the voter's selections in that specific race can be counted
 - e.g. if a voter selects two candidates in a "vote for none or one" race
 - However, an overvote in one race does not affect the validity of the rest of that voter's ballot
- **Undervote** – If a voter selects fewer candidates than the number of choices available, then the candidates selected by the voter will still be counted
 - e.g. if a voter selects only one candidate in a "vote for none, one, or two" race
- Overvotes and undervotes should be included on the tally lists
 - This is not strictly required by the Election Code when hand counting, but it is important to do so for reconciliation purposes to verify the number of ballots that have been counted



Counting Procedures

Write-In Votes

- If write-in voting is permitted for the election, the name of a write-in candidate shall be entered on the tally list and the votes tallied in the usual manner
 - Unless the election allows open write-ins (which is rare), the write-in candidate must be on the list of declared write-in candidates in order for votes for that candidate to be counted
- Write-in voting is not authorized in a primary election
 - Exception – County executive committee can authorize write-in candidates for county and precinct chair for that party's primary in their county
- Write-in voting is authorized in a general or special election
 - General rule – candidate must be on the list of declared write-in candidates



Counting Procedures

Irregularly Marked Ballots

- Irregularly marked ballots must still be counted
- Even if the ballot is not properly marked, it will still be counted according to the intent of the voter
- Voter intent is determined by the presiding judge
 - Election Code 65.009 provides general guidelines for counting common situations involving irregular markings
 - For other situations not addressed in the law, the presiding judge will determine the manner in which the ballot is counted based on the voter's intent
 - Any standards for counting ambiguous markings on a ballot must be applied uniformly to all voters



Preparing Precinct Returns

- After the count is completed for each precinct, the presiding judge will prepare precinct returns
 - Tally lists for that precinct will be aggregated together to generate the returns
- The precinct returns must state:
 - The total number of voters who voted at the polling place (as indicated on the poll list);
 - The total number of votes counted for each candidate; and
 - The total number of votes for/against each measure.



Preparing Precinct Returns

- Election Day, Early Voting in Person, and Ballot by Mail must all be reported separately on the precinct returns
 - Election Day returns are prepared at the election day polling place
 - EVBB will prepare separate returns, one for Early Voting in Person and one for Ballot by Mail
 - This will include separate returns for each individual precinct
- The returns must be prepared as an original and three copies
 - Presiding judge must sign off on the original and each copy to certify their accuracy



Preparing Precinct Returns

- Presiding judge is responsible for preparing and certifying precinct returns
- However, the judge can be assisted by other EVBB members / election day polling place workers in aggregating the tally sheets and completing the math for the precinct returns
- It is important to prepare not just for the time and personnel that it will take to conduct the hand count, but also for the time and personnel that it will take to complete the precinct returns for each precinct



Generating Unofficial Results

- After completion of the precinct returns, the returns, ballots, and other records will be delivered to the general custodian on election night
- The general custodian is responsible for aggregating the precinct returns from the election day polling places and the EVBB to generate unofficial results for the election
- Unofficial tabulation must include:
 - The total number of votes received in each precinct for each candidate;
 - The total number of votes received in each precinct for/against each measure;
 - The sum of the precinct totals for each candidate; and
 - The sum of the precinct totals for/against each measure.



Generating Unofficial Results

- Precinct returns must be delivered within two hours after the polls close or the last voter has voted (whichever is later), or as soon as practicable after the two-hour deadline
- If presiding judge determines delivery will not occur by 2 AM, they must contact general custodian between 12 AM and 1 AM with the following information:
 - Total number of voters who voted as indicated by the poll list;
 - The votes tallied for each candidate at the time of the notification;
 - The votes tallied for/against each measure at the time of the notification; and
 - The expected time for finishing the count
- The returns **must** be delivered no later than 24 hours after polls close
 - Failure to do so is a Class B misdemeanor



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Frequently Asked Questions



Election Worker Eligibility Requirements

- The workers that perform the hand counting process must be members of the EVBB (for early voting and ballot by mail) or election day judges or clerks at the polling place (for election day)
- These workers must meet the general eligibility requirements for service as an election worker
 - Registered voter of the county
 - Or an eligible student election clerk under Section 32.0511
 - Not be disqualified under Chapter 32, Subchapter C



Election Worker Eligibility Requirements

- Can election workers work in shifts?
 - Yes, the presiding judge can assign the working hours and duties of election workers
 - The presiding judge can assign clerks to work for different lengths of time or to begin work at different hours
 - The presiding judge can designate specific clerks to begin their shift after polls close and when counting begins
 - Presiding judge must be present at the polling place throughout the counting process
 - However:
 - Any judges and clerks that are part of the counting process while the polls are open must remain at the polling place until polls close
 - If a member of the counting team will be leaving the polling place, they must resolve any discrepancies between the three tally sheets for that team before leaving, and must sign their tally sheet when they are replaced



Election Worker Eligibility Requirements

- Can student election clerks participate in hand-counting activities?
 - Yes – student election clerks can perform the same duties as regular election clerks at the polling place
 - However, student election clerks are not eligible for the EVBB
- Eligibility
 - May be appointed as an election clerk at the polling place if:
 - At least 16 years old;
 - US Citizen;
 - Completed required training;
 - Is a student or attends an applicable home school; and
 - Has consent of school principal, or parent/guardian (if home schooled)
- Limit:
 - Two per election day polling place (for precinct-based voting)



Combination and Consolidation of Precincts

- When conducting a hand-counted election, precinct-based voting must be used
- Cannot use countywide polling places on election day for a hand-counted election
- However, combination and consolidation provide mechanisms to have multiple precincts share a single polling location
- Advisory on Combination, Consolidation, and Precincts and Polling Places
 - <https://www.sos.state.tx.us/elections/laws/advisory2025-13.shtml>



Combination and Consolidation of Precincts

- Combination of Precincts
 - Allows two or more precincts to share a single polling place and a single set of workers, equipment, etc.
 - Separate ballot styles for each precinct in the combined polling place
 - Results are reported separately for each precinct in the combined polling place
- Types of Combination
 - Population-Based
 - Can combine precincts if population in precinct is less than 3,000
 - Total population of combined precinct cannot be more than 5,000
 - No Suitable Polling Location
 - Can combine precincts if there is no suitable building that can be used as a polling place in one of the precincts
 - Total population of combined precinct cannot be more than 10,000



Combination and Consolidation of Precincts

- Consolidation of Precincts
 - Allows two or more precincts to be consolidated and treated as a single precinct for specific types of elections
 - Only available for primaries and special elections
 - The entire consolidated precinct is treated as a single precinct for reporting purposes
- Limitations
 - Cannot contain territory from more than one of each of the following types of territorial units
 - Congressional Districts, State Legislative Districts, Commissioner Precincts, JP Precincts, SBOE Districts



Logistical Considerations for Hand Counting

- Number of election precincts required for the election
- Number of ballot styles involved in the election
- Number of election workers required to perform hand count
- Availability of polling locations – must allow space for counting during day/night
- Necessary supplies for hand counting
- Timeframe required for tallying votes
- Timeframe required for preparing and certifying precinct returns



Forms for Hand Counting

- Two types of tally sheets prescribed by our office
 - Offers two different methods of calling/tallying
- Will review and approve alternative forms submitted by county officials and party officials
 - Submit for approval to elections@sos.texas.gov



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov