**Texas Election Code Bill re Mandatory Manual Count expansion to allow Counties to use unpaid volunteers to hand count all paper ballots post Election Day but prior to its Canvass.**

***Note:***

***1. The partial manual count is required for all counties that automatically tabulate their ballots using an optical/digital scanner. Optical/digital scanners are either precinct ballot counters or central scanners. Therefore, entities that hand counted their ballots are not required to conduct the partial manual count.****Tex. Elec. Code § 127.201(a), (g).*

***2. The red text shown below under Sec. 127.006 (e) would be an addition to Section 127 of the Election Code, if passed by the Senate and House.***

**Texas Election Code, Chapter 127**

Sec. 127.006. COUNTING STATION CLERKS. (a) The manager, the presiding judge, and the alternate presiding judge may appoint clerks to serve at the central counting station.

(b) Except as otherwise provided by this section, the eligibility requirements prescribed by this code for precinct election clerks apply to clerks serving at a central counting station. To be eligible to serve as a clerk under this section, 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.

(c) 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 or the alternate presiding judge serves under the presiding judge and shall perform the functions directed by the presiding judge.

(d) 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.

 (e) COMPLETE MANUAL COUNT (CMC) PROCEDURES.

(1) Authority and Timing.

(A) Any county that automatically tabulates ballots using an optical/digital scanner may conduct a complete manual count of all ballots and races.

(B) The CMC must occur after Election Day but before the canvass, within eleven days after Election Day.

(2) Initiation of CMC.

(A) Voluntary County Initiative. A county may choose to conduct a CMC in accordance with the voting system adoption procedures described in Section 123.001(b).

(B) Voter Petition.

(i) A CMC becomes mandatory if 1% or more of registered voters eligible to vote in the subject election sign a petition requesting it.

(ii) The petition must be addressed to the governmental unit holding the election.

(iii) The petition must be submitted at least 90 days prior to the subject Election Day.

(3) Staffing Requirements.

(A) Manual Count Volunteers.

(i) Must be qualified voters of the county where the central counting station is located.

(ii) Must complete the online election clerk training.

(iii) No compensation is required for manual count volunteers.

(B) Student Election Clerks.

(i) Must be at least 16 years of age.

(ii) Must be United States citizens.

(iii) Must obtain consent from:

* School principal for enrolled students, or
* Parent/legal guardian for home-schooled students.

(iv) Must complete election clerk training.

(v) For precinct-based counties, a maximum of two student clerks per voting precinct may be appointed.

(C) Supervision.

(i) The central count presiding judge shall oversee the CMC.

(ii) Additional election judges shall be appointed to maintain:

* Control of the counting process
* Security of ballots
* Oversight of manual tabulation

(iii) Election judges shall receive compensation at the same rate as during the election.

(4) Counting Procedures.

(A) Team Structure. Each counting team shall consist of five members:

(i) One caller

(ii) One observer, to verify the name called

(iii) Three tally sheet markers, with one designated to:

* Echo the called candidate or proposition choice
* Track the running count

(B) Batch Management.

(i) Ballots shall be organized in batches of 50.

(ii) Batches must:

* Be segregated by voting precinct and by Mail-In ballots, Early Voting in-person ballots, and Election Day in-person ballots.
* Maintain segregation throughout the count.
* Include signed tally sheets for each batch once the batch has been counted.

 (iii) Results shall be recorded on designated summary tally sheets.

(5) Verification and Final Results by Voting Precinct.

(A) Initial Comparison.

(i) The total number of paper ballots counted must be the same as the total number of ballots counted by the optical scanner.

* If the total number of paper ballots counted in the CMC is different from the total number of ballots counted by the optical scanner, a recount of the number of paper ballots must be performed.
* If the total number of paper ballots is confirmed and different from the scanner count, the CMC results shall be used for the canvass.
* Where the number of paper ballots counted in the CMC is the same as the number of ballots counted by the optical scanner, the following variation thresholds apply.

(ii) CMC results shall be compared to optical/digital scanner results by each voting precinct for each race.

 (B) Variation thresholds:

(i) If the difference is 1% or less scanner results are final.

(ii) If the CMC difference compared to the scanner result exceeds 1% a recount is mandatory.

 (C) Mandatory Recount Procedure

(i) If recount varies from the first manual count by 0.25% or less:

* Second manual count results are final.
* These results shall be used in the canvass.

(ii) If recount varies by more than 0.25%:

* Original scanner results are final.
* Scanner results shall be used in the canvass.

(6) Records Retention.

(A) All tally sheets, summary sheets, and batch documentation must be preserved.

(B) Records must be maintained according to the retention schedule specified in Chapter 66.