

## **Election Observers**

Election Observers have a right to observe voting and election processes at polling locations and the Registrar of Voters' office. With your right comes a responsibility to be professional and respectful so as to not interfere with the voting and election process.

### **In-Person Observation Election Observers may:**

- Observe from a designated area that does not interrupt election processes
- Observe the operations of a polling locations, including opening and closing
- Observe the processing of mail ballots, including sorting, signature verification, collection and return operations, duplication, and scanning
- Observe audits while they are being conducted
- Challenge staff compliance with established procedures for handling mail ballots
- Observe vote tabulation at the Registrar of Voters
- Direct questions to a Precinct Inspector or designated staff of the Registrar of Voters

### **Observers are Responsible for:**

- Checking in at each site, whether a polling location or the Registrar of Voters
- Maintaining a professional and respectful manner while observing
- Following established county observation guideline

### **Observers may NOT:**

- Interfere in any way with the election process
- Assist in polling location operations or sit at or stand behind the check-in tables
- Touch election-related material, equipment, or election staff
- Communicate with polling location personnel who are engaged in a process
- Converse with or solicit voters (while standing in line to vote or within 100 feet of the polling location, curbside voting location, or ballot drop box) regarding the casting of a vote or their qualifications to vote.
- Talk in a loud voice, cause confusion, or congregate inside a polling location
- Use phones/cameras in a way that would violate the California Elections Code
- Challenge a Registrar of Voters' staff determination that a signature on a mail ballot return envelope compares to a signature in the voter's registration record

## **General Observer Guidelines**

Election Observers have a right to be in polling places, at Ballot Drop Boxes, and in the Registrar of Voters' office to observe voting and election processes. With the right to observe comes a responsibility to be professional and respectful so as to not interfere with voting and the election process. These guidelines respond to the rights and responsibilities of members of the public observing the election process, and you can find a list of acceptable and unacceptable Election Observer actions and relevant Election Codes.

### **What Are Observers Allowed To Do?**

- Observe from a designated area that does not interrupt voting and the election processes.
- Observe the operations of a polling place, including opening and closing.

- View the processing of mail ballots, including sorting, signature verification, collection and return operations, duplication, and scanning.
- View provisional ballot processing.
- Observe audits and other canvass of the vote activities while they are being conducted.
- Observe vote tabulation at the Registrar of Voters.
- Take notes and watch all procedures.
- Direct questions to a Precinct Inspector or a designated staff member at the Registrar of Voters as long as they do not interfere with the conduct of the election procedures.
- Use an electronic device, including a smartphone, tablet, or other handheld device, only in designated areas at the central processing site, provided that the use of the device does not result in a violation of any provision of the Elections Code.
- Challenge whether staff are following established procedures for handling mail ballots.

### **What Are Observers Responsible For?**

- All Election Observers must identify themselves upon entering a polling place to a precinct worker
- When observing at the Registrar of Voters' office, election observers must sign-in at the front office and receive a visitor's badge daily, which must be worn at all times while in the facility.
- Maintaining a professional and respectful manner while observing the election process.
- Ensuring they do not interfere with the election process.
- Reviewing and following established county observation rules/policies.

### **What Are Observers NOT Allowed To Do?**

- Interfere in any way with the election process.
- Go near occupied voting booths or approach any voters during the voting process.
- Assist in polling place operations.
- Touch election-related material, equipment, or election staff.
- Sit at or stand behind the check-in tables.
- Communicate with poll workers who are presently engaged in a process.
- Converse with or solicit voters regarding the casting of a vote or their qualifications to vote while voters are inside the polling place, in line to vote, or within 100 feet of the entrance of a building containing a polling place, a curbside voting location or a ballot drop box.
- Talk in a loud voice, cause confusion, or congregate inside a polling place.
- Display any election material or wear campaign badges, buttons, or apparel.
- Wear the uniform of a peace officer, private guard, or security personnel.

- Directly challenge a voter. Only the precinct board may do so, based on evidence presented.
- Prevent other observers from observing material or processes.
- Use phones/cameras outside of designated areas at the central processing site in a way that would violate the Elections Code or Registrar of Voters' policy, including to record or transmit voter data or ballot information. (EC § 2302)
- Use cellular phones, pagers, or two-way radios inside a polling place and/or within 100 feet of the entrance to a building containing a polling place.
- Voters are permitted to take "Ballot selfies" of themselves and observers cannot prevent this.
- Challenge a Registrar of Voters staff determination that a signature on a mail ballot return envelope compares to a signature in the voter's registration record.
- The use of force, violence, tactic of coercion or intimidation to compel a person to vote or refrain from voting at any election is a felony punishable by imprisonment in state prison for up to three years. (EC § 18540)
- Interference with the election and canvass, or with a voter casting a ballot, is punishable by imprisonment in state prison for up to three years. (EC § 18502)

### **Registrar Of Voters Facility Operations**

- No food or beverage is allowed in the observation area.
- Scheduled operations and processes continue whether or not an observer is present.
- Observers may only challenge whether members of the precinct board are following established procedures.
- Observers may approach sufficiently close to the observed process to determine reasonably whether a challenge of the process is warranted.
- Observers shall not interfere with the observed process: no touching of election-related materials, equipment or elections staff, and no direct questioning of the staff doing the work.
- It is preferred that groups of observers identify a supervisor for their group to facilitate communication with the Registrar of Voters.
- Cell phones, tablets or any electronic devices must be set to vibrate or off. No phone calls, except in the front lobby.
- No audio recorders, radios, or cameras are permitted unless approved.
- Silence is required while inside the observation area.
- Before and during the observed process, you may quietly ask questions of the designated staff member in the Registrar of Voters Office. You may not directly communicate with any staff member who is engaged in the observed process.
- Observers may submit challenges verbally or in writing to the designated staff member in the Registrar of Voters Office.

- The Registrar of Voters will respond to all challenges verbally and timely. If challenges unduly impede or interfere with the work process, challenges shall be discontinued. Members of the Media Reporters, camera crews and other members of the media are allowed at the poll locations and the Registrar of Voters' office as long as they respect voter privacy and do not interfere with or disrupt the voting process. The media is not permitted to take close-up pictures or video footage of actual ballots. All media presence at polling places are requested to be coordinated with the Registrar of Voters. Poll Workers are not permitted to speak on behalf of the Registrar of Voters to the media. For any media inquiries or requests for a quote or interview, please call (530) 842-8084.

### **What Election Activities Can Be Observed?**

#### Pre-Election Day

- Preparation and testing of voting system to conduct central count of vote-by mail and in-person ballots.
- Precinct supplies assembly and distribution.
- Vote-by-mail operations (ballot returns, verify signature and eligibility; prepare ballots for counting; duplicate ballots when necessary; scan ballots; resolve ballots when necessary).
- Processing provisional ballots received at poll locations (if applicable).

#### Voting Period & Election Night

- Polling location operations
- Vote tabulation and reporting Post-Election Day
- Processing provisional ballots received at polling locations
- Processing vote-by-mail ballots received on or after Election Day
- Ballot duplication
- Processing write-in ballots
- Post-Election audits

### **General Voting Equipment Preparation and Testing**

Each qualified political party, any bona fide association of citizens, or a media organization may employ, and may have present at the central counting place, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. The elections official may limit the total number of representatives in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Elec. Code §15004. Every piece of voting equipment goes through service and maintenance before every election.

## **Logic & Accuracy Testing (L&A)**

- L&A testing is conducted on the voting system and the voting equipment that will be used in the election.
- L&A is designed to ensure that the hardware and software to be used in an election are working together properly both as individual units and as a combined system.
- Accuracy is tested by casting and tabulating test ballots for which the results are known. We compare the known results to the test results, then resolve the cause of any discrepancies (if any), and re-test.
- Test ballots are selected and marked according to a pre-defined script developed to encompass every contest and choice. Logic testing ensures that the vote tabulation program and hardware correctly interpret, summarize, and report voters' choices.

## **Vote-by-Mail (VBM) Ballot Processing What Can I Observe?**

Both before and after the election, observers may view the processing of VBM ballot return envelopes, and the processing and counting of VBM ballots. Observers will be allowed sufficiently close to observe and challenge whether the individuals handling the ballots are following established procedures. Observers may not interfere with the orderly processing of ballot return envelopes or the processing and counting of VBM ballots, including touching or handling of the ballots. Elec. Code §15104(a), 15104(e) 10

## **Who Can Observe?**

Any member of the county grand jury, and at least one member each of the Republican County Central Committee, the Democratic County Central Committee, any other party with a candidate on the ballot, and any other interested organization may observe and challenge the manner in which the VBM ballots are handled, from the processing of ballot return envelopes through the ballot counting and disposition. Elec. Code §15104(b)

## **What Can I Challenge?**

A challenge to a voter's eligibility may only be made by a member of the precinct board. Elec. Code §14240(b), 15105, 15109. Observers may challenge whether members for the precinct board handling VBM ballots are following established procedures, including:

- Verifying signatures by comparing them to voter registration information.
- Duplicating accurately any damaged or defective ballots
- Securing VBM ballots to prevent any tampering with them before they are counted on Election Day. Elec. Code §15104(d)

## **How Do I Challenge?**

When challenging a VBM procedure, and because the voter(s) are not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made. Elec. Code §15105, 15106

- Challenges may be made verbally or in writing.

- Responses to challenges will be provided verbally and timely.

### **How are VBM Ballots Collected?**

Teams of two trained staff members collect VBM ballots daily from the U.S. Postal Service and the ballot drop box throughout the county.

- Strict chain of custody procedures are followed.

### **How Are VBM Ballots Processed?**

Ballot Receiving. When VBM ballots collected from the United States Postal Service, the ballot drop box or dropped off by voters at polling locations and returned to Registrar of Voters Office, the chain of custody documents are verified.

- Security seals and chain of custody documents are verified.
- Ballots are kept separate and organized by United States Postal Service, ballot drop box and polling locations in a secure area.
- Chain of custody documents are retained.

### **Ballot Sorting**

- VBM ballot envelopes are scanned and sorted for signature verification while remaining sealed.
- Returned ballots that are challenged are separated into groups for further review.

### **Signature Verification**

- Beginning 29 days prior to the election, Registrar of Voters staff may begin processing the returned VBM envelopes.
- Registrar of Voters staff verifies the voter's signature on the outside of the envelope and updates the voter's history file in our database to record that the voter has returned a VBM ballot in the current election.
- Registrar of Voters staff verifies the signature by comparing it to the one on the voter's affidavit of registration. Only the elections staff member may perform this comparison. Elec. Code §3019 Also see CCR, Title 2, Div. 7, Chapter 8.3

### **Removing the Ballots and Preparing Them for Counting**

- Beginning 29 days before Election Day, Registrar of Voters staff may remove the ballots from the signature-verified envelopes and prepare them to be machine-read; however, staff may not access or release a vote count until the polls have closed on election night.
- Ballots are separated from the bar-coded envelopes, so the voter is no longer identifiable.
- Staff assigned to VBM boards manually unfold, flatten, and inspect the VBM ballots, keeping them grouped by batch.

- VBM boards review ballots for initials, signatures, and those damaged that cannot be scanned.
- Damaged ballots are duplicated by staff.
- Ballots ready to be scanned are staged for ballot scanning and ballot resolution.
- Envelopes are further reviewed to ensure all ballots have been removed.
- Ballots requiring duplication are received from the VBM boards.
- Ballots are duplicated by hand, marking exactly what was selected from the original ballot.
- Original ballots are labeled “VOID” and duplicate ballots are labeled “DUPLICATE.”
- Each set of ballots will be numbered and logged.
- Duplicated ballots are taken to be scanned, and the original ballots are securely stored.

#### Scanning Ballots

- Ballots are brought into the secure ballot scanning room to be processed.
- The ballots are scanned in batches of about 100.
- If the batch is scanned successfully, the operator saves the batch. If the batch is not scanned successfully, the batch is not saved, and the batch is re-scanned.
- If a batch has a rejected ballot, that ballot is removed from the batch and rescanned.
- The scanned batches remain in a secure location throughout the entire election and canvass period.
- At the end of the canvass period, the batches are secured in a sealed box for storage and retained for the period prescribed by law.

#### Resolving Ballots

- Resolution is the process of determining voter intent when the vote is categorized as an under-vote, over-vote, write-in, or a damaged vote target area.
- For all resolution activity, staff reviews the ballot image and resolves the ballot until it can be accepted and recorded.

#### Semifinal Official Results; Official Canvass; One Percent Manual Tally; Sealing and Disposition of Ballots; and Certification; Statement of the Votes Cast, and Certificates of Election; Semifinal Official Results

- On election night, immediately upon the closing of the polls at 8 p.m. and continuing without adjournment until all polling locations are accounted for, staff collects, resolves, and tallies all the votes cast at the polling locations and the VBM ballots received prior to Election Day that have been accepted for counting. VBM ballots received on and after Election Day are included in subsequent result updates.

- After 8:00 p.m. on election night, the Registrar of Voters releases the results of this tally to the public and to the Secretary of State, reported by contest and by precinct. Vote results are considered unofficial until the elections official completes the official canvass.
- The distribution of semifinal official election results will commence after 8:00 p.m. Once poll results begin arriving, results are updated throughout the night until all polling locations have been reported.

#### Official Canvass

In this phase staff audits and accounts for all ballots that were issued, voted, and those that were not used. This phase includes but is not limited to: inspect all materials and supplies returned by polling locations, process and count any valid VBM and provisional ballots not included in the semifinal official canvass and count any valid write-in votes. The Registrar of Voters reports the final results to the governing board and the Secretary of State, as required.

#### One Percent Manual Tally

The One Percent Manual Tally is a post-election audit performed before certifying the election to ensure the accuracy of the election results. During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including VBM ballots. The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial one percent of precincts in the county or batches of VBM ballots subject to the public manual tally. The random draw is public and observable. If the initial one percent of precincts in the county does not capture every contest on the ballot, additional precincts are randomly drawn to ensure all contests are included in the manual tally audit. The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts or batches subject to the public manual tally before conducting the selection and tally. A team of four tally board members hand count and manually tally each ballot following the California Uniform Vote Counting Standards. 1 Caller reads the votes, 1 Observer ensures the accuracy of the tally and 2 Tickers tally the votes using tally sheets. The official conducting the election shall include a report on the results of the one percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the voting system count and the manual tally and a description of how each of these discrepancies was resolved. Elec. Code § 15360