



COUNTY OF SACRAMENTO
Voter Registration and Election

ELECTION OBSERVER GUIDELINES HANDBOOK



WWW.ELECTIONS.SACCOUNTY.GOV

Dear Election Observer,

This *Election Observer Guidelines Handbook* has been prepared to provide you with comprehensive information on your rights and responsibilities as an Election Observer. It includes detailed information on the laws that govern elections and observer's rights and responsibilities, along with some of the voting processes and election-related activities that you may observe. Additional resources are available on our website at elections.saccounty.gov.

When you arrive at our office or a Vote Center to observe, please check in. If observing at our office, you will receive a badge to be worn at all times. You must follow the instructions given to you by staff and Vote Center workers. If you have questions or concerns about processes, please write them down.

We highly recommend scheduling an office tour prior to observing. Office tours are available by appointment only. You may schedule a tour on our website at <https://sacramentocountyelections.as.me/schedule.php>. A tour will provide an overview of our processes which will enhance your observation experience.

The *Election Observer Guidelines Handbook* is intended to provide general information and does not have the force and effect of law, regulation, or rule. It is distributed with the understanding that the Department of Voter Registration and Elections of the County of Sacramento is not rendering legal advice and, therefore the Handbook is not to be a substitute for legal counsel for the individual or organization using it. It is the responsibility of the observer to obtain the most up-to-date information available.

Sincerely,

Voter Registration & Elections Staff

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PART I:

INTRODUCTION

Since 2018, The Department of Voter Registration and Elections (VRE) has conducted elections under the [Voter's Choice Act](#) (VCA) using the Vote Center Model. All ballots cast are counted centrally at the Elections Office at 7000 65th St, Ste A, Sacramento, California, 95823.

The conduct of elections is a transparent process. The public, including election observers, are welcome to come to our office, observe our processes, and tour our facility. Observing helps facilitate understanding of how the complex election process in California works. It also helps strengthen voter confidence that elections results are secure, accurate and transparent.

The following *Calendar of Observable Processes* may include some of the election related processes you are interested in observing.

Calendar of Observable Processes*

Start Date**	Election Process
Varies	Petition processing
Year round	Voter registration activities
Begins E-46	Election Officer training†
Begins E-40	Logic and accuracy testing of voting equipment
Begins E-36	Logic and accuracy testing of tabulation equipment
Begins E-29	Sorting of returned Vote by Mail ballot envelopes
Begins E-29	Signature comparison of ballot return envelopes
Begins E-15	Processing of Vote by Mail ballots
E-Day	Election Day Activities
Begins E+1	Precinct selection for the 1% Manual Tally
Begins E+2	Official canvass

*This is not to be construed as an exhaustive list of observable processes.

**Start Dates are tentative and reflect typical start times but are subject to change. Many activities are dependent on voter behavior (i.e., when a voter returns their mail ballot). Dates are noted in E-Date format. A "-" denotes number of days before Election Day, a "+" denotes number of days after Election Day (i.e., E-40 is 40 days prior to Election Day).

†Signed confidentiality agreement is required to observe training.

PART II:

GENERAL OBSERVER GUIDELINES

These guidelines contain acceptable and unacceptable election observer behavior and actions, and citation of relevant Election Codes, Regulations and Laws. Observers that wish to view processes at the VRE office in Sacramento will be required to acknowledge receiving and adhering to these guidelines while onsite.

Observers agree they will not:

- record or transmit voter data or ballot information in any form
- use force, violence, or tactic of coercion or intimidation to induce or compel any other person to vote or refrain from voting at any election, etc. It is a felony punishable by imprisonment in state prison for up to three years (EC § 18540)
- interfere with the officers holding or conducting the election and canvass, or with a voter casting a ballot; it is a felony punishable by imprisonment in state prison for up to three years (EC § 18502, PC § 1170(h))

VRE Facility

- Operations and processes will continue whether or not an observer is present.
- The number of observers may be limited so as not to interfere with processes.
- Physical contact with employees is prohibited.
- Groups of observers should identify 1 member of their group to facilitate communication with the lead election official.
- Reasonable silence is required while inside the observation area.
- Backpacks, briefcases, and large purses are not allowed.
- Cell phones, tablets, or any electronic devices must be set to vibrate or off.
- No audio recorders, radios, or cameras are permitted without prior approval from VRE administrative staff.
- Food or beverages are not allowed in the observation areas except 1 water bottle with a closed, spill proof lid.
- 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. EC §15004

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 shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots (EC § 15104(b)). Any member of the public is also welcome to observe.

What Can Be Observed?

Observers may view the processing of VBM ballot return envelopes, and the processing and counting of VBM ballots before and after the election. EC § 15104(a)

What Are Observers Responsible For?

- Signed acknowledgment of receipt and understanding of the Election Observers Guidelines Handbook
- Signing in and out at the front counter
- Wearing a visible observer's badge at all times
- Returning the observer's badge when leaving the secure area and/or at the end of the observer's visit for the day
- Maintaining a professional and respectful manner while observing
- Following all established Voter Registration and Elections (VRE) observer rules/policies
- Remaining in the area escorted to (if you are found unsupervised in an area that you were not escorted to, you will be escorted from the building)

What May Observers Do While Observing?

- View processing of ballots including sorting, signature comparison, ballot collection and ballot return operations, ballot extraction, ballot processing, ballot duplication, ballot scanning, and adjudication
- Observe audits and other canvass activities
- Observe from a designated area that does not interrupt or impede voting, election and canvassing processes
- Stand sufficiently close to the observed process to reasonably determine whether a challenge of the process is warranted (please be respectful of staff's personal space)
- Take notes (VRE reserves the right to review notes prior to observer leaving the premises to ensure voter privacy is maintained)
- Challenge whether staff are following established laws and procedures
- Request lead election official escort to another observation area
- Submit written questions or comments to the election supervisor (feedback form is available upon request)

What May Observers NOT Do While Observing?

- Interfere with or impede the election processes
- Wander through VRE without an escort
- Make or receive phone calls in the observation area
- Touch or handle ballots, election-related material, equipment, or VRE staff
- Communicate with VRE staff who are presently engaged in a process

- Converse with or solicit voters (within 100 feet of a Vote Center or official ballot drop box) regarding the casting of a vote or their qualifications to vote
- Display any election material or wear campaign badges, buttons, or apparel
- Wear the uniform of a peace officer, private guard, or security personnel
- Challenge a voter's eligibility (A challenge to a voter's eligibility may only be made by a member of the precinct board. EC §§ 14240(b), 15105, 15109)
- Challenge a VRE staff member's verification of signature on a Vote by Mail ballot return envelope
- Prevent other observers from observing material or processes
- Use phones/cameras in a way that would violate Elections Code or VRE policy

What Can Be Challenged By An Observer?

- Whether members of the precinct board handling VBM ballots are following established laws and procedures, including, but not limited to:
 - 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

How To Submit A 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. CCR § 20879; EC §§ 15105, 15106

Challenges shall be written and submitted to a staff member on a Request for Review form available upon request at the Elections Office. This must be done prior to the opening of the identification envelope (EC § 15104(d)). A challenge may also be made in substantially the same format which shall include date of challenge, name of requestor and organization information, email, phone number, equipment in use (with details) if applicable, photos if available (taking pictures, video, or use of phones/cameras for the purpose of challenging is not permitted at any time. Additionally, taking photos of voted ballots, voter file, including signature, or photos of voters at the election office or at Vote Centers is illegal). A notification will be sent to the challenger when a determination to the challenge has been made.

The elections official shall have the discretion to halt challenges from a person or group if those challenges are disrupting the processing of the vote-by-mail identification envelopes. However, that person or group shall have the right to submit written challenges for the elections official to review at a later time. The elections official shall document and resolve these challenges as provided in CCR § 20879(h).

OBSERVABLE ELECTION ACTIVITIES

Before Election Day

- Logic & Accuracy (L&A) testing of voting system and tabulation equipment
- Vote by Mail Operations: ballot sorting, signature comparison, ballot processing
- Ballot Drop Box Returns
- Vote Center Returns
- Ballot scanning and adjudication
- Phone Bank

Election Day

- Vote by Mail Operations (some operations may not be running Election-Day)
- Ballot Drop Box Returns
- Vote Center Returns
- Ballot scanning and adjudication
- Election Reporting beginning at 8:15 pm

Post-Election Day

- Processing of Conditional Voter Registration and/or provisional ballots received by VRE
- Processing of Vote by Mail ballots received on or after Election Day
- Ballot duplication, scanning and adjudication
- Canvass activities

MEMBERS OF THE MEDIA

Reporters, camera crews, and other members of the media are allowed at VRE as long as they respect voter privacy and do not interfere with or disrupt the election process. The media is not permitted to take close-up pictures or video footage of ballots.

PART III:

PRE-ELECTION DAY - GETTING STARTED

General Voting Equipment Preparation and Testing

- Every piece of voting equipment goes through a service and maintenance procedure before every election.
- The equipment is tested to ensure it powers up, the screen is visible, and that the system is configured correctly.
- Ballot stock paper is installed in the printers used, and an unscannable test ballot is printed.
- The voting system software is reinstalled before each election with the trusted build provided by the Secretary of State's office.

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 pattern developed to encompass every contest and testing ensures that the vote tabulation program and hardware correctly interpret, summarize, and report voters' choices.
- Prior to testing, written notice of the test schedule is e-mailed to the media, inviting the public to attend the testing. This information is also posted on VRE's website.
- After test voting is complete, the test results are verified by comparing them to the expected results. Once testing is completed and verified, test results are cleared and a 'zero report' is posted on VRE's website. Only election equipment that performed with no discrepancies during the testing will be used in the election.

How Are VBM Ballots Processed?

Envelope Verification

- Beginning 29-days prior to the election, we may begin processing the returned VBM envelopes.
- We verify the voter's signature on the outside of the envelope and update the voter's history file in our database to record that the voter has returned a VBM ballot in the current election.

- We verify the signature by comparing it to the one on the voter's affidavit of registration. Only the elections staff may perform this comparison. EC § 3019; see also CCR, Title 2, Div. 7, Chapter 8.3

Removing the Ballots

- Beginning 29-days before Election Day, ballots may be removed from the signature-verified envelopes and prepared to be machine-read; however, we 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 manually reviews ballots for initials, signatures, and damage that cannot be scanned.
- Damaged ballots are duplicated by a team of VRE employees.
- Ballots are placed in trays for scanning (EC § 15101)

Scanning Ballots

- Ballots are brought into the secure ballot scanning room to be processed.
- The ballots are placed into batches and scanned into the system.
- If the batch is scanned successfully, the operator saves the batch and attaches a batch report.
- 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 the batch is re-scanned. The rejected ballot is placed in the duplication bin.
- 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 sealed packaging and stored for the period prescribed by law.

Adjudication of Ballots

- Adjudication 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.
- During adjudication we review the ballot image and resolve the ballot until it can be accepted and recorded. Staff follows the [Uniform Vote Counting Standards](#) contained in the California Code of Regulations.
- When resolutions are complete, records are saved to be accumulated into the tabulation of other vote results after 8:00 p.m. on Election Day.

Tallying VBM Ballots

Only after all VBM ballots have been verified, resolved, and recorded, may they be counted and canvassed (EC § 15109)

PART IV:

POST-ELECTION DAY

Observation

All proceedings at the central counting place shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official (EC § 15204).

For the manual tally of paper ballots, the ballot being read, and the tally sheet shall be within the clear view of the observers.

Work Area Requirements

- Enter the ballot canvass work area ONLY during canvass operations and remain in the areas designated for public viewing.
- No phone calls may be sent or received, and no conversations are allowed in the ballot canvass work area.
- Election Observers may get close enough to observe the information on the workstation and the reports pertaining to the workstation. All questions about content or procedures must be submitted in writing.
- Election Observers may take notes during the process but may not record any voter's personal identifying or contact information. VRE reserves the right to read an observer's notes prior to them exiting the building.

Phases

The canvass proceeds in phases, all of which are open to the public (EC § 15302)

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

Semifinal Official Results

On Election Night, VBM ballots and Vote Center ballots cast prior to Election Day are tallied for the first results report that is released by 8:15 p.m. Ballots voted in-person at Vote Centers on Election Day are tallied and reported in subsequent Election Night updates. All result reports are submitted to the Secretary of State and published on our website.

VBM ballots received on and after Election Day are included in regularly scheduled updates up through the final certification of the election. Results are unofficial until the final canvass certification (EC §§ 353.5, 15150-15213, 15320).

Official Canvass

The Official Canvass is an audit and accounting for all ballots that were issued, voted, and those that were not used. This phase includes, but is not limited to, the following tasks:

- Reconciling the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, over-votes, or as otherwise provided by statute, with the number of votes recorded, including VBM and provisional ballots, by the vote counting system.
- Processing and counting any valid VBM and provisional ballots not included in the semifinal official canvass.
- Count any valid write-in votes.
- Duplicating any damaged ballots, if necessary
- Reporting final results to the governing board and the Secretary of State, as required

EC § 15302

Conditional Voter Registration/Provisional Ballots

Conditional Voter Registration (CVR) extends the existing 15-day registration deadline in California to eligible voters, allowing them to register and vote provisionally 14-days prior to an election through Election Day.

Voters that are not registered must be processed using a CVR.

Conditional Voter Registration Procedures are implemented for voters who are not registered until after the close of registration, fourteen days prior to Election Day (EC §14310-14312; CCR Title 2, Div. 7, Chapter 1, Article 3.5, Sec. 20020) as follows:

- Voter completes the form and affirms with signature they are eligible to vote.
- Voted ballot is sealed in the provisional ballot envelope form and returned to the election official.
- Registration information is reviewed and verified against the Statewide Database during the voting and canvass period by the following criteria:
 - Valid signature
 - Current county voter registration
 - Prior county voter registration; (4) current
 - Current registration address versus new address
 - Whether a VBM, provisional or precinct ballot was returned
 - Precinct where the ballot was cast.
- Voter will get full or partial vote credit depending on the contests voter is eligible to vote. Full ballots are processed for scanning, partial ballots are duplicated for scanning.

One Percent Manual Tally

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 (EC § 15360).

- The elections official shall randomly choose the precincts for the public manual tally as prescribed by law.
- At least five-day public notice shall be given of the time and place of the manual tally and of the time and place of the selection of the precincts.
- A report on the results of the one percent manual tally shall be included in the certification of the official canvass of the vote. The report shall identify any discrepancies and how each of these discrepancies was resolved.

PART V: APPENDICES

APPENDIX A: STATUTORY REFERENCES

California Elections Code

Canvass of the Votes - Canvass Board Members

15304. In jurisdictions using a central counting place, the elections official may appoint not less than three deputies to open the envelopes or containers with the materials returned from the precincts. If, after examination, any of the materials are incomplete, ambiguous, not properly authenticated, or otherwise defective, the precinct officers may be summoned before the elections official and examined under oath to describe polling place procedures and to correct the errors or omissions.

Canvass - Vote by Mail Ballots (VBM)

15100. The provisions of this chapter apply to the processing of VBM ballots during the 29-day period before any election, during the semifinal official canvass, and during the official canvass.

15101. (a) Any jurisdiction in which Vote by Mail ballots are cast may begin to process Vote by Mail ballot return envelopes beginning 29 days before the election. Processing Vote by Mail ballot return envelopes may include verifying the voter's signature on the Vote by Mail ballot return envelope pursuant to Section 3019 and updating voter history records.

(b) Any jurisdiction having the necessary computer capability may start to process Vote by Mail ballots on the 29th day before the election. Processing Vote by Mail ballots includes opening Vote by Mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process Vote by Mail ballots at 5 p.m. on the day before the election.

(c) Results of any Vote by Mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

15102. The official shall appoint a special counting board or boards in numbers that he or she deems adequate to count the VBM ballots. The official shall provide for the forms of tally books and the distribution of the duties of the members of the canvassing board. When the tally is done by hand, there shall be no less than four persons for each office or proposition to be counted. One shall read from the ballot, the second shall keep watch for any error or improper vote, and the other two shall keep the tally.

15103. The elections official shall pay a reasonable compensation to each member of the canvassing board of VBM ballots. This compensation shall be paid out of the treasury of the agency conducting the election as other claims against it are paid.

15104. (a) The processing of Vote by Mail ballot return envelopes, and the processing and counting of Vote by Mail ballots, shall be open to the public, both prior to and after the election.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the Vote by Mail ballots are handled, from the processing of Vote by Mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify Vote by Mail voter observers and the public at least 48 hours in advance of the dates, times, and places where Vote by Mail ballots will be processed and counted.

(d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, Vote by Mail voter observers shall be allowed sufficiently close access to enable them to observe the Vote by Mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling Vote by Mail ballots are following established procedures, including all of the following:

(1) Verifying signatures on the Vote by Mail ballot return envelopes by comparing them to voter registration information.

(2) Duplicating accurately damaged or defective ballots.

(3) Securing Vote by Mail ballots to prevent tampering with them before they are counted on election day.

(e) A Vote by Mail voter observer shall not interfere with the orderly processing of Vote by Mail ballot return envelopes or the processing and counting of Vote by Mail ballots, including the touching or handling of the ballots.

15105. Challenges to a Vote by Mail voter may be made for the same reasons as those made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is currently serving a state or federal prison term for the conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged Vote by Mail voter.

15106. Except as otherwise provided, the processing of VBM ballot return envelopes, the processing and counting of VBM ballots, and the disposition of challenges of VBM ballots shall be according to the laws now in force pertaining to the election for which they are cast. Because the voter is 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.

15109. Except as otherwise provided in this chapter, the counting and canvassing of VBM ballots shall be conducted in the same manner and under the same regulations as used for ballots cast in a precinct polling place.

15110. Reports to the Secretary of State of the findings of the canvass of VBM ballots shall be made by the elections official pursuant to Chapter 3 (commencing with Section 15150) and Chapter 4 (commencing with Section 15300).

15111. The elections official shall keep an accurate list of all voters who have received and voted a VBM ballot at each election and compare this list with the roster of voters as provided in Section 15278. That list shall include the election precinct of the voter.

15112. When elections are consolidated pursuant to Division 10 (commencing with Section 10000), and only one form of ballot is used at the consolidated election, the ballots cast by VBM voters shall be counted only in connection with elections to which VBM voter privileges have been extended by law.

Whenever the period of time within which VBM voters' ballots shall be received by the elections official in order to be counted, as provided for any election by this code or any other law of this state, is different from that period of time provided for another election, and the elections are consolidated and only one form of ballot used for both elections, all VBM voters' ballots issued for the consolidated election may be counted for both elections if received by the elections official within whichever period of time is longer.

Canvass - One Percent Manual Tally

15360. (a) 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 Vote by Mail ballots, using either of the following methods:

(1)(A) A public manual tally of the ballots canvassed in the semifinal official canvass, including Vote by Mail ballots but not including provisional ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B)(i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) The elections official may, at his or her discretion, select additional precincts for the manual tally, which may include Vote by Mail and provisional ballots.

(A) A public manual tally of the ballots canvassed in the semifinal official canvass, not including Vote by Mail or provisional ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B)(i) A public manual tally of not less than 1 percent of the Vote by Mail ballots canvassed in the semifinal official canvass. Batches of Vote by Mail ballots shall be chosen at random by the elections official.

(ii) For purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii)(I) In addition to the 1 percent manual tally of the Vote by Mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of Vote by Mail ballots, count one additional batch of Vote by Mail ballots. The manual tally shall apply only to the race not previously counted.

(II) The elections official may, at his or her discretion, select additional batches for the manual tally, which may include Vote by Mail and provisional ballots.

(b) If Vote by Mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018,

the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a), or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) 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 precincts, batches of Vote by Mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(d) The elections official shall not randomly choose the initial precincts or select an additional precinct for the manual tally until after the close of the polls on election day.

(e) 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, batches, or direct recording electronic voting machines subject to the public manual tally before conducting the selection and tally.

(f) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving a discrepancy involving a vote recorded by means of a punch card voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

Challenging a Voter at a Vote Center

14240. (a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

- (1) That the voter is not the person whose name appears on the index.
- (2) That the voter is not a resident of the precinct, or in an election conducted using a voter center, not a resident of the county.
- (3) That the voter is not a citizen of the United States.
- (4) That the voter has voted in that election.

(b) A person, other than a member of a precinct board or other official responsible for the conduct of the election, shall not challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections

official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

14241. A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge.

14242. The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and moving from that precinct within 14 days prior to an election.

14243. If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the roster, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the roster."

14244. If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, or in an election conducted using a voter center, not a resident of the county, the person challenged shall be sworn to answer questions, and after having been sworn, a member of the precinct board shall ask that person: "Are you a resident of this precinct?" or in an election conducted using a voter center, "Are you a resident of the county?"; If the answer to the question is "Yes," without significant qualification, no other questions shall be asked.

14245. If the challenge is on the ground that the person challenged has already cast a ballot for this election, a member of the precinct board shall tender to the person challenged this oath:

"You do swear (or affirm) that you have not previously voted in this election, either by Vote by Mail ballot or at a polling place."

14246. If the challenge is on the ground either that the person challenged is not the person whose name appears on the roster, or that he or she has voted that day, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth either in Section 14243 or Section 14245.

14247. Challenges of voters that they are not residents of the precinct or citizens of the United States shall be tried and determined by the precinct board at the time of the challenge. The precinct board may, at its discretion, also request any other person, present in the polling place to be sworn and answer questions, whom the board believes may have knowledge or information concerning the facts of the challenge.

14248. Before administering an oath to a person regarding his or her place of residence, a member of the precinct board shall read to the person challenged, the rules prescribed by Section 14249 and Article 2 (commencing with Section 2020) of Chapter 1 of Division 2.

14249. If any person challenged refuses to take the oaths tendered or refuses to be sworn and to answer the questions concerning the matter of residence, that person shall not be allowed to vote.

14250. The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in Article 2 (commencing with Section 2020) of Chapter 1, Division 2.

14251. Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.

14252. The precinct board shall compile a list showing all of the following:

- (a) The name and address of each person challenged.
- (b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14247, together with the name and address and any other identification of the person about whom the information or testimony is given.
- (c) The grounds of each challenge.
- (d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.
- (e) If evidence has been presented to the board requesting challenges, the evidence shall be returned to the elections official responsible for the conduct of the election.

14253. In the event that the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster.

Criminal Interference with Voters

18370. (a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100-foot limit specified in subdivision (b), do any of the following:

- (1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
- (3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (4) Do any electioneering as defined by Section 319.5.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.

- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(c) A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

- (1) Solicit a vote.
- (2) Speak to a voter about marking the voter's ballot.
- (3) Disseminate visible or audible electioneering information.

(d) Any person who violates any of the provisions of this section is guilty of a misdemeanor.

18540. (a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

18541. (a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:

- (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place.
- (4) Obstruct ingress, egress, or parking.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(c) A person shall not, with the intent of dissuading another person from voting, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

- (1) Solicit a vote.
- (2) Speak to a voter about marking the voter's ballot.
- (3) Disseminate visible or audible electioneering information.

(d) A violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in state prison. Any person who conspires to violate this section is guilty of a felony.

18543. Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

Provisional Ballots

14310. (a) At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the roster for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be of a color different than the color of, but printed substantially similar to, the envelopes used for Vote by Mail ballots, and shall be completed in the same manner as Vote by Mail envelopes.

(1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on Vote by Mail ballots pursuant to Section 3019, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration or other signature in the voter's registration record. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

(A) Provisional ballots shall not be included in any semiofficial or official canvass, except under one or more of the following conditions:

(i) The elections official establishes prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote.

(ii) The provisional ballot has been cast and included in the canvass pursuant to Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2.

(iii) Upon the order of a superior court in the county of the voter's residence.

(B) A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. A fee shall not be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for the purpose of ensuring the uniform application of this section.

(f) This section shall apply to any Vote by Mail voter described by Section 3015 who is unable to surrender his or her unvoted Vote by Mail voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted.

14311. (a) A voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may, at his or her option, vote on the day of the election at the polling place at which he or she is entitled to vote based on his or her current residence address, or at the office of the county elections official or other central location designated by that elections official. The voter shall be reregistered at the place of voting for future elections.

(b) Voters casting ballots under this section shall be required to vote by provisional ballot, as provided in Section 14310.

14312. This article shall be liberally construed in favor of the provisional voter.

15350. Provisional ballots cast pursuant to Section 14310 shall be processed and counted in accordance with the provisions outlined in Chapter 2 (commencing with Section 15100) and pursuant to the requirements of Sections 14310 and 14311.

Recounts

15620. (a) Following completion of the official canvass, any voter may, within five days thereafter but not later than 5 p.m. on the fifth day, file with the elections official responsible for conducting an election in the county wherein the recount is sought a written request for a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure, if the office, slate, or measure is not voted on statewide. The request shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(b) If an election is conducted in more than one county, the request for the recount may be filed by any voter within five days but not later than 5 p.m. on the fifth day, beginning on the 31st day after the election, with the elections official of, and the recount may be conducted within, any or all of the affected counties.

(c) For the purposes of this section, "completion of the official canvass" shall be presumed to be that time when the elections official signs the certified statement of the results of the election except that, in the case of a city election, if a city council canvasses the returns itself and does not order the elections official to conduct the canvass, "completion of the official canvass" shall be presumed to be that time when the governing body declares the persons elected or the measures approved or defeated.

15621. (a) Following completion of the official canvass any voter may, within five days beginning on the 31st day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide. Additionally, any voter may file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide within five days following completion of any post-canvass risk-limiting audit conducted pursuant to Section 15560. A request filed pursuant to this section shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(b) The Secretary of State shall forthwith send by registered mail one copy of the request to the elections official of each county in which a recount of the votes is sought.

(c) All the other provisions of this article shall apply to recounts conducted under this section.

15621.5. If more than one voter requests a recount of the same office or measure pursuant to Section 15620 or 15621, and at least one request is for a manual recount, the county elections official of a county subject to multiple requests as described in this section shall conduct only one manual recount of the ballots subject to recount, the result of which shall be controlling.

15622. The request may specify the order in which precincts shall be recounted.

15623. Any time during the conduct of a recount and for 24 hours thereafter, any other voter may request the recount of any precincts in an election for the same office, slate of presidential electors, or measure not recounted as a result of the original request.

15624. The voter or the campaign committee, as defined in Section 82013 of the Government Code, represented by the voter filing the request seeking the recount shall, before the recount is commenced and at the beginning of each day following, deposit with the elections official a sum as required by the elections official to cover the cost of the recount for that day. The money deposited shall be returned to the depositor if, upon completion of the recount, the candidate, slate of presidential electors, or the position on the measure (affirmative or negative) for which the declaration is filed is found to have received the plurality of votes cast which it had not received according to the official canvass or, in an election where there are two or more candidates, the recount results in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff election or general election who would not have so appeared in the absence of the recount. The depositor shall be entitled to the return of any money deposited in excess of the

cost of the recount if the candidate, slate, or position on the measure has not received the plurality of the votes cast or, in an election where there are two or more candidates, the recount does not result in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff or general election as a result of the recount. Money not required to be refunded shall be deposited in the appropriate public treasury.

15625. The recount shall be conducted under the supervision of the elections official by special recount boards consisting of four voters of the county appointed by the election's official. Each member of a recount board shall receive the same compensation per day as is paid in the jurisdiction within which the recount is being conducted to members of precinct boards, other than inspectors, to be paid out of the appropriate public treasury.

If the office of the election's official is the subject of the recount, the governing body shall appoint an officer, other than the elections official, to appoint and supervise the special recount boards.

15626. The recount shall be commenced not more than seven days following the receipt by the elections official of the request or order for the recount under Section 15620, 15621, or 15645 and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. The recount shall not be commenced until the first day following notification of the individuals specified in Section 15628.

15627. (a) If the votes subject to recount were cast or tabulated by a voting system, the voter requesting the recount shall, for each set of ballots cast or tabulated by a type of voting system, select whether the recount shall be conducted manually, or by means of the voting system used originally. Only one method of recount may be used for all ballots cast or tabulated by the same type of voting system.

(b) For purposes of direct recording electronic voting systems, "conducted manually" means that the voter verified paper audit trail of the electronically recorded vote is counted manually, as selected by the voter who requests the recount.

15628. Not less than one day prior to commencement of the recount, the elections official shall post a notice as to the date and place of the recount and shall notify the following persons of it in person or by any federally regulated overnight mail service:

(a) All candidates for any office the votes for which are to be recounted.

(b) Authorized representatives of presidential candidates to whom electors are pledged if the votes to be recounted were cast for presidential electors.

(c) Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body the votes for which are to be recounted.

(d) The Secretary of State in the case of a recount of the votes cast for candidates for any state office, presidential electors, the House of Representatives of the United States, the Senate of the United States, or delegates to a national convention or on any state measure.

15629. The recount shall be conducted publicly.

15630. All ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests.

No examination of any ballot shall include touching or handling the ballot without the express consent of the elections official or the election officer supervising the special recount board. No ballot may be touched or handled during the examination unless the elections official or the elections officer supervising the special recount is present to observe the examination.

Except as provided in this section no ballot shall be touched or handled by any person during the recount unless that person is the elections official, a person acting at the direction of the elections official, a member of the special recount board, or by order of the superior court.

15631. On recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

- (a) The person challenging the ballot shall state the reason for the challenge.
- (b) The official counting the ballot shall count it as he or she believes proper and then set it aside with a notation as to how it was counted.
- (c) The elections official shall, before the recount is completed, determine whether the challenge is to be allowed. The decision of the election's official is final.

15632. In lieu of the returns as reported in the official canvass, upon completion of the recount showing that a different candidate was nominated or elected, that a different presidential slate of electors received a plurality of the votes, or that a measure was defeated instead of approved or approved instead of defeated, there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of those precincts for the office, slates of presidential electors, or measure involved in the recount. If the office, slates of presidential electors, or measure are not voted on statewide, the results of any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office, on the slates of electors, or on the measure in question shall be declared null and void. If the office, slates of presidential electors, or measure are voted on statewide, the results of any recount will be declared null and void where there is not recounted each vote cast statewide for the office, slates, or measure.

15633. A copy of the results of any recount conducted pursuant to this chapter shall be posted conspicuously in the office of the elections official. See also CCR, Title 2, Div. 7, Chapter 8.1 and 8.2

Prohibitions of Electioneering

WARNING: ELECTIONEERING PROHIBITED! VIOLATIONS CAN LEAD TO FINES AND/ OR IMPRISONMENT.

WHERE:

- Within the immediate vicinity of a person in line to cast their ballot or within 100 feet of the entrance of a polling place, curbside voting or drop box the following activities are prohibited.

WHAT ACTIVITIES ARE PROHIBITED:

- Asking a person to vote for or against any candidate or ballot measure.
- Displaying a candidate's name, image, or logo.
- Blocking access to or loitering near any ballot drop boxes.
- Providing any material or audible information for or against any candidate or ballot measure near any polling place, vote center, or ballot drop box.
- Circulating any petitions, including for initiatives, referenda, recall, or candidate nominations.
- Distributing, displaying, or wearing any clothing (hats, shirts, signs, buttons, stickers) that include a candidate's name, image, logo, and/or support or oppose any candidate or ballot measure.
- Displaying information or speaking to a voter about the voter's eligibility to vote.

The electioneering prohibitions summarized above are set forth in Article 7 of Chapter 4 of Division 18 of the California Elections Code.

Corruption of the Voting Process

WARNING: CORRUPTING THE VOTING PROCESS IS PROHIBITED! VIOLATIONS SUBJECT TO FINE AND/OR IMPRISONMENT.

WHAT ACTIVITIES ARE PROHIBITED:

- Committing or attempting to commit election fraud
- Providing any sort of compensation or bribery to, in any fashion or by any means induce or attempt to induce, a person to vote or refrain from voting
- Illegally voting
- Attempting to vote or aid another to vote when not entitled to vote
- Engaging in electioneering; photographing or recording a voter entering or exiting a polling place; or obstructing ingress, egress, or parking
- Challenging a person's right to vote or prevent voters from voting; delaying the process of voting; or fraudulently advising any person that he or she is not eligible to vote or is not registered to vote
- Attempting to ascertain how a voter voted their ballot
- Possessing or arranging for someone to possess a firearm in the immediate vicinity of a polling place, with some exceptions
- Appearing or arranging for someone to appear in the uniform of a peace officer, guard, or security personnel in the immediate vicinity of a polling place, with some exceptions
- Tampering or interfering with any component of a voting system
- Forging, counterfeiting, or tampering with the returns of an election
- Altering the returns of an election
- Tampering with, destroying, or altering any polling list, official ballot, or ballot container
- Displaying any unofficial ballot collection container that may deceive a voter into believing it is an official collection box
- Tampering or interfering with copy of the results of votes cast
- Coercing or deceiving a person who cannot read or an elder into voting for or against a candidate or measure contrary to their intent
- Acting as an election officer when you are not one

EMPLOYERS cannot require or ask their employee to bring their Vote by Mail ballot to work or ask their employee to vote their ballot at work. At the time of payment of salary or wages, employers cannot enclose materials that attempt to influence the political opinions or actions of their employee.

PRECINCT BOARD MEMBERS cannot attempt to determine how a voter voted their ballot or, if that information is discovered, disclose how a voter voted their ballot.

The prohibitions on activity related to corruption of the voting process summarized above are set forth in Chapter 6 of Division 18 of the California Elections Code.

APPENDIX B: California Code of Regulations

Title 2 - Administration; Division 7 - Secretary of State; Chapter 8.2 - Election Observation: Rights and Responsibilities

Effective: February 27, 2024

20871. General Provisions.

The purpose of this Chapter is to establish uniform requirements and procedures for elections officials and any person who observes the election process in California. These regulations are intended to increase transparency in the elections process and shall apply to all elections in California conducted under the California Elections Code.

20872. Definitions.

As used in this Chapter, the following terms have the following definitions:

- (a) "Bona fide association of citizens" means an organization or association that is organized by articles of incorporation, articles of organization, statement of organization, articles of association, partnership documents, bylaws, or any similar document.
- (b) "Central counting site" means a location or locations where ballots are counted by the elections official.
- (c) "County elections official" shall mean the county registrar of voters or county clerk.
- (d) "County election observer panel member" means individuals, interested organizations, groups, and entities who have accepted an invitation from their county elections official to observe and provide feedback in an official capacity on the election process.
- (e) "Election observer" means a person who observes the conduct of elections in California.
- (f) "Elections official" shall have the meaning set forth in Elections Code section 320. As used in this Chapter, an elections official has decision making authority for election processes and activities.
- (g) "Election worker" is a person who assists with the conducting of the election. An election worker includes poll workers, employees of the elections official, volunteers, and any other person designated or assigned by the elections official to assist in all processes necessary for conducting an election.
- (h) "Observe" means to watch, view, listen, take notes, and ask questions.
- (i) "Polling place" shall have the meaning set forth in Elections Code section 338.5, which includes vote centers, and shall also include any satellite office as provided in Elections Code section 3018.
- (j) "Precinct board" shall have the meaning set forth in Elections Code section 339.
- (k) "Precinct" shall have the meaning set forth in Elections Code section 338.6.
- (l) "Sufficiently close" shall mean the distance determined by the elections official that enables an observer to observe and see the vote-by-mail identification envelopes and the signatures and dates, date stamps, or postmarks thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, which includes all of the following:

- (1) Verifying signatures on the vote by mail ballot return envelopes by comparing them to voter registration information.
- (2) Duplicating accurately damaged or defective ballots.
- (3) Securing vote by mail ballots to prevent tampering with them before they are counted on election day.
- (m) "Vote-by-mail ballot processing" shall mean the activities set forth in Elections Code section 15101 and shall also include the activities set forth in Section 20873(c).
- (n) "Voting equipment" as used in this Chapter shall include the following:
 - (1) "Ballot on demand system" as defined in Elections Code section 303.4,
 - (2) "Electronic poll book" as defined in Elections Code section 2550,
 - (3) "Vote tabulating device" as defined in Elections Code section 358,
 - (4) "Voting device" as defined in Elections Code section 360,
 - (5) "Voting machine" as defined in Elections Code section 361,
 - (6) "Voting system" as defined in Elections Code section 362, and
- (o) "Voter list" shall have the same meaning set forth in Elections Code section 359.2.

20873. Rights of Election Observers.

- (a) As provided in Elections Code sections 15004(a) and (b), each political party qualified to participate in an election in California and any bona fide association of citizens or a media organization may employ, and may have present at the central counting site or sites, 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.
- (b) An election observer shall have the right to check and review the preparation and operation of the tabulating devices, their programming and testing, and observe any or all phases of the election.
- (c) An election observer shall have the right to observe the processing of vote-by-mail identification envelopes and vote-by-mail ballots pursuant to Elections Code section 15104. Observers shall be allowed sufficiently close access to enable them to observe the vote-by-mail identification envelopes, the signatures and dates thereon, and the manner in which vote-by-mail ballots are handled. The processing of vote-by-mail identification envelopes and vote-by-mail ballots includes, but is not limited to, the following:
 - (1) Securing vote-by-mail ballots to prevent tampering with them before, during, and after the ballots are counted.
 - (2) Verifying signatures on the vote-by-mail identification envelope, which may include the use of signature verification technology, in accordance with Section 20960.
 - (3) Identifying whether there are multiple signatures on the vote-by-mail identification envelope, and whether there is more than one ballot in the vote-by-mail identification envelope and verifying signatures accordingly pursuant to Section 20991.

(4) Checking the opened vote-by-mail identification envelopes to ensure that all of the contents have been removed.

(5) Duplicating damaged or defective ballots, votes cast on a sample ballot, or ballots cast using a remote accessible vote-by-mail system in accordance with Elections Code section 15210.

(6) Checking postmarks on vote-by-mail identification envelopes or the time and date stamps on envelopes or packages delivered by a bona fide private mail delivery company received after Election Day, and checking postmarks on vote-by-mail ballots that are enclosed in an envelope or package delivered by a bona fide private mail delivery company.

(7) Checking the statewide voter registration system to confirm that the voter has not already voted, or that the conditional voter registration is proper.

(8) Adjudicating hand-marked ballots, which may be done with a paper ballot or a scanned ballot image, where the ballot tabulator cannot discern the voter's choice.

(9) Counting valid ballots.

(10) Making notes on rejected ballots in accordance with Elections Code section 15154.

(d) An election observer shall have the right to make challenges pursuant to Section 20879.

(e) An election observer shall have the right to observe any proceedings at a polling place before it opens to the public, during polling hours, and after the polls close.

(f) An election observer has the right to inspect any information available from the voter list that is or should be posted or otherwise available at the polling place or at the office of the elections official pursuant to Elections Code sections 14223 and 14294. However, the inspection shall occur at a time or in a manner which will not impede, interfere, or interrupt the normal process of voting.

(g) An election observer has the right to observe the retrieval of vote-by-mail ballots from vote-by-mail drop boxes and vote-by-mail drop off locations.

(h) An election observer has the right to observe the election processes and activities at the central counting site, or sites if applicable, beginning when the elections official starts processing vote-by-mail ballots, through Election Day, and until the elections official has certified the results of the election.

(i) An election observer has the right to observe the activities of the semifinal official canvass and the official canvass as defined in Elections Code sections 353.5 and 335.5, respectively.

(j) An election observer has the right to ask questions of the precinct board and receive answers so long as they do not interfere with the conduct of any part of the voting process. If questioning disrupts the execution of the duties of the precinct board, the precinct board may discontinue responding to questions from that observer. The elections official may designate a member of the precinct board to whom an election observer may ask questions at the polling place. If the elections official has not designated a person, or that person is not available, the observer may pose questions to any member of the precinct board. If an answer cannot be provided immediately, the election worker or elections official shall provide an answer as soon as is reasonably practicable.

(k) An election observer has the right to ask questions and receive answers during the observation of an elections process or activity so long as they do not interfere with the conduct of the elections process or activity being observed. If questioning disrupts the execution of the duties of the elections official, the elections official may discontinue responding to questions from that observer. The elections official may designate a person to whom an election observer may ask questions about the process being observed. If the elections official has not designated a person, or that person is not available, the observer may pose questions to the elections official or to any election worker. If an answer cannot be provided immediately, the election worker or elections official shall provide an answer as soon as is reasonably practicable.

(l) If the elections official utilizes signature verification technology to verify signatures on vote-by-mail identification envelopes, an observer shall be permitted to ask questions and receive answers about that process and technology. The elections official may designate a person to whom an election observer may ask questions about signature verification technology. If the elections official has not designated a person, or that person is not available, the observer may pose questions to the elections official or to any election worker. If an answer cannot be provided immediately, the election worker or elections official shall provide an answer as soon as is reasonably practicable.

(m) Subject to Elections Code section 2302, an election observer may use an electronic device, including a smartphone, tablet, or other handheld device, at a polling place.

(n) An international election observer, as defined in Elections Code section 2301(b), shall be provided uniform and nondiscriminatory access to all stages of the election process that are open to the public, including the public review period for the certification of a ballot marking system, the processing and counting of vote by mail ballots, the canvassing of ballots, and the recounting of ballots. An international election observer shall not interfere with a voter in the preparation or casting of the voter's ballot, with a precinct board member or an elections official in the performance of his or her duties, or with the orderly conduct of an election.

20874. Rights of Elections Officials.

(a) The elections official, at their discretion, while maintaining the right to observe the elections process and ensuring that observers have the ability to see and view the election process or activity being observed, may determine the distance at which the observer(s) shall observe any election process or activity. In making such determination, the elections official may take into consideration, among other things, the following:

- (1) the size and area of the polling place;
- (2) the size and configuration of the building and the elections office;
- (3) the presence and path of travel of staff;
- (4) the size and configuration of the location where ballots are being processed and counted;
- (5) the elections official's staffing levels and the number of observers who are requesting access to observe a particular process;
- (6) the maintaining of security and limiting observer access to voting equipment to ensure that it cannot be touched or tampered with;

(7) the maintaining of privacy and security of the ballot and the voter's confidential information, which does not include the voter's signature or address for the purpose of observing the processing of vote-by-mail identification envelopes;

(8) the elections process that is being observed (for example, observers shall have sufficiently close access to view the processing of vote-by-mail ballots);

(9) the lighting in the location where the elections activity or process is occurring;

(10) the angle at which the observer can view the elections activity or process;

(11) the right of a voter to vote safely, securely, and free from intimidation or corruption;

(12) the safety and security of elections officials, workers, and the public, which may include any health and safety measures or requirements in place at the time observation is occurring;

(13) the use of video displays to magnify voting materials and closed-circuit video displays of election processes or activities;

(14) technological limitations of the elections official's office;

(15) the maintaining of security and limiting observer access to other county or city departments; and,

(16) maintaining accessibility for election observers with disabilities.

(b) At the discretion of the elections official, an election observer may be required to wear election official-issued identification that contains the first name of the observer and the term "observer" to ensure that observers are readily identifiable.

(c) The elections official may designate a person to whom an election observer can ask questions and present a challenge(s) during the observation process. The designation may either be in writing or verbal, as determined by the elections official.

(d) The elections official may designate a person to whom an election observer may present a challenge during the processing of vote-by-mail identification envelopes and vote-by-mail ballots. The designation may either be in writing or verbal, as determined by the elections official.

(e) The elections official may require an election observer to remain silent inside the observation area if the talk from or the conduct of an observer is disrupting the elections activity or process being observed, unless the observer is posing a question to the person designated by the elections official to respond to questions or any other inquiries.

(f) If an election observer is not following the observation rules provided for and developed pursuant to this Chapter, the elections official or their designee shall give a verbal or written warning to that observer that they shall comply with the observation rules. The warning shall include an explanation of what observation rules are not being complied with. However, if an election observer continues to not comply with the observation rules, the elections official or their designee may require an election observer to leave the observation area, the premises, or both. In addition, if the situation warrants, the elections official or their designee may require an election observer to leave the observation area, the premises, or both immediately.

(g) Subject to the provisions of Elections Code section 15004, the elections official may limit the number of election observers permitted in an observation area in order to prevent interference with the conduct of voting and elections processes.

(h) Subject to the provisions of Elections Code section 15004, in the event there are more observers than can be accommodated at a particular site, the elections official may limit the number of observers. If necessary to provide an equal opportunity for those present to observe the elections process or activity, the elections official shall provide for a rotation of observers or provide a random lottery-type drawing.

(i) In accordance with Section 20876(b), to ensure the safety and security of election workers and to prevent interference with the conduct of the elections process, the elections official may restrict the size and type of items the election observer can bring into the location where observation is taking place.

(j) The elections official may develop and provide additional written rules and procedures, but those additional written rules and procedures shall be consistent with the intent of this Chapter and the provisions of the California Elections Code.

20875. Duties of Election Observers.

(a) Upon entering at any polling location, central counting site, or any other location where election processes or activities are occurring, an election observer shall check in at the site designated by the elections official.

(b) The elections official has the discretion to require an observer to wear identification provided by the elections official. An election observer may also wear their own identification at any time, but that identification shall not include any electioneering information or information that could intimidate a voter.

(c) At all times while observing, an election observer shall not disrupt or interfere with the election process or activity being observed and shall follow the procedures and requirements provided in this Chapter and any additional written rules and procedures established by the elections official in accordance with Section 20874(j).

20876. Duties of Election Officials.

(a) The elections official shall make available written observation rules and procedures for the election process being observed to the election observers or post the written observation rules and any written procedures for the election process being observed conspicuously at any location where observation is taking place. If the elections official has their own website, the elections official shall make the written observation rules and procedures for the elections processes being observed available on that elections website.

(b) The elections official shall, consistent with the intent of this Chapter and the provisions of the Elections Code, establish written security rules for observation. These security rules may include, but shall not be limited to, the use of sign-in sheets and identification to be worn by observers and prohibiting or limiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices, if the use of such item(s) is interfering with or will interfere with the conduct of the elections process, the privacy of voters, or if the use of those items compromises the security of

the location where observation is taking place. However, any limitation on the use of an electronic device shall be subject to the provisions of Elections Code section 2302.

(c) The elections official shall maintain the integrity of the election process and shall, while considering the content of this Chapter, have the discretion to determine what constitutes election observer misconduct or interference. Examples of election observer misconduct or interference may include, but are not limited to, unauthorized touching of voting equipment or elections officials, obstructing ballot transportation and handling, threatening elections officials, election workers, and voters, and attempting to view confidential voter registration information.

(d) The elections official shall provide notice(s) to the public which shall contain the specific date(s), time(s) and place(s) of the election process or activity that may be observed by the public. If there is a change of schedule for an elections process or activity that has been noticed to the public, the elections official shall provide updated information to the public regarding the schedule changes as soon as the changes are made. The notices shall be conspicuously posted on the elections official's website if the elections official has their own website, and at the location where the elections activity or process is taking place. The elections official may also provide notice to voters via email. The following notice(s) are required, as applicable:

- (1) one percent manual tally (Elections Code section 15360),
- (2) logic and accuracy testing (Elections Code section 15000),
- (3) early ballot retrieval (Elections Code section 14422; Section 20142), and
- (4) vote-by-mail processing and counting (Elections Code section 15104, subdivision (c)).

(e) If the elections official requires an election observer to wear identification while observing a particular elections process or activity, a designated area for the election observers to check in and receive identification shall be provided.

(f) An elections official need not delay or interrupt scheduled operations and processes solely because an election observer is, will be, or is not yet present, and shall not halt scheduled operations because an election observer is or is not present.

(g) Except as provided in Elections Code section 2194(c)(2), when vote-by-mail ballot identification envelopes and vote-by-mail ballots are being processed, the elections official shall use reasonable measures to ensure that the voter registration information that is deemed confidential under Elections Code section 2194 is not visible to election observers.

(h) In the event an elections official provides a live video feed for a remote observation for the observation of an elections activity or process in response to a threat or emergency that impairs in-person observation of election activities and processes, the elections official shall provide a mechanism for an election observer to ask questions about the activity or process being conducted or make a challenge to that activity or process.

(i) Unless necessary to ensure the safety and security of election workers and observers, when determining the locations of where observers may observe from pursuant to Section 20874(a), the elections official shall not intentionally configure those locations in a manner that would impede or obstruct the ability of observers to observe the elections process or activity.

(j) As observers have the right to ask questions about elections processes and receive answers pursuant to Elections Code section 2300, the elections officials shall provide answers to questions posed as soon as is reasonably practicable.

(k) The elections official shall abide by any local, state, or federal health and safety directives in place during the time of the conducting of the election.

20878. Conduct of Election Observers.

(a) In order to minimize distraction or disruption an elections observer shall not:

(1) Interfere with the:

(A) retrieval of vote-by-mail ballots from vote-by-mail drop boxes and vote-by-mail dropoff locations, processing of vote-by-mail ballot identification envelopes, or the processing and counting of vote-by-mail ballots.

(B) conduct of the election in general or disrupt any other elections activity or process.

(2) Touch or handle any ballots.

(3) Physically handle any voting equipment or voting materials.

(4) Move or rearrange tables, chairs, or voting booths at the polling place or central counting site without the express permission of the elections official.

(5) Sit at the elections official worktables or view confidential voter information on any computer terminal or document, except as provided in Elections Code section 2194(c)(2).

(6) Engage in any electioneering activities.

(7) Display any political party or campaign material or wear political party or campaign badges, buttons, or apparel.

(8) Solicit a vote, speak to a voter on the subject of marking the voter's ballot while electioneering, or communicate with voters regarding their qualification to vote within 100 feet of the locations identified in Elections Code section 319.5. However, an election observer may conduct exit polling of voters, provided it is conducted at least 25 feet away from the locations identified in Elections Code section 319.5. This provision shall not apply to a voter who has asked for assistance casting their ballot.

(9) Wear the uniform of a peace officer, a private guard, or security personnel.

(10) Stop or attempt to stop poll workers or the central counting site workers while they are processing voted ballots. However, the election observer shall retain the right to make a challenge, and the elections official shall determine whether the processing of the ballots shall be stopped.

(11) Use the elections officials' phones, computers, or any other polling place equipment at polling places or the central counting site.

(12) Eat or drink in a polling place or the central counting site without the express permission of the elections official.

(13) Assist in operations at any polling place or the central counting site without the express permission of the elections official.

(14) Intentionally prevent other elections observers from observing election materials or an elections process or activity.

(15) Enter secure areas without the express permission of the elections official.

(16) Enter any area other than an identified observation area without the express permission of the elections official.

(b) An election observer shall refrain from touching an elections official.

20879. Voter Challenges.

(a) During the processing of vote-by-mail identification envelopes and vote-by-mail ballots, an elections observer shall have the right to make challenges as provided in Elections Code sections 15104(b) and (d).

(1) Election observers and the groups identified in Elections Code section 15104(b) shall be permitted to observe and challenge the manner in which the vote-by-mail ballots are handled, from the processing of vote-by-mail ballot identification envelopes through the counting and disposition of the ballots.

(2) Election observers may challenge whether those individuals handling vote-by-mail ballots are following established procedures, including all of the following:

(A) Verifying signatures on the vote-by-mail ballot identification envelopes by comparing them to the signature(s) in the voter's registration record in accordance with Elections Code section 3019 and Section 20960.

(B) Accurately duplicating damaged or defective ballots in accordance with Elections Code section 15210.

(C) Securing vote-by-mail ballots to prevent tampering with them before they are counted on Election Day.

(3) As provided in Elections Code section 15105, challenges to a vote-by-mail voter may be made for the same reasons as those made against a voter at a polling place. Additionally, a challenge may be entered on the grounds that the vote-by-mail ballot was not timely received, or that the voter is imprisoned for a conviction of a felony. These challenges shall be made prior to the opening of the identification envelope of the challenged vote-by-mail voter.

(b) As provided in Elections Code section 15106, because the voter is 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. An example of such proof would be if a challenger alleges that a vote-by-mail ballot was cast by a voter who was deceased before vote-by-mail ballots were issued by the elections official, and the challenger provided a copy of that voter's death certificate to the elections official showing that the voter was deceased prior to the time vote-by-mail ballots were issued. Any doubt in the interpretation of the Elections Code applicable to the challenge shall be resolved in favor of the challenged voter.

(c) The elections official shall have the discretion to halt challenges from a person or group if multiple challenges are being made by the same person or group, and those challenges are disrupting the processing of the vote-by-mail identification envelopes. However, that person or group shall have the right to submit written challenges for the elections official to review at a later time. The elections official shall document and resolve these challenges as provided in Section 20879(h).

(d) As provided in Elections Code section 14240, only a member of the precinct board has the authority to challenge a voter's right to vote. An election observer is not authorized to directly challenge a voter.

(e) An election observer requesting a challenge under Elections Code section 14240(c) has the burden of providing evidence to the elections official that establishes, at a minimum, probable cause for the requested challenge. Any doubt in the interpretation of the provisions of the California Elections Code shall be resolved in favor of the challenged voter.

(f) The elections official has the discretion as to whether a challenge made during the processing of vote-by-mail identification envelopes and vote-by-mail ballots can be made verbally or in writing.

(g) In the event the elections official determines that challenges appear frivolous or meritless, the elections official shall have the right to halt the challenge process for those making the frivolous or meritless challenges in order to prevent interference with the conduct of the elections activity or process being undertaken. The elections official shall document these challenges as provided in Section 20879(h).

(h) The elections official shall develop written procedures for maintaining, reviewing, and determining the outcome of challenges made by elections observers. These procedures shall be made available to election observers where an elections activity or process is occurring and shall include:

- (1) retaining the name and organization (if applicable) of the challenger,
- (2) a description of the proposed issue,
- (3) the date and time issue was reported,
- (4) the type of election equipment used at the location/station where the problem was noted (identification number, make, model, and serial number),
- (5) pictures of sufficient quantity depicting the right details and positions necessary to document the problem(s) associated with the challenge, and
- (6) the ultimate resolution and disposition of the challenge.

(i) Upon the resolution of a challenge the elections official shall provide the election observer with an oral or written disposition of the challenge as soon as is reasonably practicable. The elections official must ensure that no confidential voter registration information is disclosed when providing the disposition of the challenge.

APPENDIX C: FEDERAL LAWS

Help America Vote Act of 2002 (HAVA)

Key Provisions:

1. New voting system standards and funding to acquire new voting systems that enable every voter to vote independently and privately, to review and correct and verify their ballots before casting them.
2. Allow voters to cast a provisional ballot at the polling place even when there is some doubt about eligibility.
3. Requires verification of identity when registering to vote for the first time.
4. Facilitates voting by military and overseas voters.
5. Facilitates the filing of complaints by voters; and
6. Creates Elections Assistance Committee to oversee and study election processes. Voting Accessibility for the Elderly and Handicapped Act of 1984 [42 USC 1973ee] generally requires polling places to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make available registration and voting aids for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs) which are also known as teletypewriters (TTYs).

National Voter Registration Act of 1993 (NVRA)

Motor Voter Law

The purpose of the Act is to make it easier for all Americans to register to vote and to maintain their registration. It provides for voter registration services while applying for a driver's license, while applying for general assistance or for state-funded public services for people with disabilities, or by using mail-in forms in a state-approved format. The Act also requires elections officials to take specified steps to maintain an up-to-date voter registration database and to notify voters of their registration status.

Americans with Disabilities Act of 1990 (ADA)

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. Title II of the Act provides protections in the state and local government activities.

Voting Rights Act of 1965 (VRA)

Language Minority Groups (LMGs). See Section 4(f)(4) and Section 203; interpretations and guidelines are provided in the Code of Federal Regulations (7/1/99 version, Title 28, Chapter I, Part 55, Sections 55.1- 55.24). The minority language provisions were added to the Act in 1975. The language provisions require Sacramento County to provide election materials and activities in English, Chinese, Vietnamese, and Spanish, in any type of election. Covered activities are defined as "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots." The basic purpose is to allow members of the LMGs to be effectively informed of and participate effectively in voting-connected activities.

APPENDIX D: VOTER BILL OF RIGHTS

1. You have the right to vote if you are a valid registered voter. You are eligible to vote if you are: a U.S. citizen living in California, at least 18 years of age, registered where you currently live, not currently serving a state or federal prison term for the conviction of a felony, and not currently found mentally incompetent to vote by a court.
2. You have the right to vote if you are a registered voter even if your name is not on the list. You will vote using a provisional ballot. Your vote will be counted if elections officials determine that you are eligible to vote.
3. You have the right to vote if you are still in line when the polls close.
4. You have the right to cast a secret ballot without anyone bothering you or telling you how to vote.
5. The right to get a new ballot if you have made a mistake if you have not already cast your ballot. You can: Ask an elections official at a polling place for a new ballot, exchange your Vote by Mail ballot for a new one at an elections office, or at your polling place, or vote using a provisional ballot.
6. You have the right to get help casting your ballot from anyone you choose, except from your employer or union representative.
7. You have the right to drop off your completed Vote by Mail ballot at any polling place in California.
8. You have the right to get election materials in a language other than English if enough people in your voting precinct speak that language.
9. You have the right to ask questions to elections officials about election procedures and watch the election process. If the person you ask cannot answer your questions, they must send you to the right person for an answer. If you are disruptive, they can stop answering you.
10. You have the right to report any illegal or fraudulent election activity to an elections official or the Secretary of State's office.

If you believe you have been denied any of these rights, or you are aware of any election fraud or misconduct, call the Secretary of State's confidential toll-free Voter Hotline at (800) 345-VOTE (8683).

Information on your voter registration affidavit will be used by elections officials to send you official information on the voting process, such as the location of your polling place and the issues and candidates that will appear on the ballot. Commercial use of voter registration information is prohibited by law and is a misdemeanor. Voter information may be provided to a candidate for office, a ballot measure committee, or other person for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State. Driver license and social security numbers, or your signature as shown on your voter registration card, cannot be released for these purposes. If you have any questions about the use of voter information or wish to report suspected misuse of such information, please call the Secretary of State's Voter Hotline at 1-800- 345-VOTE (8683).

Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State's Safe at Home program toll-free at 1-877-322-5227 or visit [Safe at Home](#).

Special Notice

- Polls are open from 7:00 a.m. to 8:00 p.m. on the day indicated in the posted county Voter Information Guide.
- Specific instructions on how to vote, including how to cast a provisional ballot, can be obtained from a poll worker or by reading the information mailed to you by your local elections official.
- If you are a newly registered voter, you may be asked to provide appropriate identification or other documentation according to federal law. But please note that every individual has the right to cast a provisional ballot even if he or she does not provide the documentation.
- It is against the law to represent yourself as being eligible to vote unless you meet all of the requirements to vote under federal and state law.
- It is against the law to tamper with voting equipment.

APPENDIX E: ACKNOWLEDGMENT

Voter Registration & Elections

Hang Nguyen
Director

**County of Sacramento****Divisions**

Administrative Services
Campaign Services
Precinct Operations
Registration & Outreach
Vote by Mail
Voting Systems & Technology

ELECTION OBSERVER ACKNOWLEDGMENT

I, _____,
(print name here)

hereby acknowledge that I have received and reviewed a copy of the *Election Observer Guidelines Handbook*; and I agree to abide by the requirements stated therein; for the _____ Election.

Check One Box:

☐ Organization

Name of Organization

☐ Voter/Individual

Signature

Date