



## **Election Observer Guidelines**

### Primary Election – March 5, 2024

#### **I. Purpose**

California requires each county to develop an Election Observer Panel plan to provide local rules to all election observers, whether partisan or nonpartisan:

The purpose of an Election Observer Panel is to:

- Provide the public with the opportunity to observe and make suggestions on ways to improve the election process.
- Help ensure the integrity of the election process.
- Remove some of the mystery associated with the election process in an effort to build voter confidence and encourage more voter and public participation.

#### **II. County and System Information**

San Joaquin County Registrar of Voters (ROV) office uses the Verity Voting System manufactured by Hart InterCivic (Hart). No aspect of the voting system is connected to the internet or any other county network. By law, voting systems must be on a closed, secure network. The ROV uses DFM's Election Information Management System (EIMS) for voter registration, Vote-by-Mail (VBM), provisional ballots and other election administration functions.

#### **III. Rules for Election Observers**

The public can observe the preparation and operation of county tabulating devices, including the programming and testing of the equipment.

Election observers have the right to:

- Observe the signature verification process and the processing of VBM ballots and envelopes.
- Challenge whether those individuals handling VBM ballots are following established procedures.
- Present a challenge, prior to the opening of the VBM envelope.
- May enter a challenge on the grounds that either the VBM ballot was not received within the allowable timeframe or that the voter is imprisoned for a conviction of a felony.
- Observe any proceedings at a polling place before it opens to the public, during polling hours, and after the polls close.



- Inspect information from the voter list that is posted or otherwise available at the polling place or at the office of the elections official.
- Observe the activities of elections officials at the central counting site on Election Day.
- Observe the activities of the elections officials during the official canvass
- Ask questions of poll workers or supervisors as long as they do not interfere with the voting process. The elections official may discontinue responding to questions if questioning disrupts the voting process.
- An election observer at a polling location may only ask questions of a person designated by the county elections official. The observer may pose questions to any member of the precinct board if the county elections official has not designated a person, or that person is not available.
- An election observer shall not be prohibited from using an electronic device (including a smartphone, tablet, or other handheld device) at a polling place or central counting site unless it conflicts with elections activities.
- An international election observer has the same rights and responsibilities as any other person who observes election activities.

#### **IV. Rights of County Elections Officials**

County elections officials have the right to:

- Determine the distance at which the observer(s) shall observe any election process or activity.
- Require an election observer to wear identification to ensure that observers are readily identifiable.
- Designate a person to whom an election observer can ask questions and/or present challenge(s), if applicable. The designation may either be in writing or verbal.
- Direct an election observer to remain silent inside the observation area.
- Give a verbal or written warning to an observer if they are not following the observation rules.
- Instruct an election observer to leave if they do not comply with the observation rules.
- Restrict the number of election observers permitted in an observation area in order to prevent interference with the conduct of the voting and elections process.
- Restrict the items (such as large bags, backpacks or similar items) election observers can bring into the polling place or central counting site if that item interferes with the elections process.
- Develop and provide additional written rules and procedures.
- Ensure that observers check in at any polling location, central counting site, or any other location where election processes are occurring.



## **V. Rules for Observers**

Provided rules that observers must be aware of and follow:

Observers are responsible for:

- Checking in at each site, whether polling place or central counting site.
- Wearing an identification badge.
- Maintaining a professional manner while observing the election process.
- Ensuring they do not interfere with the election process.
- Following established county observation rules/policies.
- Being courteous to poll workers and election officials. Speak to them only when it is convenient and does not interfere with the conduct of the election.

Observers may:

- Observe the proceedings at the polls, including the opening and closing procedures.
- Obtain information from the precinct index that is posted near the entrance.
- Make notes and watch election procedures.
- View election-related activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View vote-by-mail and provisional ballot processing.
- Ask questions of poll workers or voters at the polls as long as they do not interfere with the conduct of any part of the voting process.
- Ask questions of supervisors at the central counting site as long as they do not interfere with the conduct of the election procedures.

Observers may not:

- Interfere, in the judgment of the elections official, with the conduct of the election.
- Physically handle any voting materials or equipment.
- Move or rearrange tables, chairs, or voting booths at the polling place or central counting facility
- Sit at the official worktables or view confidential voter information on any computer terminal or document.
- Communicate with voters within 100 feet of the entrance to, or inside of, a polling place, a vote center, an elections official's office, or a satellite location, regarding the casting of a vote, or speak to a voter regarding his or her qualifications to vote.
- Display any election material or wear campaign badges, buttons or apparel.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Use the telephones, computers or other polling place facilities at polling places or the central counting site.



- Talk to or attempt to stop the central counting site workers while they are processing ballots.
- Make physical contact with election personnel.
- Eat or drink in the polls or the central counting site.
- Assist in operations at any polling place or the central counting site.
- Prevent other observers from observing materials or a process.
- Enter secure areas without the express permission of the elections official.

Observers at Tabulation Locations:

- Well-designed video programs may provide a sufficient alternative, or way to supplement in-person observation by a small number of observers.
- If a video is not feasible, make allowances for the space and personal disinfection needs of the observers as you build out these work areas.
- Given that vote-by-mail ballots will make up a greater percentage of the results than in past years, anticipate and plan for a greater number of requests to observe the mail process, whether by video or in-person.

Observers at Polling Locations:

- Provide poll workers detailed guidance ahead of time on how they should manage observations at their site.
- Assess how many observers can be safely accommodated at each site.
- Prepare and provide simple messages for poll workers to use if more observers seek entry than permitted or refuse to comply with health guidelines.