



Election Observer Guidelines

General Election - November 8, 2022

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, to ensure:

- Orderly public observation of the election process
- Transparency of all aspects of the election process
- Encouragement of public participation
- Voter confidence in the election process

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. Rights of 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. Conduct of Election Observers

An elections observer shall not:

- Be disruptive to the election process or interfere with the conduct of the election. Election observers must follow the procedures and requirements provided in this document and any additional written or verbal rules and/or procedures established by the elections official.
- Physically handle any voting equipment or materials without the express permission of the elections official.
- Move or rearrange tables, chairs, or voting booths at the polling place or central counting facility without the express permission of the elections official.
- Sit at the elections official's worktables or view confidential voter information on any computer terminal or document.
- Engage in any electioneering activities. This includes soliciting a vote or speaking to a voter regarding marking the voter's ballot. Communication with voters regarding their qualification to vote within 100 feet of polling locations is prohibited. Please note, however, that an 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.
- Display any political party or campaign material. This includes wearing badges, buttons or apparel displaying any political or campaign affiliation.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Use the elections officials' phones, computers, or any other polling place equipment at polling places or the central counting site without the express permission of the elections official.
- Eat or drink in a polling place or the central counting site without permission of the elections official.
- Assist in operations at any polling place or the central counting site without express permission of the elections official.
- Intentionally prevent other elections observers from observing materials or a process.
- Enter secure areas without express permission of the elections official.
- Enter any area other than an identified observation area without the express permission of the elections official.