

# Monterey County Elections



## Observer Guidelines

1370 B South Main Street  
Salinas, CA 93901  
Phone: (831) 796-1499  
Fax: (831) 755-5485  
Email: [elections@co.monterey.ca.us](mailto:elections@co.monterey.ca.us)

This guide is intended to provide general information about the process for observing elections. It is distributed with the understanding that Monterey County Elections is not rendering legal advice. This overview does not have the force and effect of law, regulation or rule, may not be used as legal advice and is not a substitute for legal counsel for the individual or organization using it. In case of conflict with any law, regulation or rule, the law, regulation or rule will apply.

Information and procedures contained in this guide are subject to change.

## Table of Contents

Monterey County Elections Observer Guidelines .....	1
Overview.....	4
Monterey County Elections .....	4
Scheduled Election Dates .....	4
Observation.....	4
General Rules of Conduct .....	5
Check in procedures: .....	5
Observers may:.....	5
Observers may not:.....	5
Observable Activities .....	6
Pre-Election Activities.....	6
Election Day Activities .....	7
Post-Election Activities .....	7
Pre-Election Activities .....	8
Candidate and Campaign Filing.....	8
Logic & Accuracy Testing .....	8
Poll Worker Training.....	9
Precinct Ballots and Supplies.....	10
Vote by Mail Ballot Processing.....	10
Election Day Activities.....	11
Observation of Polling Place Activities .....	11
Processing Returns and Reporting Results .....	15
Election Night Results Reporting .....	16
Post-Election Activities.....	17
The Official Canvass of the Vote .....	17
Manual Tally .....	17
Reconciliation.....	17
Verification of Provisional Ballots .....	17
The Ballot Duplication Process .....	18
Counting Write-In Votes .....	19

## **Overview**

### **Monterey County Elections**

The Monterey County Elections Department conducts all federal, state, and local elections in Monterey County.

Responsibilities include, but are not limited to:

- ✓ Maintenance of the voter rolls
- ✓ Voter registration
- ✓ Outreach and education
- ✓ Data and voting technology
- ✓ Petition services
- ✓ Candidate and campaigns filing
- ✓ Preparation and distribution of voter materials including official ballots
- ✓ Recruiting and training election officers
- ✓ Oversight of polling place operations
- ✓ Canvassing the vote

### **Scheduled Election Dates**

Statewide elections are held each June and November of even-numbered years. In addition, Monterey County schools and special districts hold board member elections in November of odd-numbered years. Finally, the City of Carmel-by-the-Sea holds elections on the second Tuesday of April in each even-numbered year.

The California Elections Code also provides a number of dates for when a “special” or unscheduled election might occur. These are typically to fill vacancies, place local measures on the ballot, or to recall an elected official from office.

### **Observation**

Observation is one of the many necessary elements in maintaining the integrity and transparency of the elections process, as such observers are welcomed. In order to help maintain the integrity of the process, observers must comply with rules of conduct at all times.

Observers may view public procedures at various locations during set schedules. Scheduled locations, dates, and times for observable activities are available to the public posted at the elections office and on the department’s website. Individuals are welcome to call the elections department for more information regarding a particular election. In general, locations include:

1. Monterey County Elections, 1370-B South Main Street, Salinas, CA, 93901
2. Election officer training locations
3. Polling places
4. Supply pick-up and receiving centers

Observation procedures, including the number of observers in any area, are subject to modification, at the discretion of the elections official, for reasons including, but not limited to:

1. Voter needs

2. The size and configuration of the area
3. Staffing levels
4. The number of observers requesting access to a particular process/area

## **General Rules of Conduct**

Observers must conduct themselves professionally. Observers are asked to be courteous to elections personnel and to observe quietly in a manner that is not disruptive to operations.

Elections will designate an escort who will remain with observers at each observation area.

Failure to comply with rules of conduct will result in dismissal from the office or polling place. Behavior deemed to be disruptive, injurious, and discourteous or construed as existing to intimidate personnel or voters or to interfere with procedures are of the judgment and determination of the elections official.

### **Check in procedures:**

1. Each observer shall sign-in.
2. At the elections office, observers are required to wear a guest badge.
  - a. The guest badge must be visible at all times
3. Observers will wait in the front lobby or other designated area until observable activities occur and the designated escort is available.
4. Observers will be furnished with guidelines.
5. Upon exit of the building, regardless of reason or duration of time, the observer shall sign out and return the guest badge.

### **Observers may:**

1. View pre-election proceedings, early voting and Election Day voting proceedings, vote by mail ballots processing, election night procedures, the canvass and post-election day procedures.
2. Take notes.
3. Access designated observation area(s).
4. View, without physical contact, the integrity of all visible security seals.
5. Ask questions of the designated escort. At the discretion of the elections official, questions may be answered or redirected to the appropriate person. The elections official may require that questions be submitted in writing.

### **Observers may not:**

1. Interfere with procedures or with the conduct of any election.
2. Bring on their person any bags, suitcases, backpacks, etc.
3. Touch, handle, or physically contact any voting materials or equipment (including seals).
4. Sit at official worktables.

5. Leave dedicated observation area(s) without the designated escort.
6. Intimidate or impede, or attempt to intimidate or impede, in the judgment of the elections official, personnel or voters in any way.
7. Make physical contact with staff.
8. Be so close to personnel that observation interferes with or impedes processes or compromises confidential voter information.
9. Talk to voters relating to the casting of a vote or about their qualifications to vote; display any election material; wear candidate badges or apparel, or electioneer within 100 feet of the department's voting area or polling place.
10. Have electronic devices including but not limited to cellular phones, smart phones, tablets, laptops, etc. These items must be off and put away.
11. Use cameras, including cellular telephone cameras, or video or audio recording devices of any kind; or, while inside the elections department, including lobby, or early voting area, photograph, videotape or otherwise record a voter entering or exiting a voting area.
12. Remove or view any materials in a way so that others are unable to use them.
13. Use department telephones, electrical or internet outlets, or computers.
14. Be in observation areas when staff is not present.
15. Bring or consume food or drink within the department.
16. Wear the uniform of a peace officer, private guard, or security personnel.
17. Use vulgar language, yell, or verbally intimidate staff, as determined by the elections official.
18. Observers may not congregate within the department or any observation area to wait for procedures to commence.

Non-compliance with Rules:

Any observer who fails to follow observation rules will be asked to leave the premises. If necessary, the Registrar of Voters may contact law enforcement.

## **Observable Activities**

### **Pre-Election Activities**

- ✓ Candidate and campaign filing

- ✓ Logic & accuracy testing (Pre-LAT)
- ✓ Poll worker training
- ✓ Precinct ballots and supplies assembly and distribution
- ✓ Vote by mail processing

### **Election Day Activities**

- ✓ Polling place activities
- ✓ Supply returns and sorting
- ✓ Ballot tabulation and results reporting

### **Post-Election Activities**

- ✓ Random selection of precincts
- ✓ Administration of the manual tally
- ✓ Reconciliation
- ✓ Processing provisional and vote by mail ballots
- ✓ Ballot duplication
- ✓ Processing write-in ballots
- ✓ Ballot tabulation and final results reporting

## **Pre-Election Activities**

### **Candidate and Campaign Filing**

California Law establishes which candidate nomination documents are reviewable by the public, which may be copied, and which is confidential. Applicable candidate nomination documents are available for review during regular business hours. Documents related to city offices and measures will be available at the office of the appropriate city clerk (these documents are not available at the Monterey County Elections Office).

In 2015 the Secretary of State's Office further clarified the regulations governing the availability of nomination documents. The Ballot Designation Worksheets may be viewed by the public and copies may be made available upon request. Declarations of Candidacy containing confidential voter information may be viewed by the public, however neither notes nor photographs are allowed. The Code of Fair Campaign Practices may be viewed, but copies are not available. Nomination Petitions and Petitions in Lieu of Filing Fee are not open to review due to the confidentiality of the appended signatures.

Certain information, such as candidate statements of qualifications, will not be available for public review until the close of candidate filing.

### **Public Review Period**

Under California Election Law, any voter(s) of the jurisdiction has a right to review and challenge all official ballot materials, including candidate ballot designations and statements of qualification, state propositions and local ballot measures, arguments concerning measures, tax rate statements and impartial analyses. Commencing on the deadline for submitting the specified materials is a 10-day public review period.

During this 10-day period, any voter of the jurisdiction in which the election is held may seek a writ of mandate or an injunction in court to require any or all of the materials to be amended or deleted. The writ or injunction must be filed no later than the end of the 10-day period for which the public review applies.

A peremptory writ of mandate or an injunction shall be issued by judge of the superior court only if there is clear and convincing proof that the material in question is false, misleading, or inconsistent with law and that issuing the order will not substantially interfere with the timely printing and distribution of election materials to eligible voters.

In sum, during the 10 day public review period, the aforementioned documents will be available for public review and challenge. After this 10-day public review period, the documents will still be available for review, but will not be open to challenge.

### **Logic & Accuracy Testing**

The "Pre-Election Logic & Accuracy Testing" or Pre-LAT is a series of tests designed to demonstrate that ballot tabulation devices accurately records each vote. To that end, the elections department tests all central count vote tabulating devices and polling place voting machines prior to use of the equipment in an election.

Machine and testing description:

The Optech 400-C (400-C) scanner is a central count ballot optical scan and tabulator. To test 400-C scanners, ballots marked with vote patterns reflecting at least one vote for each possible selection within an office or question, are run through the tabulator and the results are verified against the vote patterns.

The AVC Edge II touchscreen voting machines (touchscreens) are designed to assist people with specific needs to vote independently and privately at the precinct or early voting counter. There is a

federal requirement to have at least one voting machine per precinct for this purpose.

Tests conducted on the touchscreens involves proofing and verification within the “Pre-Election Logic & Accuracy Testing”. The process includes selecting each vote target area at least one time in order to verify that each target functions properly and is tabulated by the machine correctly.

In the event a variance in test patterns emerges, further diagnostic testing will be run until the cause of the variance is identified and mediated.

Successful testing will demonstrate that:

- ✓ Each candidate ballot measure receives the proper predetermined number of votes.
- ✓ The system reports the proper number of overvotes and undervotes.
- ✓ The system accepts only the proper ballot types and rejects improper ones.

Important Dates:

- ✓ Scheduled dates will be announced at least 5 days in advance.
- ✓ Pre-Lat must be completed no later than 7 days before an election.

Observation:

A public observation area for Pre-LAT of the 400-Cs is established outside of the tabulation room.

Pre-LAT of the touchscreens takes place in a warehouse with limited space. A public observation area will be established with stanchions.

Refer to [General Rules of Conduct](#) for check-in procedures and observations guidelines.

### **Poll Worker Training**

Poll workers are appointed by the elections department to serve voters on Election Day. Their duties and responsibilities include:

- ✓ Setting up a polling place for accessibility, privacy, and work flow
- ✓ Assisting in processing voters
- ✓ Closing a polling place including reconciliation of votes cast and signatures

Due to the complexity of the services provided and the fact that all procedures are legally mandated, all poll workers attend a 2.5 hour general training session and supervising poll workers attend an additional 2.5 hour supervisor’s training prior to each election. Training classes cover opening and closing procedures, processing voters, customer service, and reconciliation of materials.

While all observers are welcome to attend poll worker training, those who plan on observing a polling place are especially encouraged to attend.

Observation:

If you plan on attending, contact the elections department in advance so that we can ensure that there is sufficient space and materials at the training location.

Refer to [General Rules of Conduct](#) for check-in procedures and observations guidelines.

## **Precinct Ballots and Supplies**

Weeks before the election, polling place supplies are prepared for distribution to inspectors (supervising poll worker) and to polling places. Preparation includes quality and quantity checks, packaging, labeling and staging for distribution. In preparing materials, the elections department incorporates a robust chain of custody and security program as an essential element in maintaining the integrity of the voting process.

Dates:

Materials checking and assembly is an ongoing activity prior to each election. Check with the elections department for activities.

Supplies distributed directly to the supervising poll worker (Inspector) are picked up the Saturday and Monday before the Election Day.

What you'll see during the supplies distribution:

- ✓ Inspector checks in at the designated receiving center, provides photo identification and assigned precinct information.
- ✓ Elections personnel verifies the Inspector name and corresponding precinct assignment.
- ✓ Elections personnel retrieves supplies, verifying Inspector's name and corresponding precinct number on the supply containers.
- ✓ Inspector and elections verify the contents of the containers and quantity.
- ✓ Elections personnel and Inspector each sign the official ballot receipt and the supply delivery form.
- ✓ Elections department keeps the original of the official ballot receipt and the remaining copy is placed inside the box of unused ballots and sealed with tamper evident tape until used on Election Day.

Supplies distributed directly to the polling places are delivered the day before the Election Day and are locked in a secure room.

Observation:

In an effort to maintain the integrity of the elections process and to comply with the [General Rules of Conduct](#) for the safety of all parties involved, observers may not:

- ✓ Handle official elections materials
- ✓ Stand so close to supplies and materials as to impede processes or compromise security
- ✓ Board any trucks or vehicles involved in the distribution of supplies

## **Vote by Mail Ballot Processing**

California Elections Code Chapter 2 of Division 15, and Sections 3019 and 14310, establish the procedures for processing returned voted vote by mail.

Elections Code dictates the time period prior to each election in which elections can begin processing vote by mail envelopes and the process for challenging vote by mail ballots.

Summary of vote by mail processing procedures:

- ✓ Sort incoming vote by mail ballots by precinct
- ✓ Open security flap
- ✓ Sort out ballot envelopes that have no signature, were surrendered, or where voters have indicated spoiled/damaged

- ✓ Scan envelopes to be used during signature verification process.
- ✓ Envelopes that are damaged or not able to be scanned will be manually entered into a database
- ✓ Verify signatures and addresses by comparing to the voter's registration file

Some of the reasons why mail ballots may be challenged by an Elections Official:

- ✓ Signature does not compare or match to the voter registration on file
- ✓ No voter signature (including missing signature or signed by "Power of Attorney")
- ✓ Arrived after the deadline
- ✓ Faxed ballot by voter who has not been designated as a Military or Overseas Voter
- ✓ Multiple ballots in one envelope with only one signature
- ✓ No ballot is enclosed

Observation:

The observer's function is to observe that the department is following ballot verification and handling procedures. Observers may not be permitted close enough to be able to ascertain the identity of a voter or ballot choices, assist in operations, or touch or handle any ballots or other election-related materials.

In addition to complying with the General Rules of Conduct, observers shall not:

- ✓ Interfere with the processing of vote by mail ballot return envelopes or processing and counting of vote by mail ballots.
- ✓ Touch or handle ballots or envelopes.
- ✓ Challenge ballots based on signature comparisons.

Observers are permitted to:

- ✓ Remain in the designated observation area
- ✓ Challenge whether individuals handling vote by mail ballots are following established procedures (e.g., the process for comparing signatures and addresses on ballot envelopes against the voter's registration information, that damaged or defective ballots are being duplicated accurately. (*E.C. §15104(d)*))

Extraction and preparation of ballots for counting:

Elections personnel work in teams of two to prepare verified vote by mail ballots for tabulation. The activity, known as extraction, provides an avenue in which envelope and ballot counts are established for each precinct while maintaining the secret ballot.

The extraction process includes:

- ✓ Teams check that all envelopes are from the correct precinct.
- ✓ Envelopes are turned over, so that voter information is not visible.
- ✓ Ballots are removed from each envelope.
- ✓ Ballots are counted.
- ✓ Numbers are recorded at different steps and then reconciled for accuracy.
- ✓ Ballots are secured until ready to be counted.

## **Election Day Activities**

### **Observation of Polling Place Activities**

While observation is allowed by law, there are rules and guidelines that must be followed. Observers will be courteous and remain quiet so as not to disrupt poll workers and voters.

Observable Activities:

1. Opening procedures, including:
  - a. Posting of required signage, voting booths, and other supplies.
  - b. Verification of security seals and set-up of the touch-screen voting machine.
  - c. Set-up of the voter processing table.
  - d. Opening of supplies and positioning of official ballots in preparation for voters.
2. Voter processing (including issuing ballots or, if applicable, card activation; must be at least 4 feet away from the activity).
3. Roster cross-referencing (each hour as time permits and up to 6 p.m.).
4. Provisional ballot procedures.
5. Closing procedures, including:
  - a. Removal of required signage, take down of voting booths, and other supplies.
  - b. Touch-screen voting machine closing procedures.
  - c. Ballot reconciliation and completion of necessary forms.
  - d. Sealing of all required materials for transport to assigned Receiving Station.

Observers are required to:

1. Remain outside of the polling place until election officers have arrived and are ready to escort observers.
2. Sign in at each precinct within a polling place (information requested includes: name, time, contact information, and the organization of which they represent).
3. Check in with the election officers (provide name, organization, and plans for observing).
4. Maintain a professional demeanor.
5. Speak quietly while in the polling place.
6. Remain in an observation area as designated by an election officer.
7. Sign-out upon leaving the precinct and polling place, even if the observer plans to return.

Observers may:

1. Take notes.
2. Obtain information from the yellow reference roster that is posted near the entrance and/or look at the copy at the worktable (unless election officers are using it and voters are in line).
3. Upon verbal request, be permitted to view, without physical contact and in the presence of an election officer, the integrity of all *externally visible* security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election or the privacy of any voter.
4. Ask election officers questions regarding election procedures; election officers may answer or refer the question to the Registrar of Voters.

Observers may not:

1. Interfere in any way, in the judgment of an elections officer, with the procedures or the conduct of any election.
2. Talk to elections officers or voters in such a manner as to interfere with or delay the voting process.
3. Question in such a manner that disrupts the execution of their duties or interferes in their ability to provide service to voters; if questioning persists to the extent that it poses an impediment to the process, the election officer may stop responding and direct the observers to the Registrar of Voters for all further answers.
4. Challenge a voter.
5. Touch any voting materials or equipment or sit at the official worktables.
6. Use the area between the official worktables, voting booths and vote tabulating equipment as observation point.

7. Intimidate or impede, or attempt to intimidate or impede, in the judgment of an elections officer, staff or voters in any way.
8. Insist that the election officers stop processing voters, for any reason.
9. Interfere with the timely closing of the polls or transportation of the ballots to the central office or receiving centers.
10. Be within 100 feet of the room in which voting is taking place, electioneer or speak to a voter relating to their qualifications to vote.
11. Use cellular telephones, pagers or two-way radios inside the polling place, or within 100 feet of the polling place (these devices must be off and be put away).
12. Use cameras, including cellular telephone cameras, or video recording devices of any kind while inside the polling place or photograph, videotape, or otherwise record a voter entering or exiting a polling place.
13. Remove or view any materials, including the posted reference roster, in a way so that others are unable to use them.
14. Use telephone or other polling place facilities.
15. Talk in a loud voice or behave in a disruptive manner.
16. Congregate in excessive numbers inside the polling place.
17. Eat or drink within the polling place.
18. Wear the uniform of a peace officer, private guard, or security personnel.
19. Bring in personal bags, backpacks, and/or briefcases; observers who bring such items into the polling place will be asked to return the items to their car.
20. Enter restricted areas (election officer or voter designated areas, or near or in any accessible voting machine without election officer escort).
21. Observe any voter while casting their ballot.
22. Ride in the poll worker's vehicle.

Non-compliance with rules:

Failure to comply with the rules will result in dismissal from the polling place. Poll workers may contact law enforcement as needed.

Exit Pollsters:

1. Media and public opinion pollsters have different rules than do poll watchers. Clearly identified members of an established news/media organization and exit pollsters may be no closer than 25 feet of a polling place, and may speak to voters who are leaving the polling place as long as they do not interrupt voting. (*California SOS Guidelines, 2006*)

Pertinent Law:

Excerpts below are from the California Elections Code and opinions of the Attorney General, where noted.

- ✓ Poll watchers may not sit at the official table. (*E.C. §14223(a)*)
- ✓ The area between the official table and the voting booths is accessible to voters only and may not be designated as an observer post. Only poll workers and voters engaged in voting may be within the voting booth area during the time the polls are open. (*E.C. §14221*)
- ✓ Indexes marked to indicate persons who have voted are posted for reference by the public. Signature rosters may be inspected at any time provided there is no interference with poll operations or delay or inconvenience to the voters. (*E.C. §§14202 & 14223(b)*)
- ✓ At the opening of the polls the ballot box must be opened, exhibited to be empty, closed and then shall remain in the polling place until the ballots are counted. (*E.C. §14215*)
- ✓ If a polling place is inaccessible to a voter with a disability, the voter may vote a ballot outside the premises in an accessible area as near as possible to the polling place. (*E.C. §14282(c)*)

- ✓ Voters may request and receive assistance in voting if they declare under oath that they are unable to mark their ballots without such assistance. (*E.C. §14282(a)*)
- ✓ A voting booth may not be occupied by more than one person at a time unless a person is assisting the voter as provided by law. Nothing prevents a voter from being accompanied by a child under the age of 18 years while within the voting booth area if the child is under the voter's care. (*E.C. §§14281, 14222 and 14224*)

#### Interference with Election Officers or Voters:

- ✓ Any person, who in any manner interferes with the election officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment in the state prison for 18 months or two or three years. (*E.C. §18502*)
- ✓ Damaging or tampering with voting equipment or official election materials in a polling place is a felony, punishable by imprisonment for 2, 3, or 4 years. (*E.C. §18564*)
- ✓ Interfering with the preparation and holding an election, or with voters lawfully exercising their rights of voting at an election, is punishable by imprisonment for up to 3 years in state prison (*E.C. §18502*).

#### Coercion:

- ✓ The use of force, violence or tactic of coercion or intimidation to compel a person to refrain from voting at any election is a felony punishable by imprisonment in state prison. (*E.C. §18540*)
- ✓ Poll workers are instructed to report the presence of any persons or signs which may be intimidating to voters or cause interference with the voting process to the Registrar of Voters. (*E.C. §14240*)

#### Corruption of Voting:

- ✓ It is a misdemeanor for any member of the public observing the elections to willfully attempt to ascertain the identity of a voter and the voter's ballot choices while observing the processing of vote by mail ballots, the semiofficial and official canvass, or any recount. Attempts include, but are not limited to, attempting to ascertain the identity of a voter by viewing confidential voter information on any computer terminal or official document and subsequently attempting to ascertain the ballot choices of that voter; opening a provisional or vote by mail ballot envelope in order to ascertain the voter's ballot choices; or making or placing a mark or device on a ballot or secrecy envelope in an attempt to ascertain the voter's ballot choices. (*E.C. §18562.5*)

#### Electioneering:

- ✓ Electioneering activity is not permitted within 100 feet of the polling place; that is, within 100 feet from the room or rooms in which voters sign the roster and cast their ballots. Electioneering is any expression that is verbal or visual on a sign, button, flyer, etc., that clearly identifies a candidate or measure that is meant to influence the public one way or the other as it expresses an opinion, good or bad, about the candidate or measure at the election. Electioneering is also considered any of the following:
  - Circulate an initiative, referendum, recall, or nomination petition or any other petition.
  - Solicit a vote or speak to a voter on the subject of marking his ballot.
  - Place a sign relating to voters' qualifications or speak to a voter on the subject of his qualifications except as provided in Section 14240 (voter challenge by precinct board).
  - Place campaign signs or take or wear campaign materials within 100 feet of a polling place. Only poll workers can post signs within 100 feet of a polling place. For

purposes of this section [of law], 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting a ballot. (E.C. §§18370 and 18541)

#### Photographing/Videotaping:

- ✓ No person shall photograph, videotape, or otherwise record a voter entering or exiting a polling place. Established media organizations (television or print media) may come into a polling place to record video/photo of a voter as long as the voter consents and there is no disruption to other voters or the voting process. All exit polling must take place 25-feet from the entrance to the polling place. (E.C. §18541 and A.G. Opinion)

#### Processing Returns and Reporting Results

Results reporting for the polling place precincts and mail ballot precincts will commence upon the close of polls.

#### Satellite Receiving Centers:

Receiving centers provide a secondary supply drop-off location for election officers assigned to certain polling places outside of the Salinas area. The total number of drop-off sites in Monterey County fluctuates between 10 and 18, based on the needs of the election. The satellite locations make it easier for election officers to complete their evening and assist in expediting the return and tabulation of election results. Remote precincts, such as those in Lockwood, Big Sur, and Pine Canyon, will be picked up directly from the polling place.

#### General description of activities include:

- ✓ Receiving personnel set up in designated area prior to 8:00 p.m.
- ✓ Poll workers and receiving personnel verify contents
- ✓ Poll workers and receiving personnel verify seals are intact
- ✓ Poll workers are released
- ✓ Receiving personnel return to elections (upon receipt of all precincts)

#### Observation:

In an effort to maintain the integrity of the elections process and to comply with the [General Rules of Conduct](#) for the safety of all parties involved, observers will be allowed close enough to observe the activity without coming into contact with personnel and without interfering with or impeding the process. Should the activity involve confidential voter information, an observable distance will be established to protect the confidentiality of the voter. Observers may not handle official elections materials or board any trucks or vehicles involved in the distribution of supplies.

#### Warehouse Receiving Area

Surrounding precincts and all satellite receiving teams return to the elections department warehouse. In general, processing activities include:

#### Outside loading dock:

- ✓ Receiving personnel unload vehicles and verify contents
- ✓ Receiving personnel verify and scan seals
- ✓ Returning personnel released upon verification

#### Inner warehouse:

- ✓ Ballots are sent to tabulation
- ✓ Other materials are sent to the sorting area

#### Sorting area:

- ✓ Teams sort and, if applicable, count:
  - Roster of Voters
  - Voted vote by mail ballots
  - Voted provisional ballots
  - Voter Registration forms

#### Ballot tabulation:

- ✓ Ballots are run through the 400-C for tabulation
- ✓ Tabulated ballots are sealed by precinct and escorted to a secure area
- ✓ Ballots containing write-in votes and ballots that require further review are separated and secured for review and processing
- ✓ Results cartridges from the touch-screen voting machines are processed and then stored in a secured area

#### Observation:

When observing activities on election night, security of the vote and safety of personnel and observers are paramount. In addition to abiding by general guidelines:

- ✓ The processing of precinct returns may be viewed in the warehouse and the Early Voting area of the Elections Department.
- ✓ Ballot processing may be viewed through the observation window of the central count room. Under **no** circumstances are observers allowed access inside the restricted central count room.
- ✓ A hard copy of Election Night reports will be available at the front counter. Results may also be viewed on the department's website.

## Election Night Results Reporting

#### Semifinal Results:

Semifinal Election Night results reports will be issued and distributed after the polls have closed. Typically, the first report is issued shortly after 8:00 p.m. Subsequent reporting will vary based on the returns from the precincts. Historically, the second report has been issued at approximately 10:00 p.m. and roughly every hour thereafter.

Semifinal Election Night results reports will be available at the elections office public counter area and on the department's website.

The elections department will issue Semifinal reports in the following order:

1. Vote by mail ballots (received and processed prior to Election Day).
2. First cumulative vote by mail and precinct results report (including mail ballot only precincts).
3. Cumulative/updated results report.

The elections department will issue cumulative updated results reports periodically until all reporting is final.

#### Final Results:

Final election results will be available within the time allotted for certification (usually 30 days).

## Post-Election Activities

### The Official Canvass of the Vote

California State Law requires an official canvass, which is an internal audit of the election to ensure the accuracy and validity of the results. California Election Law allows up to thirty days following an election to conduct the canvass and certify the election results.

In all cases, observers shall comply with the [General Rules of Conduct](#).

The tasks of the official canvass of the vote include, but are not limited to, the following:

- ✓ Manual Tally
- ✓ Reconciliation
- ✓ Processing and counting provisional ballots
- ✓ Processing and counting remaining vote by mail
- ✓ Counting any valid write-in votes.
- ✓ Reproduction of damaged ballots, if necessary
- ✓ Reporting final results to the appropriate governing bodies and the Secretary of State, as required

### Manual Tally

The manual tally is required in all elections where a voting system is used to tabulate ballots and report results. The purpose of the 1 percent manual tally, is to verify the accuracy of the automated count. The tally includes vote by mail and precinct ballots cast in 1 percent of the precincts.

In a typical election, a random selection of 1 percent of the voting precincts will result in at least two precincts being chosen and additional precincts for each race not included in the initial selection.

The random selection of precincts is done in accordance to Elections Code Section § 15360(c).

The elections department releases a public calendar with important dates and activities including the random selection of precincts and the manual tally. Please contact the elections department for the exact date.

### Reconciliation

Reconciliation takes polling place reports and compares that data to reports generated during election night returns to ensure that each ballot and signature is accounted for.

The process seeks to reconcile:

- ✓ Qualified ballots to qualified signatures
- ✓ Totals for provisional ballots, spoiled ballots, and unused ballots
- ✓ Total ballots issued to total ballots returned
- ✓ Vote by mail ballots dropped off at the polling places

### Verification of Provisional Ballots

Provisional ballots are issued at polling places to voters whose eligibility cannot be determined at the polling place. The information provided on each provisional envelope is researched by elections personnel.

Summary of provisional processing procedures:

- ✓ Personnel tally the total number of provisional envelopes per precinct.
- ✓ The voter's information is researched in the elections data management system.
- ✓ A determination of the voter's eligibility is reached.
- ✓ Provisional ballots are either qualified or escalated for further review.
- ✓ Those escalated for further review are researched by additional supervising personnel until a final determination of qualified or challenged is reached.
- ✓ Upon completion of verification, ballots are extracted following procedures established in the vote by mail section of this guide.

Observation:

In an effort to maintain the integrity of the elections process and to comply with the [General Rules of Conduct](#) for the safety of all parties involved, observers will be allowed close enough to observe the activity without coming into contact with personnel and without interfering with or impeding the process. Should the activity involve confidential voter information, an observable distance will be established to protect the confidentiality of the voter. Observers may not handle official elections materials.

Reasons a provisional ballot may not be counted:

- ✓ No voter signature or current residential address
- ✓ Signature does not compare or match the voter registration on file
- ✓ The voter already voted
- ✓ Voter is listed as having to provide proper identification under HAVA and did not do so
- ✓ Voter is not registered

### **The Ballot Duplication Process**

The California Constitution guarantees that each vote cast in accordance with state election laws shall be counted (*California Constitution, Article II, Section 2.5*).

Any torn, bent or otherwise defective ballot shall be corrected by making a true duplicate copy of the ballot pursuant to California Elections Code Section § 15210. The Monterey County Election Department utilizes the Secretary of State's "Uniform Vote Count Procedures", to duplicate ballots when the voter's intent is clearly shown. According to the procedures, in determining the validity of a partially filled-in voting position target, the consistency of a voter's marks on the entire ballot shall be taken into consideration. A mark is considered valid when it is clear that it represents the voter's choice and is the technique consistently used by the voter to indicate his or her selections.

The two-person teams assigned to remake damaged or otherwise unreadable ballots are responsible for duplicating, logging, and controlling the flow of the ballots.

Common reasons for ballot duplication:

- ✓ A portion of the ballot is torn off or the ballot card is ripped.
- ✓ The ballot card is bent, folded, creased, or wrinkled.
- ✓ The ballot card is damp, dirty or sticky.
- ✓ The ballot card has ink smudges, eraser marks, white-out, tape, staples or holes.
- ✓ The ballot has stray marks that could interfere with the ability of the equipment to count votes cast on the ballot.

- ✓ Marked in a way that the vote “bleeds through” to the other side.
- ✓ Provisional voter appeared in the wrong precinct (only those offices in which the voter is eligible to vote will be duplicated).
- ✓ Provisional voter requested a party ballot different than their registered party (applicable to the Presidential Primary; only those offices in which the voter is eligible to vote will be duplicated).
- ✓ Voter used their sample ballot to vote.
- ✓ Voter is a “Military or Overseas Voter” (defined as military, their dependents, and voters residing overseas) and faxed their voted ballot to the elections department.
- ✓ Voter writes down selections on a piece of paper, by writing a letter or note, and returns it in an envelope with a valid signature. Voter’s choices must be clearly written, including providing the correct offices and candidate names.
- ✓ A ballot that is marked or signed by the voter in such a way that it can be identified from other ballots.

Observation:

In an effort to maintain the integrity of the elections process and to comply with the [General Rules of Conduct](#) for the safety of all parties involved, observers will be allowed close enough to observe the activity without coming into contact with personnel and without interfering with or impeding the process. Should the activity involve confidential voter information, an observable distance will be established to protect the confidentiality of the voter. Observers may not handle official elections materials.

**Counting Write-In Votes**

Only votes for qualified candidates and qualified write-in candidates who have filed all required forms shall be counted. In general, the tally of write-in votes shall follow the procedures for the manual tally process found in Division 15 of the California Elections Code. Election Officials must follow the California Elections Code (Division 15) and the Code of Regulations (Title 2, Division 7, Chapter 1, Article 7) pertaining to the tally of write-in votes.

General procedures:

- ✓ Look to each contest for write-in selections.
- ✓ Sort qualified write-in candidates from unqualified write-in selections.
- ✓ Tally qualified write-in candidates.

Observation:

In an effort to maintain the integrity of the elections process and to comply with the [General Rules of Conduct](#) for the safety of all parties involved, observers will be allowed close enough to observe the activity without coming into contact with personnel and without interfering with or impeding the process. Should the activity involve confidential voter information, an observable distance will be established to protect the confidentiality of the voter. Observers may not handle official elections materials.