

Monterey County Elections Observer Guidelines

November 5, 2024 Presidential General Election



Observers and Exit Pollsters are encouraged to contact Monterey County Elections before each election for the latest changes to the California Election Code and/or the unique details of a particular election.

**Monterey County Elections
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Salinas, CA 93901**

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Email: elections@countyofmonterey.gov

<https://www.countyofmonterey.gov/elections>

Introduction

Elections is a transparent process and observation is welcome. In Monterey County, observers are provided an opportunity for public observation and input. This process assists in enhancing the integrity of the election process and increases voter confidence as well as encourages citizen participation.

Interested persons may observe all critical procedures of the election process, such as Logic and Accuracy testing of all vote tabulating machines planned for use during the election, vote by mail ballot processing, election officer training classes, election day activities, election night ballot tabulation and reporting, and canvass procedures (such as the manual tally).

Calendar of Observable Activities

Prior to any election, Monterey County Elections (MCE) will release a schedule of observable activities. This information will be emailed to interested parties, disseminated via press releases to various media outlets and posted on the MCE webpage and social media sites.

Overview

As an election observer, you have a number of rights and responsibilities. Please take the time to review this *Monterey County Elections Observer Guidelines* informational packet to learn more about what you may and may not do as an observer. Additionally, in an effort to facilitate meaningful and specific feedback, each observer is encouraged to provide feedback directly to the Registrar of Voters at elections@countyofmonterey.gov. Observers may receive surveys from the Department following specific activities.

Observers may view election processes and procedures at various locations during set schedules, in accordance with public health and safety guidelines, including at:

1. Monterey County Elections-Observation Area 1441 Schilling Place – North Building, Salinas, CA, 93901
2. Election officer training locations
3. Polling places and early vote locations
4. Supply pick-up and receiving centers
5. Official ballot return boxes

Operations will continue as scheduled, whether or not an observer is present. As we have seen over the past four years, public health and safety guidelines can and do change. Poll workers may have to inform observers and voters of guidelines as these guidelines are implemented.

Activities at the Department's location can be viewed from the observation area. Observation procedures, including the number of observers in the observation area, are subject to modification, at the discretion of the elections official, for reasons including, but not limited to:

1. Voter needs
2. Public Health and Safety Guidelines
3. The size and configuration of the area

4. Staffing levels
5. The number of observers requesting access to a particular process

General Rules of Conduct

While at the Elections Department:

Observers are asked to conduct themselves professionally and comply with all public health and safety guidelines including the use of face coverings and social distancing when required. Please review signs at polling places for the most current guidelines. Observers are asked to be courteous to elections personnel and to observe quietly in a manner that is not disruptive to operations and voters.

The observation area will be open to the public during regular business hours. Any interested member of the public may access the observation area, without checking in at the front counter. Large groups may not be able to be accommodated due to space limitations, instead, observers may be asked to observe in shifts so that everyone who wishes to observe may have the opportunity to do so. The area includes informational panels with QR codes to access more information about observable activities. Further questions may be directed to elections@countyofmonterey.gov.

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

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. Challenge whether staff or poll workers are following established procedures for handling ballots and voting procedures.
4. Access the designated observation area.
5. Ask questions via elections@countyofmonterey.gov. 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. Persistent and disruptive questioning is not permitted.

Observers may not:

1. Interfere with procedures or with the conduct of any election.
2. Photograph, videotape or otherwise record a voter entering or exiting a voting area
3. Photograph, videotape or otherwise record or attempt to or have the perception of photographing or recording confidential voter information on any computer terminal or election material. (voters may take ballot selfies if they so choose and observers cannot prevent this).
4. Knock or attempt to address or otherwise distract staff through observation windows.
5. Bring bags, backpacks, suitcases, etc. into any observation area.

6. Enter any area without a face covering.
7. Touch, handle, or physically contact any voting materials or equipment (including seals and ballots).
8. Sit at official worktables.
9. Speak directly with or otherwise disrupt anyone working with election materials.
10. Stand, carry on discussions, or pause for lengths of time in official work areas.
11. Intimidate or impede, or attempt to intimidate or impede, in the judgment of the elections official, personnel or voters in any way.
12. Make physical contact with staff.
13. Directly challenge a voter.
14. Challenge staff's determination on signature verification.
15. Be closer than 6 feet from any staff member.
16. Talk to voters relating to the casting of a vote or about their qualifications to vote within 25 feet of a voting location; display any election material; wear candidate badges or apparel, or electioneer within 100 feet of any voting location or ballot return location.
17. Remove or view any materials in a way so that others are unable to use them.
18. Use department telephones, electrical or internet outlets, or computers.
19. Be in secured areas.
20. Take phone calls in a polling place or election office. Phones must be on silent and calls may be taken outside of any facility housing election activities.
21. Bring or consume food or drink within the department and the observation area.
22. Wear the uniform of a peace officer, private guard, or security personnel or carry weapons of any type.
23. Use vulgar or threatening language, yell, or verbally intimidate staff, as determined by the elections official.

Non-compliance with Rules:

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

Observable Activities at the Elections Department:

Pre-Election Activities (call for scheduling)

- Logic & Accuracy (L&A) testing of the following voting machines:
 - ImageCast Central (ICC) ballot tabulator, with the Canon DR-G2140 scanner (central count vote by mail and precinct ballot scanner with Adjudication)
 - Image Cast X (ICX/Ballot Marking Device) Station to assist individuals to vote independently and privately at the Elections Department and at each polling place.
- Assembly and distribution of precinct supplies
- Signature/eligibility verification of vote by mail ballots
 - Photography and/or recording of voter signatures and/or other confidential voter information is strictly prohibited and will result in immediate dismissal from the observation area. Violators will be reported to the proper authorities.
- Vote by mail ballot handling

Election Night Activities (commencing after 8:00 p.m.)

- Precinct returns
- Ballot tabulation and results reporting

Post-Election Activities (call for scheduling)

- Random selection of precincts and conduct of the manual tally
- Processing provisional and vote by mail ballots
- Ballot adjudication
- Ballot tabulation and final results reporting

Observing Vote by Mail (Absentee) Ballot Processing:

The observer's function is to observe that the department is following ballot verification and processing 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.

1. No observer shall interfere with the orderly processing of vote by mail ballot return envelopes or processing and counting of vote by mail ballots, including touching or handling of the ballots or envelopes. (Elections Code §15104(e))

Ballot Handling Challenges:

1. Any observer who is a voter, a member of the County Grand Jury, or a member of the political party Central Committees who have a candidate on the ballot, or any other interested organizations, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the procedures for processing of vote by mail ballot return envelopes through the counting and disposition of the ballots (see item 2 above and Elections Code §15104b)
2. Observers may not challenge signatures on vote by mail ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.

While at the Polling Place:

While observation is allowed by law, there are rules and guidelines that must be followed. These rules include complying with public health and safety guidelines on social distancing, face coverings, and gatherings. Observers will be courteous and 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 "generic" supplies
 - b. Verification of security seals and set-up of the ballot marking device (ICX)
 - 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 6 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. Mid-day returns
6. Closing procedures, including:
 - a. Removal of required signage, take down of voting booths, and other “generic” supplies
 - b. Ballot marking device closing procedures
 - c. 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 reference roster (yellow) 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. Cross reference the posted reference roster with a cell phone or other electronic device
4. Upon 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
5. 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. Enter any location without a face covering, while ill, or at a time when social distancing cannot be accommodated in the judgement of the poll worker or election official.
5. Challenge a voter

6. Touch any voting materials or equipment or sit at the official worktables
7. Use the area between the official worktables, voting booths and vote tabulating equipment as observation point
8. Intimidate or impede, or attempt to intimidate or impede, in the judgment of an elections officer, staff or voters in any way
9. Insist that the election officers stop processing voters, for any reason
10. Interfere with the timely closing of the polls or transportation of the ballots to the central office or receiving centers
11. Within 100 feet of the room in which voting is taking place, electioneer or speak to a voter relating to their qualifications to vote
12. Use pagers, cellular telephones, computers, netbooks, tablets, two-way radios, or other electronic devices inside the polling place, or within 100 feet of the entrance to the polling place (these devices must be off and be put away) (Cellphones and personal handheld devices may be used to cross reference the posted roster)
13. 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
14. Remove or view any materials, including the posted reference roster, in a way so that others are unable to use them
15. Use telephone or other polling place facilities
16. Talk in a loud voice or behave in a disruptive manner
17. Congregate in any number that may violate health and safety guidelines at the discretion of the poll worker or election official. Observers may be asked to observe in shifts or limit the amount of time within a location so that all voters can be accommodated without delay and so that others wishing to observe have the opportunity to do so.
18. Eat or drink within the polling place
19. Wear the uniform of a peace officer, private guard, or security personnel
20. 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
21. Enter restricted areas (election officer or voter designated areas, or near or in any ballot marking device voting booth without election officer escort)
22. Observe any voter while casting their ballot
23. Ride in the poll worker's vehicle enter any election courier vehicles

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 observers. Clearly identified members of a 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*)

Challenges

When challenging a procedure, and because the voter(s) are not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at

the time the challenge is made. (Elec. §§15105, 15106). Challenges may be submitted in writing via email to elections@countyofmotnerey.gov or using the Challenge Form. Challenges will be logged and the Department will reply with disposition. If challenges unduly impeded or interfere with the work process, challenges shall be discontinued.

Election Areas Overview

PRE-ELECTION DAY – GETTING STARTED

Ballot Production

The public is welcome to view this process. There are no code sections or requirements governing the transparency of this process; however, ballot creation does not begin until the close of filing for candidates, measures, statewide propositions, constitutional amendments and initiatives that have qualified for the ballot. At that time, we may format, translate, and print the ballot materials which may include:

- (1) The Official Ballot; and
- (2) County Voter Information Guide

How is a Ballot Created?

Ballot Type

Creation of the ballot begins with associating a particular combination of contests with each precinct. This combination is called a “ballot type.” In partisan primary elections, additional ballot types are required for each partisan ballot.

Candidate Order

- The order of candidates on the ballot is determined by a formula based on a randomly ordered alphabet as well as by a “rotation” formula based on the office involved.
- 82 days before the election, the Secretary of State (SOS) conducts a public, random drawing of letters of the alphabet.
- Names of statewide, congressional, countywide, and superior court judicial candidates rotate by assembly district. State senate, assembly, municipal, board of supervisors, and county board of education candidates follow the SOS random alphabet, but do not rotate.

Data Generation

- Ballot type data for every precinct is generated in the election manager and imported into the voting system.
- The data is used to generate unique ballot styles and audio files for each voting area in Monterey County.
- The generated styles data is written onto a secure drive.
- Monterey County Elections personnel builds the information in the voting system tabulation equipment, accessible voting systems and report system.

General Voting Equipment Preparation and Testing

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

Equipment Testing

- Every piece of voting equipment goes through service and maintenance before every election.
- The equipment is tested to ensure it powers up, the screen is visible, and that the data is backed up correctly. This also verifies that all the cables are communicating properly.
- Paper is installed in the printers used, and a test page is printed.
- Voting system software is reloaded before each election, and verified with the Secretary of State's office that is the trusted build. After Election Day, the voting system software is verified again to ensure it was not modified during the election.

Logic & Accuracy Testing (L&A)

- L&A testing is conducted on the voting system and the voting equipment that will be used in the election.
- L&A is designed to ensure that the hardware and software to be used in an election are working together properly both as individual units and as a combined system.
- Accuracy is tested by casting and tabulating test ballots for which the results are known. We compare the known results to the test results, then resolve the cause of any discrepancies (if any), and re-test.
- Test ballots are selected and marked according to a pre-defined script developed to encompass every contest and choice. Logic testing ensures that the vote tabulation program and hardware correctly interpret, summarize, and report voters' choices.
- Testing is included in the observation calendar and released via press release, email to interested parties and posted on the Department's website and social media pages.
- L&A testing is conducted a second time after Election Day to ensure each piece of voting system equipment continues to accurately counts the votes on the test ballots.

Vote-by-Mail (VBM) Ballot Processing

Both before and after the election, observers may view the processing of VBM ballot return envelopes, and the processing and counting of VBM ballots. The Department's observation area permits observers to be sufficiently close to observe and challenge whether the individuals handling the ballots are following established procedures.

Observers may not interfere with the orderly processing of ballot return envelopes or the processing and counting of VBM ballots, including touching or handling of the ballots. (Elec. Code §15104(a), 15104(e))

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

While the law specifies interested parties, the Department welcomes all observers in the interest of transparency and education.

Vote by Mail Ballot Collection

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

- Strict chain of custody procedures are followed.
- Ballot collection teams communicate continually with the office.
- Teams transmit photos of each ballot drop box they open and seal immediately for transport.
- Routes vary daily.

Ballot Receiving

When VBM ballots collected from the United States Postal Service and ballot drop boxes or dropped off by voters are returned to the Department, the chain of custody documents are verified.

- Ballot collection bags are audited.
- Security seals and chain of custody documents are verified.
- Ballots are kept separate and organized by United States Postal Service, ballot drop box and polling places.
- Chain of custody documents are retained.

Ballot Sorting

- VBM ballot envelopes are scanned and sorted for signature verification.
- An image is taken of each envelope so the signature can be compared to the voter's registration.
- First pass through the sorter triggers BallotTrax notification that ballot has been Received and is either accepted or challenged.
- Once the signature is verified, envelopes are sorted and grouped by batch.
- Returned ballots that are challenged are separated into groups for further review and voters are notified of the challenge.

Signature Verification

- Beginning 29 days prior to the election, staff may begin processing the returned VBM envelopes.

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

Removing the Ballots and Preparing Them for Counting

- Beginning 29 days before Election Day, MCE staff may remove the ballots from the signature-verified envelopes and prepare them to be machine-read; however, MCE staff may not access or release a vote count until the polls have closed on election night.
- Ballots are separated from the bar-coded envelopes, so the voter is no longer identifiable.
- MCE staff assigned to VBM teams manually unfold, flatten, and inspect the VBM ballots, keeping them grouped by batch. The grouping accounts for the number of cards removed for duplication or special handling and the number of cards or ballots that will go to tabulation. The VBM team logs the information on a VBM Extraction form and initials the form. The batch and form are staged in an area ready for scanning.
- VBM teams review ballots for initials, signatures, and those damaged that cannot be scanned.
- Damaged ballots are duplicated by MCE staff.
- Ballots ready to be scanned are staged for ballot scanning and ballot resolution.
- Envelopes are further reviewed to ensure all ballots have been removed. (Elec. Code §15101)

Duplicating Ballots

When original ballots are damaged or not marked properly, they need to be duplicated in order to be scanned into the voting system.

- Ballots requiring duplication are received from the VBM teams.
- Ballots are duplicated by teams of two on an electronic ballot marking device marking exactly what was selected from the original ballot.
- Original ballots are labeled “VOID” and duplicate ballots are labeled “DUPLICATE.”
- Each set of ballots will be numbered and logged. The duplication team initials the log.
- The original and duplicate ballots are compared to ensure accuracy of votes.
- Duplicated ballots are taken to be scanned, and the original ballots are securely stored.

Scanning Ballots

- Ballots are brought into the secure ballot scanning room to be processed.
- The ballots are placed into batches of about 100 and scanned into the system.
- When a batch is scanned, a batch report prints out on a designated printer, a rover is assigned to retrieve the batch report, return it to the scanner and both the operator and the rover will review the printed report compared to the screen report and the VBM extraction log. If the batch reconciles the logs and ballots are secured in a ballot bag and itemized into a box and logged for selection in the manual tally.
- If the batch is not scanned successfully, the batch is not saved, and the batch is re-scanned.
- If a batch has a rejected ballot, that ballot is removed from the batch and rescanned and the ballot is logged and escalated for review and duplication.

- The scanned batches are sealed with tamper evident tape and remain in a secure location visible to the public throughout the entire election and canvass period.
- At the end of the canvass period, the batches are retained for the period prescribed by law.

Resolving 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.
- For all adjudication activity, adjudication teams review the ballot image and resolves the ballot until it can be accepted and recorded. Staff follows the Uniform Vote Counting Standards contained in Title 2 of the California Code of Regulations sections 20980 through 20985.
- When resolutions are complete, records are saved to be accumulated into the tabulation of other vote results after 8 p.m. on Election Day.

Tallying Ballots

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

Ballots are scanned and tabulated centrally at the Monterey County Elections Office in full view of the public.

- The machines used to tabulate the votes are re-imaged before each election with the software certified by the California Secretary of State.
- The software is verified before and after each election to ensure it has not been tampered with.
- The tabulation machines are not connected to the internet, or any outside network.
- Access to this room is limited and has additional levels of physical security controls.

In-Person Voting Opportunities & Important Dates

State law requires that all voters be mailed a ballot and that in-person voting opportunities be made be available. Monterey County Elections offers a variety of early voting opportunities and election day polling places across the county.

- Ballots will be mailed beginning no later than October 7th
- Early voting will be available beginning:
 - October 7th: Monterey County Elections, 1441 Schilling Place – North Building, Salinas
 - October 29th: Embassy Suites, 1441 Canyon Del Rey Blvd., Seaside.
 - Additional flexible early vote events will be added, visit countyofmonterey.gov/elections for a current list of events.
- Registration Deadline is October 21st
- Conditional Voter Registration period begins October 22nd
- Last day the Department can mail ballots is October 29th
- Weened voting at early voting locations:
 - October 26 – 27, 9 a.m. – 5 p.m. Monterey County Elections
 - November 2 – 3, 9 a.m. – 5 p.m. Monterey County Elections and Embassy Suites

- Election Day, Tuesday November 5, 2024. Early voting locations and polling places are open for voting from 7 a.m. to 8 p.m.

Observation:

Americans with Disabilities Act and the Help America Vote Act

All election officials are required to provide accessible voting options so that voters have an opportunity to exercise their right to vote. We understand there is not a one size fits all solution to voting access. As such, we encourage those who wish to explore voting options further to contact the Monterey County Elections Department for more information. Accessible voting options include:

- Remote accessible vote by mail (voters can securely access their ballot and use their own Assistive Technology at home)
- Accessible ballot marking device (includes Assistive Technology adaptability e.g., sip-and-puff capability; audio ballot functionality; brail controller, etc.)
- Curbside voting
- Personal assistance by up to two individuals in a voting location
- Magnifying devices, pen grips, chairs, accessible voting booths, etc.
- Large print and audio material available upon request
- Accessible polling places with any deficiencies mitigated

Observation: Signs, setup and technology should all be available for observation at all voting locations in Monterey County. Those interested in joining the voting accessibility advisory committee for Monterey County can email their interest to elections@countyofmonterey.gov.

Language Assistance under the Voting Rights Act and California Elections Code

Monterey County is required by Section 203 of the Federal Voting Rights Act to provide translated materials and language assistance in Spanish. In addition, Section 14201 of the California Elections Code also requires that a facsimile ballot (also known as translated reference ballots) be posted in other languages determined by the Secretary of State. Translated reference ballots for the March 5, 2024 Presidential Primary Election are available for select precincts in, Tagalog, Vietnamese, and Korean.

Observation: Signs, facsimiles, and information should all be available for observation at specific voting locations in Monterey County. Those interested in joining the language accessibility advisory committee for Monterey County can email their interest to elections@countyofmonterey.gov.

POST-ELECTION DAY – COUNTING THE VOTES

Any member of the public may observe all proceedings at the central counting place, but no person, except one employed and designated for the purpose by the elections official or his authorized deputy, shall touch any ballot container, and access to the area where electronic data processing equipment is being operated may be restricted to persons authorized by the elections official.

For the manual tally of paper ballots during the audits, the ballot being read, and the tally sheet shall be within the clear view of the observers. (Elec. Code §15204)

Phases

The canvass proceeds in phases, all of which are open to the public:

- Semifinal Official Results in which additional results updates are made as vote by mail ballots continue to be processed and counted, provisional ballots continue to be processed and counted, and signature cures continue to be received;
- Official Canvass;
- One Percent Manual Tally; and
- Certification, Statement of the Votes Cast, and Certificates of Election. (Elec. Code §15302)

Semifinal Official Results

- On election night, immediately upon the closing of the polls at 8 p.m. and continuing without adjournment until all precincts are accounted for, MCE staff collects, resolves, and tallies all the votes cast at polling places and election office locations and the VBM ballots received prior to Election Day that have been accepted for counting. VBM ballots received on and after Election Day are included in subsequent result updates.
- Beginning after 8 p.m. on election night, MCE releases the results of this tally to the public and to the Secretary of State, reported by contest. Vote results are considered unofficial until the elections official completes the official canvass.
- The distribution of semifinal official election results will commence after the close of the polls at 8 p.m. (Elec. Code §353.5, 15150-15213, 15320)

Official Canvass

In this phase MCE staff audits and accounts for all ballots that were issued, voted, and those that were not used. This phase includes, but is not limited to, the following tasks:

- Inspect all materials and supplies
- Process and count any valid VBM and provisional ballots not included in the semifinal official canvass.
- Count any valid write-in votes.
- Duplicate any damaged ballots.
- Reporting final results to the governing board and the Secretary of State, as required. (Elec. Code §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 and on Election Day. Voters that are not registered by the deadline must be processed using a CVR.

CVR Procedures

- The voter must 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. Special provisions are available for military and overseas voters.
- Once voted, the ballot is sealed in a provisional ballot envelope for return to the elections official.
- 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 voter's assigned precinct.
- Due to the use of the Statewide Voter Registration Database's real time exchange of voter history, provisional ballots can be reviewed and verified at any time during the voting and canvass periods, while preventing double voting.
- Provisional ballots are examined, verified, and processed much in the same way as VBM ballots. Each ballot is reviewed and researched before being accepted for counting considering the following: (1) valid signature; (2) current county voter registration; (3) prior county voter registration; (4) current registration address versus new address; (5) whether a VBM or provisional or precinct ballot was returned; and (6) the precinct where the ballot was cast.
- If the provisional voter is eligible to vote, the elections official must then determine which contests may be voted. If the voter is eligible to vote in all the contests on the voted ballot, then the ballot is processed in the same manner as a VBM ballot; but, if the voter was only eligible to vote in some of the contests, the eligible portion of the ballot is duplicated on a new paper ballot and the duplicate ballot is processed like a VBM ballot. If the ballot has been voted electronically and determination has been made that it can be counted, those votes will be tallied. If the ballot can only be partially counted, only those contests eligible to be voted will be tallied.

(Elec. Code §14310-14312 Also see CCR Title 2, Div. 7, Chapter 1, Article 3.5, Sec. 20020)

One Percent Manual Tally

The One Percent Manual Tally is a post-election audit performed before certifying the election to ensure the accuracy of the election results.

- During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices.
- The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial one percent of precincts in the county or batches of ballots subject to the public manual tally. The random draw is public and observable.
- If the initial one percent of precincts in the county does not capture every contest on the ballot, additional precincts are randomly drawn to ensure all contests

are included in the manual tally audit.

- The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of batches subject to the public manual tally before conducting the selection and tally.
- A team of four tally board members hand count and manually tally each ballot following the California Uniform Vote Counting Standards
- 1 Caller reads the votes
- 1 Observer ensures the accuracy of the tally
- 2 Tickers tally the votes using tally sheets
- The official conducting the election shall include a report on the results of the one percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the voting system count and the manual tally and a description of how each of these discrepancies was resolved.

(Elec. Code § 15360)

Pertinent Law:

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

General:

- ✓ Poll watchers may not sit at the official table. (CEC §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. (CEC. §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. (CEC §§14202 & 14223(b))
- ✓ The American Flag must be prominently displayed (regardless of weather conditions) during all polling hours. (CEC. §14105(e))
- ✓ 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. (CEC §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. (CEC §14282(d))
- ✓ Voters may request and receive assistance in voting if they declare under oath that they are unable to mark their ballots without such assistance. (CEC. §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. (CEC §§14281, 14222 and 14224)

Interference with Election Officers or Voters:

- ✓ Any person who in any manner interferes with the 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. (CEC. §18502)
- ✓ It is a felony for any person to possess a firearm at a voting location or in the immediate vicinity of a voting location (CEC. § 18544).
- ✓ 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. (CEC. §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 (CEC. §18502).
- ✓ It is also a felony for any person or entity to hire or arrange for the prohibited activity in Elections Code section 18544, unlawful hiring or stationing of guards. (CEC. § 18545).
- ✓ 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. Every person who conspires to violate subdivision (a) is guilty of a felony (CEC. §18543).

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. (CEC. §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. (CEC. §18541)

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. (CEC. §18562.5)

Electioneering:

- ✓ Electioneering activity is not permitted within 100 feet of the polling place; that is, within 100 feet from the entrance or door to 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. (CEC. §§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)

Use of Electronics:

- ✓ Pursuant to Elections Code section 2302, a voter, or any other person, may use an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of Section 14221, 14224, 14291, 18370, 18502, 18540, 18541, or any other provision of the Elections Code.

Smoking is not permitted in Monterey County Polling Places

Federal Laws

Help America Vote Act of 2002

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

(Popular names: Motor Voter Law; NVRA.) 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 the disabled, 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

(Popular name: 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

Language Minority Groups (LMGs). See §4(f)(4) and §203; interpretations and guidelines are provided in the Code of Federal Regulations (7/1/99 version, Title 28, Chapter I, Part 55, §§55.1- 55.24). The minority language provisions were added to the Act in 1975, and Orange County became a covered jurisdiction under §203(c) pursuant to the July 2002 publication of Census Bureau statistics (67 Fed. Reg. 144, 48871). The language provisions require Orange County to provide 52

election materials and activities in English, Chinese, Korean, 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.

Voter Bill of Rights

1. You have the right to cast a ballot if you are a valid registered voter (a US citizen who is a resident in this state, at least 18 years of age and not currently serving a State or Federal prison term for conviction of a felony, and not currently found mentally incompetent to vote by a court).
2. You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
3. You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.
4. You have the right to cast a secret ballot free from intimidation.
5. You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake. If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. VBM voters may also request and receive a new ballot if they return their spoiled ballot to an election's official prior to the closing of the polls on Election Day.
6. You have the right to receive assistance in casting your ballot, if unable to vote without assistance.
7. You have the right to return a completed VBM ballot to any precinct in the county.
8. You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
9. You have the right to ask questions about election procedures and observe the elections process. You have the right to ask questions of the precinct board and election officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.
10. You have the right to report any illegal or fraudulent activity to a local election official or to 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, please call the Secretary of State's confidential toll-free Voter Hotline at 1-800-345-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.

Mechanism for Feedback

Observers may email the Registrar of Voters at elections@countyofmonterey.gov with feedback concerning their observations of the elections processes. Observers may also provide written feedback to the Registrar of Voters in any other appropriate manner, including letters or memorandum. Observers are asked for timely, detailed and meaningful feedback including the time, date, location, and specific details about the activity observed. For challenges related to election procedures please use the challenge form below or specify the reasons for your challenge via email.

MONTEREY COUNTY ELECTIONS CHALLENGE FORM		
DATE: _____	Time: _____	
Observer Name: _____	Organization: _____	
Observer Email: _____	Phone: _____	
Challenge: _____		
Challenge Reason: _____		

Additional Details (Location, Equipment, Date/time of Observation, etc.)		

For Office Use Only:		
Office Determination: _____		
Verified by: _____	Date: _____	Time: _____