



**Rebecca Martinez, County Clerk-Recorder
and Registrar of Voters**

Election Observation Rights and Responsibilities

I. Conduct of Election Observers:

- A. In order to minimize distraction or disruption an elections observer shall not:
1. Interfere with the:
 - a. retrieval of vote-by-mail ballots from vote-by-mail drop boxes and vote-by-mail dropoff locations, processing of vote-by-mail ballot identification envelopes, or the processing and counting of vote-by-mail ballots.
 - b. conduct of the election in general or disrupt any other elections activity or process.
 2. Touch or handle any ballots.
 3. Physically handle any voting equipment or voting materials.
 4. Move or rearrange tables, chairs, or voting booths at the polling place or central counting site without the express permission of the elections official.
 5. Sit at the elections official worktables or view confidential voter information on any computer terminal or document, except as provided in Elections Code section 2194(c)(2).
 6. Engage in any electioneering activities.
 7. Display any political party or campaign material or wear political party or campaign badges, buttons, or apparel.
 8. Solicit a vote, speak to a voter on the subject of marking the voter's ballot while electioneering, or communicate with voters regarding their qualification to vote within 100 feet of the locations identified in Elections Code section 319.5. However, an election observer may conduct exit polling of voters, provided it is conducted at least 25 feet away from the locations identified in Elections Code section 319.5. This provision shall not apply to a voter who has asked for assistance casting their ballot.



9. Wear the uniform of a peace officer, a private guard, or security personnel.
10. Stop or attempt to stop poll workers or the central counting site workers while they are processing voted ballots. However, the election observer shall retain the right to make a challenge, and the elections official shall determine whether the processing of the ballots shall be stopped.
11. Use the elections officials' phones, computers, or any other polling place equipment at polling places or the central counting site.
12. Eat or drink in a polling place or the central counting site without the express permission of the elections official.
13. Assist in operations at any polling place or the central counting site without the express permission of the elections official.
14. Intentionally prevent other elections observers from observing election materials or an elections process or activity.
15. Enter secure areas without the express permission of the elections official.
16. Enter any area other than an identified observation area without the express permission of the elections official.

B. An election observer shall refrain from touching an elections official.

II. Duties of Election Observers

- A. Upon entering at any polling location, central counting site, or any other location where election processes or activities are occurring, an election observer shall check in at the site designated by the elections official.
- B. The elections official has the discretion to require an observer to wear identification provided by the elections official. An election observer may also wear their own identification at any time, but that identification shall not include any electioneering information or information that could intimidate a voter.

- C. At all times while observing, an election observer shall not disrupt or interfere with the election process or activity being observed and shall follow the procedures and requirements provided herein and any additional written rules and procedures established by the elections official.

III. Rights of Election Officials

- A. The elections official, at their discretion, while maintaining the right to observe the elections process and ensuring that observers have the ability to see and view the election process or activity being observed, may determine the distance at which the observer(s) shall observe any election process or activity. In making such determination, the elections official may take into consideration, among other things, the following:
 - 1) the size and area of the polling place;
 - 2) the size and configuration of the building and the elections office;
 - 3) the presence and path of travel of staff;
 - 4) the size and configuration of the location where ballots are being processed and counted;
 - 5) the elections official's staffing levels and the number of observers who are requesting access to observe a particular process;
 - 6) the maintaining of security and limiting observer access to voting equipment to ensure that it cannot be touched or tampered with;
 - 7) the maintaining of privacy and security of the ballot and the voter's confidential information, which does not include the voter's signature or address for the purpose of observing the processing of vote-by-mail identification envelopes;
 - 8) the elections process that is being observed;
 - 9) the lighting in the location where the elections activity or process is occurring;

- 10) the angle at which the observer can view the elections activity or process;
 - 11) the right of a voter to vote safely, securely, and free from intimidation or corruption;
 - 12) the safety and security of elections officials, workers, and the public, which may include any health and safety measures or requirements in place at the time observation is occurring;
 - 13) the use of video displays to magnify voting materials and closed-circuit video displays of election processes or activities;
 - 14) technological limitations of the elections official's office;
 - 15) the maintaining of security and limiting observer access to other county or city departments; and,
 - 16) maintaining accessibility for election observers with disabilities.
- B. At the discretion of the elections official, an election observer may be required to wear election official-issued identification that contains the first name of the observer and the term “observer” to ensure that observers are readily identifiable.
- C. The elections official may designate a person to whom an election observer can ask questions and present a challenge(s) during the observation process. The designation may either be in writing or verbal, as determined by the elections official.
- D. The elections official may designate a person to whom an election observer may present a challenge during the processing of vote-by-mail identification envelopes and vote-by-mail ballots. The designation may either be in writing or verbal, as determined by the elections official.

- E. The elections official may require an election observer to remain silent inside the observation area if the talk from or the conduct of an observer is disrupting the elections activity or process being observed, unless the observer is posing a question to the person designated by the elections official to respond to questions or any other inquiries.
- F. If an election observer is not following the observation rules provided for the elections official or their designee shall give a verbal or written warning to that observer that they shall comply with the observation rules. The warning shall include an explanation of what observation rules are not being complied with. However, if an election observer continues to not comply with the observation rules, the elections official or their designee may require an election observer to leave the observation area, the premises, or both. In addition, if the situation warrants, the elections official or their designee may require an election observer to leave the observation area, the premises, or both immediately.
- G. The elections official may limit the number of election observers permitted in an observation area in order to prevent interference with the conduct of voting and elections processes.
- H. In the event there are more observers than can be accommodated at a particular site, the elections official may limit the number of observers. If necessary to provide an equal opportunity for those present to observe the elections process or activity, the elections official shall provide for a rotation of observers or provide a random lottery-type drawing.
- I. To ensure the safety and security of election workers and to prevent interference with the conduct of the elections process, the elections official may restrict the size and type of items the election observer can bring into the location where observation is taking place.

- J. The elections official may develop and provide additional written rules and procedures, but those additional written rules and procedures shall be consistent with the provisions of the California Elections Code and the California Code of Regulations.

IV. Security Rules for Observation

- A. In order to maintain the integrity and security of all election processes and in accordance with applicable laws and regulations, the following security rules must be adhered to at all times:
 1. All observers must sign in on the designated observer list at the location where the election process is being observed. Observers should advise the designated election official when they are departing and must sign in again if they return.
 2. Upon signing into a location, the observer will be informed of the designated election official to whom all questions, concerns and challenges must be addressed to. The observer will be issued a badge/tag that identifies them as an election observer. The badge must be returned to the designated election official prior to leaving the observation area.
 3. Observers wishing to observe the retrieval of ballots at ballot drop boxes should contact the County Elections Office and provide the required information, including their name, a valid phone number where they can be reached and the organization they are observing on behalf of, if any.
 4. Observers must remain a sufficient distance away from Elections Officials retrieving ballots from a ballot drop box so as not to interfere with the election official's duties or to compromise the integrity of the chain of custody.

5. Election Observers shall not challenge or question any voter concerning the voter's qualifications to vote. (Cal. Elections Code § 14240)
 6. Observers must always remain in the designated observation area. Observers are prohibited from entering the voting booth area. (Cal. Elections Code § 142221)
 7. The use of electronic devices is limited in accordance with California Elections Code §2302. Observers shall not:
 - a. Observers may not use electronic devices to record or photograph voters within a voting area. (Cal. Elections Code § 142291)
 - b. Observers may not use electronic devices to record, photograph or otherwise capture confidential voter information. (Cal. Elections Code § 2194)
 - c. The use of electronic devices may not interfere with the conduct of the election or the election canvass. (Cal. Elections Code § 18502)
- B. Election observers are prohibited from interfering, in any way, with the conduct of an election or an election canvass. The County Elections Official has the authority to determine what constitutes observer misconduct or interference. Examples of election observer misconduct or interference may include, but are not limited to, unauthorized touching of voting equipment or elections officials, obstructing ballot transportation and handling, threatening elections officials, election workers, and voters, and attempting to view confidential voter registration information. Observers deemed to have engaged in misconduct or interference will be required to leave the area and will be subject to prosecution to the fullest extent of the law.

V. Appendices

1. California Voter Bill of Rights
2. CCROV# 24196 – Prohibitions on Electioneering and the Corruption of the Voting Process
3. CCROV# 24188 - Cameras at Polling Locations

Appendix 1

VOTER BILL of RIGHTS



YOU HAVE THE FOLLOWING RIGHTS



1. **The right to vote if you are a registered voter.** You are eligible to vote if you are:

- ★ a U.S. citizen living in California
- ★ at least 18 years old
- ★ registered where you currently live
- ★ not currently serving a state or federal prison term for the conviction of a felony, and
- ★ not currently found mentally incompetent to vote by a court

2. **The right to vote if you are a registered voter even if your name is not on the list.**

You will vote using a provisional ballot. Your vote will be counted if elections officials determine that you are eligible to vote.

3. **The right to vote if you are still in line when the polls close.**

4. **The right to cast a secret ballot** without anyone bothering you or telling you how to vote.

5. **The right to get a new ballot if you have made a mistake**, if you have not already cast your ballot. You can:

Ask an elections official at a polling place for a new ballot,
Exchange your vote-by-mail ballot for a new one at an elections office, or at your polling place, or
Vote using a provisional ballot.

6. **The right to get help casting your ballot** from anyone you choose, except from your employer or union representative.

7. **The right to drop off your completed vote-by-mail ballot at any polling place** in California.

8. **The right to get election materials in a language other than English** if enough people in your voting precinct speak that language.


9. **The right to ask questions to elections officials about election procedures** and watch the election process. If the person you ask cannot answer your questions, they must send you to the right person for an answer. If you are disruptive, they can stop answering you.

10. **The right to report any illegal or fraudulent election activity** to an elections official or the Secretary of State's office.

SPECIAL NOTICE

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

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

 On the web at www.sos.ca.gov

 By phone at **(800) 345-VOTE (8683)**

 By email at elections@sos.ca.gov

Appendix 2



Shirley N. Weber, Ph.D.

California Secretary of State Elections Division

1500 11th Street, 5th Floor | Sacramento, CA 95814 | 916.657.2166 | elections@sos.ca.gov

September 13, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24196

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi
Elections Counsel

RE: General Election: Prohibitions on Electioneering and the Corruption of the Voting Process

This memorandum is to serve as an updated reminder regarding prohibitions on electioneering and activities related to the corruption of the voting process.

Elections Code Provisions

“Electioneering” is defined in Elections Code section 319.5 as “the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot” within 100 feet of either of the following:

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

Prohibited materials, information, or activity includes, but is not limited to any of the following:

- a display of a candidate’s name, likeness, or logo,
- a display of a ballot measure’s number, title, subject, or logo,
- buttons, hats, pencils, pens, shirts, signs, or stickers containing information about a candidate or measure on the ballot,
- any audible broadcasting of information about a candidate or measure on the ballot, or

- obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote-by-mail ballot drop boxes.

It should be noted that a campaign slogan or a political movement slogan (or the initials representing the campaign or political movement) does not constitute electioneering under the legal definition of electioneering as stated above. Accordingly, the display of slogans on clothing, face coverings, and/or buttons is not prohibited. Examples of campaign slogans or political movement slogans include but are not limited to: Make America Great Again (MAGA), Black Lives Matter (BLM), Keep America Great (KAG), Vote for Science, and Build Back Better.

The Elections Code also provides penal provisions for anyone who engages in electioneering or activities related to the corruption of the voting process.

Elections Code section 18370 provides:

A person shall not, on Election Day, or at any time that a voter may be casting a ballot, do 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 the voter's ballot,
- place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240, or
- do any electioneering as defined by Section 319.5

within 100 feet of either of the following:

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

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

- solicit a vote,
- speak to a voter about marking the voter's ballot, or
- disseminate visible or audible electioneering information.

Any person who violates any of the provisions of Section 18370 is guilty of a misdemeanor.

Additionally, Elections Code section 18541 provides:

A person shall not, with the intent of dissuading another person from voting, do any of the following:

- solicit a vote or speak to a voter on the subject of marking his or her ballot,
- place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240,
- photograph, video record, or otherwise record a voter entering or exiting a polling place, or
- obstruct ingress, egress, or parking

within 100 feet of either of the following:

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

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

- solicit a vote,
- speak to a voter about marking the voter's ballot, or
- disseminate visible or audible electioneering information.

Any violation of Section 18541 is punishable by imprisonment in a county jail for not more than 12 months, or in state prison. Any person who conspires to violate this section is guilty of a felony.

Public Notices relating to Electioneering and the Corruption of the Voting Process

As required by Sections 18372 and 18504, the Secretary of State promulgated regulations for public notices relating to electioneering and corruption of the voting process. Both notices are posted on our website at <https://elections.cdn.sos.ca.gov/pdfs/electioneering-prohibitions.pdf>.

Exit Polling

The Secretary of State's office recommends advising news organizations and other pollsters to refrain from exit polling activities within at least 25 feet of a polling place.

Updated 2024 Poll Worker Training Standards and Electioneering

The Secretary of State's Updated 2024 Poll Worker Training Standards, located at <https://www.sos.ca.gov/elections/voting-resources/voting-california/help-strengthen-our-democracy/poll-worker-training-standards>, encourages county elections officials to ensure poll workers are trained on the issue of electioneering.

Poll workers must understand how to measure a 100-foot perimeter from the above-identified locations (or request assistance from roving inspectors), what activities are prohibited within that perimeter, and what to do if they either see or hear about electioneering in or near their polling place.

Poll workers also need to be aware what types of materials are not allowed in the polling place and what to do, if, for example, a voter enters a polling place wearing a t-shirt, face covering, or button promoting or opposing a candidate or ballot measure.

Two new sections have been added to the publication: Artificial Intelligence Capabilities and Consideration (page 33) and De-escalation Techniques (pages 35-36).

Voting Law Compliance Handbook and Electioneering

The California Secretary of State's Voting Law Compliance Handbook is available at <https://www.sos.ca.gov/elections/publications-and-resources/voting-law-compliance-handbook> and it provides information on electioneering, among other things. Written in a "question-and-answer" format, the handbook contains the following information:

When I went into my polling booth, I noticed a little pencil with a candidate's name on it urging voters to be sure and mark the box for him. Can the candidate or his supporters do that?

No, it is illegal to have items with a candidate's name on them in the polling place. This constitutes electioneering and any electioneering must be conducted a minimum of 100 feet from the place where people are voting. Sometimes, a voter inadvertently leaves such materials in the voting booth. (Elec. Code, §§ 319.5, 18370.)

A lady working at my polling place last Election Day was wearing a T-shirt that said "Down with Liberals" on it. Can she wear that?

Yes. It is not considered electioneering because the t-shirt doesn't actually advocate voting for or against a particular candidate or measure. If the shirt had a statement for or against something or someone on the ballot, it would not be allowed within 100 feet of the polls. If the elections official is aware of the situation, he or she will likely

CCROV #24196
September 13, 2024
Page 5

request that the woman cover it up or change into something that does not cause the slightest appearance of partisanship. (Elec. Code, §§ 319.5, 18370, 18541, 18546.)

If you have any questions about this memorandum, please feel free to contact either Rachelle Delucchi at rdelucch@sos.ca.gov or Robbie Anderson at aanderso@sos.ca.gov. Thank you.

Appendix 3



Shirley N. Weber, Ph.D. California Secretary of State Elections Division

1500 11th Street, 5th Floor | Sacramento, CA 95814 | 916.657.2166 | elections@sos.ca.gov

September 11, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24188

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson
Elections Counsel

RE: General Election: Cameras at Polling Locations

As you are aware, California Elections Code section 14291 allows a voter to “voluntarily disclose how he or she voted if that voluntary act does not violate any other law.”

A voter may take a photograph of their ballot (a “ballot selfie”) and share it on social media. While “ballot selfies” are allowed under California law, elections officials and poll workers will still need to exercise their discretion as to whether “ballot selfies” cause disruptions requiring a response.

Notwithstanding the provisions of Elections Code section 14291, the use of cameras in and outside of the polling place should remain limited, and certain uses of cameras in the polling place should continue to require the consent of the elections official. An example of when an elections official can permit the use of cameras at the polls is if a credentialed media organization wants to photograph or film a candidate voting at a polling place. This is something you may permit, provided you ensure such activity does not interfere with voting, is not intimidating to any voters or election workers, and that the privacy of voters is not compromised. With regard to exit polling, the Secretary of State’s office recommends advising news organizations and other pollsters to refrain from exit polling activities within at least 25 feet of a polling location.

In the event the county elections official permits the use of cameras at the polls for a credentialed media organization, or if individuals conducting exit polling are present, those individuals should be made aware of any current and necessary health and safety procedures to help prevent the spread of COVID-19.

Overall, voters must be mindful that their ability to take “ballot selfies” is not without limits. The limits on the use of “ballot selfies” include, for example:

- Prohibitions regarding the unauthorized sharing of and use of information relating to how a person voted. (see e.g. Elections Code sections 18520-18524)
- Prohibitions on soliciting or receiving consideration for voting, or refraining from voting, for any particular candidate or measure.
- Prohibitions on interference with the conduct of elections and with the duties of election workers.
- Prohibitions regarding the intimidation of voters.
- Prohibitions on compromising the privacy of other voters casting a ballot.

There are several laws that speak to the issue of whether people are allowed to film inside or adjacent to a polling place, most of which stem from the principle set forth in Article II, Section 7 of the California Constitution, which reads:

Voting shall be secret.

It is also clear that, over the years, the Legislature and the Governor have sought to make the voting process private and free from any form of intimidation or coercion.

California Elections Code section 14221 states:

Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls.

California Elections Code section 14291 states:

- (a) After the ballot is marked, a voter shall not show it to any person in a manner that reveals its contents, except as provided in subdivision (b).
- (b) A voter may voluntarily disclose how he or she voted if that voluntary act does not violate any other law.

California Elections Code section 18370 states:

- (a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following:
 - (1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
 - (2) Solicit a vote or speak to a voter on the subject of marking the voter’s ballot.

- (3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (4) Do any electioneering as defined by Section 319.5.
 - (b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:
 - (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
 - (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.
 - (c) A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:
 - (1) Solicit a vote.
 - (2) Speak to a voter about marking the voter's ballot.
 - (3) Disseminate visible or audible electioneering information.
 - (d) Any person who violates any of the provisions of this section is guilty of a misdemeanor.

California Elections Code section 18540 states:

- (a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.
- (b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.
- (c) For purposes of this section, "voting at any election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations pursuant to Section 3018, and voting by mail and returning a voted ballot pursuant to subdivision (a) of Section 3017.

California Elections Code section 18541 states:

- (a) A person shall not, with the intent of dissuading another person from voting, within the 100 foot limit specified in subdivision (b), do any of the following:
- (1) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
 - (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
 - (3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.
 - (4) Obstruct ingress, egress, or parking.
- (b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:
- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
 - (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.
- (c) A person shall not, with the intent of dissuading another person from voting, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:
- (1) Solicit a vote.
 - (2) Speak to a voter about marking the voter's ballot.
 - (3) Disseminate visible or audible electioneering information.
- (d) A violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in state prison. Any person who conspires to violate this section is guilty of a felony.

It should be noted, however, that 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.

If you have any questions, please feel free to contact Robbie Anderson at aanderso@sos.ca.gov.

Thank you.