



**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.

COUNTY CLERK-RECORDER & REGISTRAR OF VOTERS

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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# 26234 – Prohibitions on Electioneering and the Corruption of the Voting Process
3. CCROV# 26238 - Cameras at Polling Locations
4. CCROV# 26241-Challenge Process