

Election Observer Panel Plan

I. County and System Information

Name of County: Monterey
Name of Contact: Linda Tulett, Registrar of Voters
Contact's Phone: 831-796-1499
Vendor: Sequoia Voting Systems, Inc.
Voting Systems: AVC Edge II and Optech 400-C
Date: May 2, 2008

II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide an opportunity for public observation and input
2. Assist in enhancing integrity in the election process
3. Increase voter confidence and encourage citizen participation

The Election Observer Panel is invited to 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 (absentee) ballot processing, election officer training classes, Election Day activities, Election Night ballot tabulation and reporting, and canvass procedures, such as the manual tally.

III. Invite

By April 21, 2008, 43 days before the June 3, 2008 Statewide Primary, Monterey County Elections will mail letters of invitation to the following:

1. County Grand Jury
2. County Information Technology Department
3. Political Party Central Committee(s)
4. League of Women Voters
5. Groups or individuals who have expressed an interest in the election process

IV. Appointment of Panelists

The above listed group or category of potential observers shall be sent a letter of invitation along with a description of the Panel's purpose and observable activities, and a form to return indicating the interested Panelist. If interested in participating, they shall return the application form to the Monterey County Elections Department by the date specified on the application, providing contact and background information for one (1) interested member of their group. The Registrar of Voters will then contact applicants and host a meeting to provide a chance for all Panelists to meet and ask questions about the upcoming observation

process. At the meeting, Observer Panelists will be provided with an Observer Guide including general rules of conduct, a tentative calendar of upcoming events, and a form that may be used to provide the Department with descriptive and meaningful feedback.

V. General Rules of Conduct

OVERVIEW

Observers are responsible for maintaining a professional manner while observing and for ensuring they do not interfere with any process of the election.

Observers who fail to adhere to the general rules provided by the Monterey County Elections Department will be relieved from their duties on the Observer Panel.

Observers may view election processes and procedures at various locations during set schedules:

1. Monterey County Elections Department central location and warehouse (Central Office), 1370 B South Main Street, Salinas, CA, 93901
2. Election Officer training locations
3. Polling places
4. Supply pick-up and Receiving Centers where Election Officers may obtain Election Day supplies or drop-off Election Night materials

Operations will continue as scheduled, whether or not an Observer is present.

The Monterey County Elections Department will cooperate with reasonable requests from observers.

The number of Observers in any one observation area may be limited by available space. If the area is too small to accommodate all interested Observers, the Registrar of Voters will create a rotation schedule.

GENERAL RULES WHILE AT THE ELECTIONS DEPARTMENT:

General and Check In Procedures

1. Observers should leave all personal bags, backpacks, and/or briefcases in their cars.
2. All cell phones/pagers/PDAs must be turned off as to not disturb the process.
3. All observers must sign-in upon arrival and sign-out upon leaving.
4. A visitor badge will be issued, must be worn at all times, and must be returned to the front counter upon leaving.
5. Observers shall maintain a professional manner while observing the elections processes.
6. Observers shall ensure they do not interfere with the election process.

Observers may:

1. Observe the pre-election proceedings, including:
 - a. Logic and Accuracy Testing of Optech 400-C scanners and Edge touch-screens
 - b. Programming of Result Cartridges
 - c. Sealing, staging, and security of voting units
 - d. Scanning and tracking chain of custody of equipment and materials
 - e. Ballot quality control and packaging
 - f. Preparation of polling place supplies for delivery to the polling sites
 - g. Preparation and security of voting supplies for pick-up by the Inspectors
2. Observe the Early Voting and Election Day voting proceedings
3. Observe the processing of vote by mail ballots
4. Observe the Election Night procedures, including:
 - a. Precinct supply check-in
 - b. Ballot tabulation and results reporting
5. Observe the canvass procedures, including:
 - a. Selection of precincts for the 1% manual tally
 - b. Tally of valid write-in votes
 - c. Ballot Duplication
 - d. Ballot and precinct supply reconciliation
 - e. Verification of provisional ballots
 - f. Manual tally of votes
6. Observe and make notes about the proceedings
7. Be permitted access to a designated observation area, sufficiently close to enable them to observe established procedures
8. Be permitted to observe and inspect, without physical contact, and in the presence of an Election Official, the integrity of all visible security seals used to secure voting equipment in a time and manner that does not interfere with the conduct of the election.
9. A staff member will be assigned to escort and assist the Observers while at the Department. Observers may ask questions regarding election procedures in a manner that ensures there is no interference with procedures. The staff member may either answer the questions or direct them to the appropriate official. Depending on the complexity or nature of a question, staff may request that the Observer submit the question, in writing, to be answered at a later time.

Observers may not:

1. Interfere in any way, in the judgment of a Monterey County Elections Official, with the procedures or the conduct of any election. 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 (California Elections Code §18502).
2. Handle or touch any voting materials or equipment or sit at the official worktables.
3. Stand, carry on discussions, or pause for lengths of time in the official work areas.
4. Roam or wander away from the dedicated observation area(s). The Monterey County Elections Department requires strict adherence and will not condone observers entering restricted areas.
5. Intimidate or impede, or attempt to intimidate or impede, in the judgment of an Monterey County Elections Official, staff or voters in any way.
6. Make physical contact with staff. Observers must at all times remain no closer than arm's distance from any staff member.
7. Talk to voters relating to the casting of a vote or about their qualifications to vote, display any election material, wear candidate badges or apparel, or electioneer within 100 feet of the entrance to the Department and Early Voting area.
8. Have pagers and cellular telephones turned on. These items must be off. Observers must sign-out and exit the Department to use their phone.
9. Use cameras, including cellular telephone cameras, or video recording devices of any kind; or, while inside the Department or Early Voting area, photograph, videotape or otherwise record a voter entering or exiting with intent of dissuading them from voting.
 - a. Photography of any sort is a highly sensitive security issue. Voters, and staff, can object to being photographed or videotaped.
10. Remove or view any materials in a way so that others are unable to use them.
11. Use Central Office telephone, electrical or Internet outlets, or computers.
12. Hold discussions and conversations in the designated work areas.
13. Be in designated work areas when staff is not present.
14. Eat or drink within the Department.
15. Wear the uniform of a peace officer, private guard, or security personnel.

GENERAL RULES FOR OBSERVING VOTE BY MAIL BALLOT PROCESSING

The Observer's function is to observe the ballot verification and processing procedures. Observers may not 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 (absentee) ballot return envelopes or processing and counting of vote by mail (absentee) ballots, including touching or handling of the ballots or envelopes. (Elections Code §15104e)
2. Observers will be permitted access to a designated observation area, sufficiently close to enable them to observe and challenge whether individuals handling vote by mail (absentee) ballots are following established procedures (Elections Code 15104d)
3. Challenges may be made for the same reasons as those made against a voter voting at a polling place (voter is not the same as listed in the voter database or voter is not qualified to be registered to vote). In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by law.

All challenges shall be made prior to the opening of the identification envelope of the challenged voter. Because the voter is 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.

BALLOT HANDLING CHALLENGES

1. Any member of the Observer Panel who is also a member of the County Grand Jury, or a member of the political party Central Committees or County Councils 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 (absentee) ballots are handled, from the processing of vote by mail (absentee) ballot return envelopes through the counting and disposition of the ballots (Elections Code §15104b)
2. Observers may not challenge signatures on vote by mail (absentee) ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.

GENERAL RULES WHILE OBSERVING PROCEDURES AT THE POLLING PLACE:

Observers shall:

1. Complete a sign-in sheet indicating their name and the times they are present to observe. Please check in with the Election Officers and let them know who you are, who you represent, and your plans for observing.
2. Observers should leave all personal bags, backpacks, and/or briefcases in their cars.
3. All cell phones/pagers/PDAs must be turned off as to not disturb the process.
4. Observers shall keep voices to a low whisper and maintain a professional manner while observing the elections processes.
5. Observers shall ensure they do not interfere with the election process.
6. Sign-out upon leaving the polling place.

Observers may:

1. Observe and make notes about the proceedings at the polls, including the opening and closing procedures.
2. Obtain information from the Precinct Roster that is posted near the entrance.

3. Look at the copy of the Precinct Roster being updated at the worktable, if the Election Officers are not using it and there are no Voters waiting to vote.
4. Upon request, be permitted to observe and inspect, without physical contact, and in the presence of an Election Official, 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.

Observers may not:

1. Interfere in any way, in the judgment of a Monterey County Elections Official, with the procedures or the conduct of any election. 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 (California Elections Code §18502).
2. Talk to Elections Officers or voters in such a manner as to interfere with or delay the voting process.
 - a. Observers have the right to ask Election Officers questions regarding election procedures and to receive an answer or be directed to the Registrar of Voters for an answer. However, if persistent questioning disrupts the execution of their duties, the Election Officers may stop responding and direct the Observers to the Registrar of Voters for all further answers.
3. Touch any voting materials or equipment or sit at the official worktables.
4. Use the area between the official worktables, voting booths and vote tabulating equipment as observation point/post.
5. Intimidate or impede, or attempt to intimidate or impede, in the judgment of an Elections Official, staff or voters in any way.
6. Insist that the Election Officers stop processing voters so the Observers may view either the Precinct Roster being updated at the worktable or the second copy of the Precinct Roster posted by the doorway.

Note: The second copy of the Precinct Roster posted by the doorway is updated at least once each hour until 6 p.m. as long as it does not interfere with the processing of voters.
7. Interfere with the timely closing of the polls or transportation of the ballots to the Central Office.
8. Within 100 feet of the entrance to a poll, talk to voters relating to the casting of a vote, display any election material, wear candidate badges, or speak to a voter relating to their qualifications to vote.
9. Use cellular telephones, pagers or two-way radios inside the polling place, or within 100 feet of the entrance to the polling place.
10. 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 with intent of dissuading them from voting.
 - a. Photography of any sort in the polling place is a highly sensitive issue. Voters may and can object to being photographed or videotaped.

11. Remove or view any materials, including the posted Precinct Rosters, in a way so that others are unable to use them.
12. Use telephone or other polling place facilities.
13. Talk in a loud voice or behave in a disruptive manner
14. Congregate in excessive numbers inside the polling place.
16. Eat or drink within the polling place.
15. Wear the uniform of a peace officer, private guard, or security personnel.

VI. Mechanism for Feedback

Panelists are provided a form for providing detailed and meaningful feedback concerning their observations of the elections processes. However, panelists may also provide written feedback to the Registrar of Voters in any other appropriate manner, including letters, memorandum, or emails. "Detailed and meaningful feedback" shall include the time, date, location, and specific details about the activity observed.

After the completion of the canvass and certification of the election results, the Observers will also be invited to a post-election meeting with the Registrar and Assistant Registrar of Voters. The Registrar cannot be obligated to implement any idea or suggestion provided by the Panel members. However the Registrar will carefully consider each proposal in relation to the law, feasibility of successful implementation, and budgetary and staffing constraints.



**MONTEREY COUNTY ELECTIONS DEPARTMENT
APPLICATION FOR MEMBERSHIP ON THE OBSERVER PANEL FOR THE
JUNE 3, 2008 CONSOLIDATED STATEWIDE PRIMARY ELECTION**

Name _____

Address _____
Street City Zip Code

Phone _____ *email _____

**Due to the pace of the election schedule, communication with the Panel will occur via email.*

Are you a registered voter in Monterey County? YES NO

Please indicate the membership category you represent:

- Monterey County Civil Grand Jury Monterey County Information Technology Department
 League of Women Voters Political Party Central Committee(s) Individual Voter
 Organization (please include the Name of organization you are representing):

Political Affiliation (optional) _____

Education Background/Business and/or professional experience relating to elections: _____

Nearly all scheduled observation activities will occur during normal business hours.

Are you available to attend meetings and observe activities weekdays, between 8am and 5pm? YES NO

What are you interested in observing or learning during the election (please check as many as apply)?

- Voter Outreach and Education
 Location and Accessibility of Polling Places
 Poll Worker Recruitment and Training
 Voting Equipment/Systems
 Election Procedures (such as ballot counting and canvass procedures)
 Procedures at the Polls (such as opening/closing, validating voters and issuing ballots)
 Voting by Mail Programs
 Other (describe) _____

Briefly describe your knowledge of and interest and/or involvement in election-related activities in Monterey County and why being a Panel member for the June 3, 2008 Election is of interest:
