



# Nevada County Clerk Recorder/ Registrar of Voters

County Clerk - Recorder  
950 Maidu Avenue, Suite 210  
Nevada City, CA 95959  
Phone: (530) 265-1221  
Fax: (530) 478-1275  
[mynevadacounty.com/recorder](http://mynevadacounty.com/recorder)

**Gregory J. Diaz**  
County Clerk – Recorder

**Gail Smith**  
Assistant County Clerk-Recorder

County Elections  
950 Maidu Avenue, Suite 250  
Nevada City, CA 95959  
Phone: (530) 265-1298  
Fax: (530) 265 -9829  
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## ELECTION OBSERVER PANEL PLAN

### County and System information

**Name of County: Nevada County**

**Name of Contact: Sandy Sjoberg**

**Contact's Phone 530-265-1700**

**Vendor and Voting System: HART InterCivic 6.2.1**

**Date: May 7, 2010**



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## ELECTION OBSERVER GUIDELINES

The purpose of an Election Observer Panel is to provide an avenue for public observation and input into the election process. By promoting public participation, it ensures integrity and voter confidence in the electoral process.

### CHECK IN PROCEDURES

1. All observers must report and sign in daily at the front counter of the Election's Office.
2. An Election Observer Badge will be issued and must be worn at all times.
3. When leaving for the day, please return the badge to the front counter and sign out.

### GENERAL RULES

1. No food or drink will be permitted in the Elections Office.
2. No observer shall interfere with the orderly processing of Vote-by-Mail(VBM) ballot return envelopes or processing and counting of VBM ballots, including touching or handling of the ballots or envelopes. (Elections Code 15104e).
3. Observers will be permitted access to a designated observation area(s), sufficiently close to enable them to observe and challenge whether individuals handling VBM ballots are following established procedures (Elections Code 15104d).
4. Observers will not be permitted in the ballot counting area. (Elections Code 15204)
5. If an observer unduly impedes or interferes with the verification process, that observer shall be told to leave the elections office for the remainder of the Canvass. (Elections Code 15104e).
6. Radios, cameras, and tape recorders are not allowed. Pagers and cellular phones must be set to silent or off mode while observing the canvass. You *may not* use your cell phone in the Election's Office.
7. Backpacks, briefcases, laptop computers, and large purses are not allowed.
8. The individual's function is to observe that procedures are followed. Observers cannot assist in operations, touch or handle any ballots or other election-related materials.
9. All questions concerning a procedure must be directed only to the supervisor or Manager of the section.
10. The number of observers may be limited so as not to interfere with the process.
11. Chairs or seating arrangements will not be provided or permitted.
12. Observers cannot hold discussions and conversations inside the Elections office. Anyone not adhering to these rules will be asked to leave for the remainder of the

**Election and Canvass process.**

- 13. Observers may not copy down the Driver License or Social Security numbers (Election Code 2194(b), Govt. Code 6254.4(c)).**
- 14. Observers may challenge whether the individuals handling VBM ballots are following established procedures. Established procedures of the Nevada County Elections Office include the following:**
  - a. Verifying signatures and addresses by comparing them to voter registration information.**

**ESTABLISHED PROCEDURE:** In Nevada County, the address comparison is completed while the VBM application is being processed (Elections Code 3009a). Signature comparison is done at the time a return batch is processed and the return status is entered into the voter's record. A return status code on the list of VBM voters indicates that the record was processed.
  - b. Duplicating accurately any damaged or defective ballots**

**ESTABLISHED PROCEDURE:** Two election Officials must work together on this process:

    - One worker watches and proofs, as the second worker transfers the exact votes from the original to the duplicate ballot.
    - The workers write, in red pen, the precinct number, date, and duplication cross-reference sequence number on the original/old ballot as well as on the duplicated/new ballot.
    - The original/old ballot is placed in an "Archived Originals" manila precinct envelope and the duplicate/new ballot is batched to be scanned.
  - c. Securing VBM ballots to prevent tampering before counting.**

**ESTABLISHED PROCEDURE:** Returned VBM ballots are kept in secure storage areas when not being worked on by the elections office staff. Persons other than Elections Office personnel are not allowed access to the storage areas unless escorted by Elections Office personnel. Two or more election staff members must be present in any work area when ballots are being handled. No containers with ballots shall be left unattended unless they are locked in the secure storage area.

## **VOTER CHALLENGES**

- 1. Prior to processing and opening VBM ballot return/identification envelopes, the election official shall make available a list of Vote-by-Mail voters for public inspection, from which challenges may be presented. All challenges shall be made prior to the opening of the identification envelope of the challenged Vote-by-Mail voter (Elections Code 15105).**
- 2. Challenges may be made for the same reasons as those made against a voter at a polling place (Elections Code 14240(a), 15105).**
  - a. That the voter is not the person whose name appears on the index.**
  - b. That the voter is not a resident of the precinct.**
  - c. That the voter is not a citizen of the United States.**
  - d. That the voter has already voted in the elections.**
  - e. That the voter is presently on parole for conviction of a felony.**
- 3. In addition, a challenge may be entered on the grounds that the ballot was not**

received within the time provided by the California Elections code or that a person is imprisoned for conviction of a felony (Elections Code 15105).

4. If the elections official receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request or demand that the person or persons be challenged, the election official shall first determine whether the document or list is accompanied by evidence constituting probable cause to justify or substantiate a challenge (Elections Code 14240(c)).
5. 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 (Election Code 15106).

## **CANVASS**

The canvass shall commence no later than the Thursday following the election, and continues everyday (excluding Saturday, Sunday and holidays) until complete. Per Election Code law, Canvass procedures must be completed within 28 days of the date of the election.

The canvass resumes each morning and does not wait for observer's arrival, nor will it be halted until completed.

Any questions on procedures should be made directly to the Canvass Manager, and not to individual workers. No communication between canvass workers and observers will be allowed regardless of the topic. If an observer is seen communicating directly with a canvass worker, that observer will be asked to leave.



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Date: May 7, 2010

TO: Political Party Central Committee Members  
Nevada County Grand Jury  
League of Women Voters

FROM: Gregory J. Diaz  
County Clerk-Recorder

RE: Election Observer Panel

The Statewide Direct Primary Election will be conducted on June 8, 2010.

In compliance with Section 8.2 of the Voting System Use Procedures as approved by the Secretary of State in July 2006, the Nevada County Clerk-Recorder invites representatives from the qualified political parties, League of Women Voters, Nevada County Grand Jury, and other groups or individuals who have expressed an interest in observing Election Day activities to comprise the Election Observer Panel for the Statewide Direct Primary Election.

Representatives on the panel will be given the opportunity to observe that correct procedures are followed in the receiving, processing and tallying of all votes cast in the Statewide Direct Primary Election as well as observing Election Day activities at the polls. In addition, any member of the panel is invited to be present during vote by mail ballot processing, counting and the activities associated with the certification of the Statewide Direct Primary Election.

Should either you or a representative from your organization wish to participate in any or all of these activities, please contact Sandy Sjoberg, Senior Clerk-Recorder at 530-265-7115 no later than May 17, 2010 so we can provide an identification badge for each member. If your observer is interested in observing a particular process other than election night processing, please have them contact Sandy Sjoberg. If you have any questions, please contact our office at 530-265-7115.

Thank You