

Election Observer Panel Plan

June 8, 2010 Statewide Direct Primary

I. County and System Information

1. Name of County: **Santa Clara County**
2. Name of Contact: **Elaine Larson, Assistant Registrar of Voters**
3. Contact's Phone: **(408) 282-3003**
4. Vendor and Voting Systems Used by County: **Sequoia Voting Systems:
DRE AVC Edge II and Optech 400-C Optical Scan**
5. Date: **May 24, 2010**

II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide an avenue for public observation and input into the election process.
2. Assist in ensuring the integrity of the election process.
3. Encourage participation and build voter confidence in the election process.

III. Invite

Santa Clara County sends a letter of invitation to different members of the community including the Political Party Central Committees, the League of Women Voters, the Grand Jury and individuals to observe any of the election processes. For the June 8, 2010 Primary Election, the letters were sent on May 5, 2010.

Attached is an example of the invitation letter (Attachment A).

Voting Machine Preparation (Pre-Lat): Members are invited to observe the voting systems logic and accuracy testing where the Registrar of Voters ensures the Direct Recording Electronics (DRE machines) and the 400-C Optical Scan System machine scanners have been properly programmed and tested for the upcoming election.

Invited members are provided the dates of testing and asked to contact the ROV representative to confirm their attendance. This Logic and Accuracy Testing Board verifies the logic and accuracy of the test ballots pursuant to Elections Code Section 19205 and completes a "Certification by Logic and Accuracy Board" form with their signature and date verifying the accuracy of the testing.

Attached is an example of the "Certification by Logic and Accuracy Board" Form (Attachment B).

Canvass: Members are invited to view all aspects of the Canvass process, which includes the ability to ask questions of a Manager overseeing the task and to take notes of the process. The Registrar of Voters provides written observer guidelines; issues observer identification badges and escorts the observers during their visit in the office. The observers are provided specific guidelines of how they may not interfere, interrupt or delay the conduct of the Canvass.

Attached is an example of the Election Observer Guidelines (Attachment C).

Registrar of Voters

1555 Berger Drive, Building 2
San Jose, California 95112
Mailing Address: P.O. Box 611360 San Jose, CA 95161-1360
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FA X (408) 998-7314



**NOTICE OF OBSERVER OPPORTUNITIES IN THE JUNE 8, 2010
GUBERNATORIAL PRIMARY ELECTION**

April 22, 2010

You or your representative is invited to observe the June 8, 2010 Gubernatorial Primary Election processes at the Registrar of Voters (ROV), 1555 Berger Drive, Building #2, San Jose, CA 95112.

The following list provides the various election activities from which you may choose to observe. If you wish to observe a process, call Kathy Viana (408) 282-3005 to confirm the actual date and time.

DRE Touch Screen Voting Machine Preparation and Testing (for ROV Office Voting only)

This is the loading of election data and comprehensive election logic and accuracy testing that ensures that each machine is securely programmed and prepared properly. Testing is comprised of nineteen (19) major sequential steps to ensure the integrity of the vote counting on Election Day. Testing will occur approximately May 10 to May 28, 2010 from 8:30 am to 4:00 am. However, the testing schedule is subject to change. If you would like to observe, call Kathy Viana (408) 282-3005, 3-5 days ahead of the estimated beginning date to confirm the actual testing schedule.

Optical Scan Pre-LAT (Logic and Accuracy Testing)

The optical scan system is tested prior to each election by using a pre-marked set of test ballots. Ballots test the computer system's ability to detect over votes and account for under and invalid votes. Testing will take place approximately May 12, 2010 at 10:30 am. However, the testing schedule is subject to change. If you would like to observe, call Kathy Viana (408) 282-3005, 3-5 days ahead of the estimated beginning date to confirm the actual testing schedule.

Returned Vote by Mail Ballot Processing

In accordance with California Elections Code, the ROV will begin to open, process and count returned Vote by Mail Ballot Envelopes on Friday, **May 28, 2010**. All ballots received by 8:00 pm. on Election Day in our office, from the post office, and from all polling places will be counted as soon as possible.





ELECTION OBSERVER INSTRUCTIONS

Please read and follow these Election Observer Instructions. Violation of these instructions may result in an Observer being asked to leave the work area for the remainder of the day.

The California Election Code provides for the public, candidates, committees and parties to observe ballot counting and Absentee and Provisional Ballot verification (California Elections Code Sections: 19320 (Machine Preparation) 15104, 15204 and 15350). Additionally, the public is always welcome to observe our operation throughout the year in addition to the above election-specific processes, provided that:

- Observers cannot disrupt the working environment of the Registrar of Voter's staff:
 - Keep all conversations to a minimum, at the lowest possible tone.
 - Keep at arms length from the staff at all times and never touch a staff member.
 - Observers may not speak directly to staff., except to a staff member authorized to escort observers. All questions and concerns must be addressed to the division manager or his/her designee, or the Assistant Registrar of Voters.
- We restrict the number of observers only if an election operation would be interrupted because there were too many observers. For that reason, we ask that observers schedule an appointment ahead of time, to avoid having to wait for those with appointments to complete their observation, or to schedule an appointment for a later date or time.
- Observers must sign in and out with the department, daily, and wear department badges for security purposes, turning them in each day before leaving the ROV.
- Radios, cameras, tape recorders or recording devises of any type are not allowed.
- Observers may not use cell phones inside the department. Please set the ring on silent or turn off the phone. Department phones are not for public use.
- The Office of the Registrar of Voters is strictly non-partisan. Please avoid partisan comments and discussions while in the department.
- Observers cannot touch any paper ballot or electronic ballot (cartridge) .
- Observers cannot enter restricted areas unless accompanied by an election official, with appropriate security level.
- If an observer challenges a ballot, they are permitted to ask the staff to stop. The observer must then address their challenge to the division manager or the Assistant Registrar of Voters.
- Challenging a ballot: "...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." (Elections Code 15106).

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Building 2
San Jose, California 95112
Mailing Address: P.O. Box 1147, San Jose, CA 95108
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FAX (408) 998-7314
www.sccvote.org



April 6, 2009

Santa Clara County Election Officers,

The Government Accountability Office (GAO) is conducting a study on voter accessibility on Election Day, November 3, 2009. I authorize employees of the GAO to conduct a short interview with the Precinct Inspector. If the Precinct Inspector is not available, the Election Officer in charge may be interviewed.

GAO staff will be observing the parking areas, route to the voting area, the voting area itself, and voting methods. The interview should not take more than ten (10) minutes to answer and the total visit by the GAO staff member should be completed in 30 to 45 minutes.

We appreciate your cooperation and have a wonderful Election Day.

Sincerely,

Elaine Larson
Assistant Registrar of Voters





ATTENTION: POLL WATCHERS, OBSERVERS, AND ELECTIONEERS

YOU MAY...

1. Observe the proceedings at the polls, including the closing procedures.
2. Read information from the Precinct Indexes that are posted near the entrance.
3. Read at the copy of the Precinct Index being updated at the worktable (if the Election Officers are not using it and there are no Voters waiting to vote).

YOU MAY NOT...

1. Interfere in any way with the conduct of any election.
2. Monopolize and/or remove the posted Precinct Indexes so that others are unable to use them.
3. Insist that the Election Officers stop processing Voters so you can view the Precinct Index being updated at the worktable.
Note: The Precinct Index is continuously updated, then posted at 11 a.m., 3 p.m., and 6 p.m.
4. Use the telephone or other polling place facilities.
5. Do Electioneering which means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of the polling place, an elections official's office, or a satellite location under Section 3018. Prohibited electioneering information includes, but is not limited to, any of the following:
 - (a) A display of a candidate's name, likeness, or logo.
 - (b) A display of a ballot measure's number, title, subject, or logo.
 - (c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
 - (d) Dissemination of audible electioneering information.
6. Sit at the official worktable or handle any of the official voting equipment, supplies, or ballots.
7. Use the area between the official worktable and voting booths as an observation point/post.
8. Interfere in any way with the closing of the polls.
9. Use cellular telephones, pagers or two-way radios inside the polling place, and/or within 100 feet of the polling place.
10. Bring children with you to the polling place.

Election Code 18370

No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under Section 3018, or an elections official's office: (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition. (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot. (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240. (d) Do any electioneering as defined by Section 319.5. As used in this section, "100 feet of a polling place, a satellite location under Section 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Election Officers will cooperate with any reasonable request.

If necessary, anyone who fails to comply with the above rules/procedures may be asked to leave and/or a local law enforcement agency may be called for assistance.

If you need further information or have questions, call: Santa Clara County's Office of the Registrar of Voters at (408) 299-POLL [7655] or (866) 430-VOTE [8683]