

**KERN COUNTY  
ELECTION OBSERVER  
PANEL PLAN**

**FOR THE**

**NOVEMBER 2, 2010  
CONSOLIDATED  
GENERAL ELECTION**

## Kern County Election Plan

### I. County and Voting System Information

1. Name of county: **KERN COUNTY**
2. Name of contact: **Karen J. Rhea, Chief Deputy Registrar**
3. Contact's phone: **661-868-3717**
4. Vendor and voting systems used by the county:  
**Dominion - Gems 1.18.24, with AccuVote OS 1.96.6, Accuvote Central Count 2.0.12, and AccuVote TSx 4.6.4**
5. Date: **October 20, 2010**

### II. Purpose

Please see the following attachments:

- 1 Thru 3 Observer Instructions

### III. Invite

Please see the following attachments:

- 1) Invitation to participate in the Audit of the Touch Screen units.
- 2) Invitation to observe preparation of Touch Screen units.
- 3) Invitation to serve as an observer Election Night.

### IV. Appointment Letters

Please see the following attachments:

- 1) Letter to inspector to introduce the media.
- 2) Election day credential for media.

### V. Mechanism for Feedback

Please see the following attachment:

- 1) Observer Questionnaire



## KERN COUNTY ELECTIONS OFFICE OBSERVER INSTRUCTIONS

(Pursuant to California Elections Code Section 15004, 15104, 15204, 15629-15631)

Interested parties may observe that the Election Official is following proper procedures. The Election Official shall determine the number of observers and establish a reasonable observation distance for observers. By promoting public participation, it ensures integrity and voter confidence in the electoral process.

### **GENERAL INFORMATION AND GUIDELINES**

- 1) All observers must report to the counter at the Elections Office. You will be required to sign in and out daily on the Observers' Log.
- 2) Observers will be issued a badge that is to be worn at all times. It is to be returned daily before leaving.
- 3) Staff will escort observers to a designated viewing area. Observers must be escorted at all times when not in the designated observation area.
- 4) No eating or drinking is allowed in work areas.
- 5) Radios, cameras, cell phones and tape recorders may not be used in work areas. Pagers and cellular phones must be set to vibrate or off mode while observing the canvass. You *may not* use your cell phone in the Election Office EXCEPT in the front lobby.
- 6) The observer's function is to observe that procedures are properly followed. Observers cannot assist in operations, touch or handle any ballots or other election-related materials.
- 7) No observer shall interfere with the orderly process of the election.
- 8) One spokesperson per group should be the primary point of contact.
- 9) Any questions on procedures should be made directly to the Chief Deputy Registrar or Supervisor in charge, and not to individual election personnel. No communication between election personnel will be allowed regardless of the topic. If you are seen communicating directly with an individual election worker, you will be asked to leave.
- 10) No more than two (2) observers are allowed to stand over an election worker. Observers should avoid physical contact with employees.
- 11) Observers shall not enter inside the area where the counting of ballots takes place; they may observe through the glass window outside the ballot counting room.
- 12) Operations will continue as scheduled whether or not an observer is present.
- 13) Any observer who fails to follow instructions or causes a disturbance will be asked to leave the office or be escorted out by security.

### **REQUIRED COURTESIES**

- 1) It is the right of observers to be able to view processes at a proximity that allows them to ensure that staff are following proper procedures. However, please be sensitive to the individuals personal space. If a staff member can hear or feel you breathe then you are too close. Do not touch or lean on staff members. If you are ill, please if at all possible, have someone replace you in the observer process. This is a critical time and we cannot afford to lose experienced staff to illness.
- 2) Some people have sensitivities to perfumes and colognes. Please refrain from wearing strong perfume or aftershave while observing.
- 3) Staff members are carrying out important functions in the election process. Please conduct yourself in a manner that is not distracting. Observers shall not carry on conversations with each other or election personnel or make disruptive comments while in the observation or canvass work areas. Observers are to hold discussions and conversations outside the designated observation/canvass work areas.

## VOTE BY MAIL

- 1) Vote by mail observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether established procedures are being followed, including all of the following:
  - a) Verifying signatures and addresses on return envelopes by comparing them to voter registration information.
  - b) Duplicating accurately any damaged or defective ballots.
  - c) Securing vote by mail ballots to prevent any tampering with them before they are counted on Election Day.
- 2) No vote by mail process observer shall interfere with the orderly processing and counting of vote by mail ballots, including touching or handling of the ballots.

## CANVASS

- 1) All canvass procedures are open to the public.
- 2) The canvass resumes each morning and does not wait for your arrival, nor will it be halted until completed.
- 3) No observer shall interfere with the orderly process of the canvass.
- 4) Except to challenge a canvass procedure, observers shall not carry on conversations with each other or election personnel or make disruptive comments while in the canvass work area. Observers are to hold discussions and conversations outside the designated Canvass work areas.
- 5) No communication between election workers and observers will be allowed regardless of the topic. If you are seen communicating directly with an election worker, you will be asked to leave.
- 6) Observers will be allowed into the Canvass work areas only when employees are performing canvass operations.

## PROVISIONAL BALLOTS

Provisional ballots are by nature challenged ballots. There is no law that allows you to challenge the ballot further. You may only challenge the processes and our handling of the ballots.

### Requirements for Processing Provisional Ballots

- 1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signature on vote by mail ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voters' affidavit of registration. If the signatures do not compare, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.
- 2) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official. If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot. If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct. (EC-14310)

## **BALLOT HANDLING CHALLENGES**

- 1) Observers will be permitted access to a designated observation area(s), sufficiently close to enable them to observe and challenge whether election personnel handling VBM and Provisional ballots are following established procedures. If the challenge process unduly impedes or interferes with the verification process, challenges shall be discontinued.
- 2) Any member of the county grand jury, and at least one member each of the political party Central Committees or County Councils who have a candidate on the ballot, and any other interested organizations, shall be permitted to observe and challenge the manner in which the VBM ballots are handled, from the processing of VBM ballot return envelopes through the counting and disposition of the ballots.
- 3) Observers may not challenge signatures on VBM ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.
- 4) Observers may challenge whether the election workers handling VBM and Provisional ballots are following established procedures.
- 5) Elections personnel will put any challenged ballot(s) in the Supervisor box for research. The Supervisor will report the challenge to the Chief Deputy Registrar. The Chief Deputy Registrar will make the final determination on whether or not a challenge will be upheld and will inform the challenger of the final determination.
- 6) Challenges must be made prior to the opening the ballot envelope except for challenges pertaining to accurate ballot duplication of ballot security, which must occur before ballots are counted.

**Auditor-Controller-County Clerk  
Ann K. Barnett**

**Chief Deputy Registrar  
Karen J. Rhea**

**Elections Program Coordinator  
Abbe Shugart**

**ANN K. BARNETT**  
**Auditor-Controller-County Clerk**

**Nancy M. Lawson**  
**Assistant Auditor-Controller-County Clerk**

County Administrative Center  
1115 Truxtun Avenue, Second Floor  
Bakersfield, CA 93301-4639  
FAX 661-868-3560



**Auditor-Controller:** 661-868-3599  
**County Clerk:** 661-868-3588  
**Registrar of Voters (Elections):**  
661-868-3590  
800-452-VOTE  
TTY Relay 800-735-2929  
FAX 661-868-3768

XXXXXXXXXX

«Name», «Title»  
«CommitteeName»  
«address»  
«CityStateZip»

Dear «Title»:

Per California Elections Code section 19320, you are hereby invited to observe the preparation of the Touch screen units beginning on XXXXXX, 2010.

Each central committee may have one representative present and will be briefed on all procedures in connection with the preparation of the Touch screen units.

Please advise of your acceptance or the name of your appointed representative and of the alternate by faxing your response to 661-868-3768 or call 661-868-3706 prior to XXXXXX, 2010.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Ann K. Barnett  
Auditor-Controller-County Clerk

By: \_\_\_\_\_  
Abbe Shugart, Office Service Coordinator

AKB/SB/as

**ANN K. BARNETT**  
**Auditor-Controller-County Clerk**

**Nancy M. Lawson**  
**Assistant Auditor-Controller-County Clerk**

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FAX 661-868-3768

XXXXXXXXXX

XXXXXXXXXXXXX, Chairman  
XXXXXXXXXXXXX Central Committee  
XXXXXXXXXXXXXXXXXXXX  
Bakersfield, CA 93302

Dear Chairman:

You are hereby invited to participate in the Audit of the Touch Screen units on XXXXXX, 2010. You will be briefed on all procedures in connection with the audit of the Touch screen units. We ask that you report to our office at 9:00 am on XXXXXX, 2010.

Please advise of your acceptance or the name of your appointed representative by calling 661-868-3706 prior to XXXX, 2010.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Ann K. Barnett  
Auditor-Controller-County Clerk

By: \_\_\_\_\_  
Abbe Shugart, Office Service Coordinator

AKB/as

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XXXXXXXXXXXX

«Name», «Title»  
«CommitteeName»  
«address»  
«CityStateZip»

Dear «Title»:

Regulations of the State Commission on Voting Machines and Vote Tabulating Devices provide for the appointment of an Election Observer Panel comprised of representatives of qualified political parties, representatives of the news media, and local Governmental Agencies.

We are requesting that you serve as a panel member for the November 2, 2010 Consolidated General Election, and appoint an alternate to serve in your absence.

Members appointed will be briefed on all procedures in connection with the delivery and counting of ballots at the Central Counting Place on election night.

Please advise of your acceptance or the name of your appointed representative and of the alternate by faxing your response to 661-868-3768 or call 661-868-3706 prior to xxxxxxxx, 2010.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Ann K. Barnett  
Auditor-Controller-County Clerk

By: \_\_\_\_\_  
Abbe Shugart, Office Services Coordinator

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FAX 661-868-3768

XXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX, Supervisor-Inspector  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX, CA XXXXXX

Re: Site # XXX Rosamond CSD

Dear Supervisor-Inspector:

I just wanted you to be aware that on Election Day, November 2, 2010. The Edison/Mitofsky (National Election Pool News Agencies) will have a representative at your precinct to observe during the election.

If you have any questions please contact me at 661-868-3590.

Sincerely,

Ann K. Barnett  
Auditor-Controller-County Clerk

By: \_\_\_\_\_  
Karen J. Rhea, Chief Deputy Registrar

AKB/KJR/as

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XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX, Supervisor-Inspector

Re: Site # XXX Rosamond CSD

Dear Ms. XXXXXXXXX:

This letter will serve to introduce:

\_\_\_\_\_

a representative of the Edison/Mitofsky and National Election Pool who is hereby authorized to be present in your polling place as an observer during the election.

This Department recognizes election news gathering as an important public function and we ask that you give this representative every courtesy and cooperation within the law.

If you have any questions concerning this authorization, please call the Elections Office at 661-868-3590 or 1-800-452-8683 and speak to me, Karen Rhea.

**Please return this media credential in the roster.** Thank you for your cooperation in this matter.

Sincerely,

Ann K. Barnett  
Auditor-Controller-County Clerk

By: \_\_\_\_\_  
Karen J. Rhea, Chief Deputy Registrar

AKB/KJR/as

