

San Benito County Election Observer Panel Plan

COUNTY AND SYSTEM INFORMATION

Name of County: San Benito County

Name of Contact: Lupe Maldonado, Bilingual Election Coordinator

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Vendor and Voting Systems Used by County: Sequoia Voting Systems
DRE AVC Edge II and
Optical 400-C Optical Scan

Date: October 2010

PURPOSE

Public observation and input assists in ensuring the integrity of the election process. All aspects of preparation for and conducting an election may be observed and San Benito County actively seeks input at every election in order to help improve service and confidence. Several code and voting system provisions require notice of the opportunity for observation of various aspects of the election process.

In San Benito County, the Election Observation Panel and Logic and Accuracy Board are combined into a single panel serving both functions.

INVITE

Requests for appointment are sent out and a combined Notice of Central Count Place, Commencement of Absentee Processing and an invitation to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of ballot return envelopes through the opening, counting and disposition of the ballots is published in the local newspaper. Logic and accuracy testing of voting equipment is also open to observation.

MECHANISM FOR FEEDBACK

Panelists are provided a form for providing feedback concerning the tabulation process and any other aspects of the administration of the election.

OVERVIEW

Election observers may wish to view election processes and procedures at various locations:

1. San Benito County Clerk/Elections, 440 Fifth Street, Room 206, in Hollister
2. Polling places designated for each election
3. Central Counting Location, 440 Fifth Street, Room 204, in Hollister

CHECK IN PROCEDURES

1. All Observers must sign in upon arrival.
2. An Election Observer Badge will be issued and must be worn at all times.
3. When leaving for the day, observers must sign out and return badge to the front counter.

If necessary, Observers who fail to comply with the rules/procedures contained in these guidelines may be asked to leave and/or a local law enforcement agency may be called for assistance.

Interfering with Election Officers holding an election or with voters lawfully exercising their rights of voting at an election, is punishable by imprisonment in the state prison for 16 months and up to 3 years (California Elections Code §18502).

Election Officers will cooperate with any reasonable request from observers.

At Polling Places:

1. If your group would like to observe activities at a polling place, please provide the names of the individuals to the County Clerk by October 26, 2010. Letters of introduction will be prepared for the observers to use when visiting polling places.
2. Upon arrival, please present the Election Officer with the letter of introduction and explain your plans for observing.
3. All observers must maintain a professional manner while observing the election processes.

GENERAL RULES WHILE OBSERVING PROCEDURES AT THE CENTRAL LOCATION OR POLLING SITES:

Observers may...

1. Check in with the Election Officers and let them know who you are, who you represent and your plans for observing.
2. Observe the proceedings at the polls, including the closing procedures.
3. Take information from the Public Alpha Index that is posted near the entrance.

Note: The Public Index is continuously being updated, at least once each hour, until 6 p.m. as long as it does not interfere with the processing of voters.

4. Make notes and watch all procedures.
5. View all activities at all locations.
6. View all election night polling place check-in and counting procedures.
7. View the canvass of the vote activities following the election.
8. View vote-by-mail and provisional ballot processing during the canvass.
9. Ask questions of election officials or voters at all locations as long as it does not violate electioneering laws or disrupt the elections processes.
10. Ask questions of supervisors at the central counting site.
11. Observers must be accompanied by an election deputy in non-public areas of the central count facilities at all times.

Observers may not:

1. Interfere in any way with the conduct of any election.
2. Sit at the official worktable or touch any of the official voting equipment, supplies, or ballots.
3. Converse with voters (within 100 feet of a central voting location) regarding the casting of a vote, or speak to a voter regarding his or her qualifications to vote.
4. Wear candidate badges, discuss candidates or issues, or bring any campaign material into the polling place, and/or within 100 feet of the entrance to the polling place.
5. Wear the uniform of a peace officer, a private guard or security personnel.
6. Use cellular telephones, pagers or two-way radios inside the polling place, and/or within 100 feet of the entrance to the polling place.
7. Use telephones at the polling locations or central count facility.
8. Use the area between the official worktable and voting booths as an observation point/post.
9. Touch election personnel.
10. Eat or drink at any location.
11. Assist in operations at any location.
12. Photograph, videotape, or otherwise record a voter entering or exiting a polling place with intent of dissuading them from voting.
13. All photography or videotaping must be approved by the site Inspector.

GENERAL RULES FOR OBSERVING VOTING SYSTEM PREPARATIONS**Observers may...**

1. Observe the proceedings, including:
 - a. Logic and Accuracy Testing of Edge touchscreen voting machines
 - b. Programming of Result Cartridges and MemoryPacks
 - c. Sealing, storage and security of voting units
 - d. Ballot quality control, testing, and security
 - e. Chain of custody records for equipment and ballots
 - f. Preparation of polling place supplies for delivery to the polling sites
 - g. Preparation of voting supplies for pick up by the Inspectors

GENERAL RULES FOR OBSERVING CANVASS PROCEDURES

1. No observer shall interfere with the orderly processing of vote-by-mail ballot return envelopes or processing and counting of vote-by-mail 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 ballots are following established procedures (Elections Code 15104d)
3. If the challenge process unduly impedes or interferes with the verification process, challenges shall be discontinued.
4. Radios, cameras and tape recorders are not allowed. Pagers and cellular phones must be set to vibrate or off mode while observing the canvass.
5. 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.

6. All questions concerning a procedure should be directed to the supervisor and not directly to employees.
7. The number of observers may be limited so as not to interfere with the process. Observers should avoid physical contact with employees.
8. Observers are to hold discussions and conversations outside the designated Canvass work areas.
9. Observers will be allowed into the canvass work areas only when employees are performing canvass operations.
10. Operations will continue as scheduled whether or not an observer is present.

BALLOT CHALLENGES

1. 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 vote-by-mail ballots are handled, from the processing of vote-by-mail ballot return envelopes through the counting and disposition of the ballots (Elections Code §15104b)
2. Observers may not challenge signatures on vote-by-mail ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.
3. Observers may challenge whether the individuals handling vote-by-mail ballots are following established procedures. Please see established procedures for processing vote-by-mail ballots provided by the San Benito County Elections Department.