

## Merced County Election Observer Plan

Name of County: Merced County  
Name of Contact: Barbara Levey, Registrar of Voters  
Contact Phone: (209) 385-7541 or (800) 561-0619  
Date of Plan: Revised September 15, 2017

I. **VOTING SYSTEM USED:** Elections Systems & Software (ES&S) DS850, & AutoMARK

- AutoMARK accessible ballot marking device in the Registrar of Voters Office Lobby;
- DS850 central count units for counting mail ballots in the Elections Warehouse.

II. **PLAN PURPOSE:**

- Provide the public with the opportunity to observe.
- Help ensure the integrity of the election process.
- Remove some of the mystery associated with the election process in an effort to build voter confidence and encourage more people to take part.

III. **PUBLIC NOTICES AND INVITATIONS**

- An election specific public notice is posted on our website at [mercedelections.org](http://mercedelections.org)
- An "Invitation to Observe" letter is sent to the press, local League of Women Voters, County Grand Jury and active political party county central committees within the county of Merced.

IV. **ELIGIBLE OBSERVERS**

- County Grand Jury Members
- Political Party Central Committee Members
- Advocacy Groups
- League of Women Voters
- Media
- Campaigns and Candidate Representatives
- Other groups or individuals expressing an interest in observing election specific activities.

V. **CHECK IN PROCEDURES & OBSERVER RULES**

**General Rules:**

- The Elections Official will determine and establish a reasonable observation distance.
- The number of observers may be limited depending on the space available and to prevent impediment of the work flow.
- No radios, cameras, or tape recorders are permitted. (Limited permission may be granted to news media by the Elections Official.)
- Cell phones must be set to vibrate or "off" mode while in any observation area. No calls may be taken or initiated while in the observation area. Taking pictures with a cell phone is prohibited.
- Eating or drinking is not allowed while in the observation area.
- Campaign buttons and attire are not permitted to be worn in any observation area.
- Observers will be allowed in the observation area only when election officials are performing election specific operations.
- Observers shall not touch or handle any ballots, envelopes, containers, or equipment.
- Observers shall not carry on conversations while in the observation areas.
- Observers shall not give direction regarding election processes or interfere with the conduct of any election processes.
- Failure to follow observer rules will be reported to the Election Official, who will determine appropriate action; violators may be required to depart the designated observation area and not be permitted to return that day.
- All questions or concerns regarding a procedure shall be directed to the Registrar of Voters, Assistant Registrar of Voters, Supervising Election Specialist, or designated Elections staff member.

### **Observing at the Elections Office 2222 M Street, Room 14, Merced:**

- Observers must sign in at the Elections Division front counter and will be given a copy of the Observation Rules.
- Observers may request a brief overview of activities.
- An Election Observer Badge will be issued and must be worn at all times while inside election work areas. (Media may wear company issued identification badge.)
- Observers will be escorted.
- When leaving, observers must sign out and return Elections Division issued badges at the front counter.

**Note: Most election related office activities are conducted at the Elections Warehouse.**

### **Observing at the Elections Warehouse, 250 E. 15<sup>th</sup> Street, Merced:**

- Anyone wishing to observe can enter the building through the designated observation entrance when election specific activities are in progress.
- Observers must sign in to be admitted to election work areas.
- An Election Observer Badge will be issued and must be worn at all times while inside election work areas. (Media may wear a company issued identification badge.)
- Observers will be escorted to an observation area and must remain in the designated observation area and behind the barrier, if any. Restrictions are for security and safety; voting equipment, pallets, and materials are being moved; a clear path of travel is necessary for unimpeded work flow.
- A designated Observer Entrance is only available when:
  - Voting equipment is being prepared;
  - Vote by mail ballot envelopes are being signature checked;
  - Vote by mail ballots are being extracted and prepared for tabulation;
  - Vote by mail ballots are being tabulated (results are not available until after 8:00 p.m. on election night);
  - During post election canvass activities, which include but are not limited to:
    - Reviewing records and checking totals;
    - Processing vote by mail ballots postmarked or if not postmarked, dated by the voter, election day or prior and received through the mail by the Friday after the election;
    - Processing provisional ballots, if any;
    - Conducting the random draw of precincts for the 1% manual count;
    - Conducting the 1% manual count, and
    - Tallying Write-in votes, if any.

## **VI. OBSERVATION OPPORTUNITIES**

### **A. Preparation of Tabulating Devices Observation**

1. A Registrar of Voters / Elections staff member, in consultation with the Assistant Registrar of Voters, sets the time period for the official Logic and Accuracy testing of the ballot tabulation program and the programming and testing of the tabulation devices and related equipment.
2. A public notice of the start of the official Logic and Accuracy Testing will be posted on the Registrar of Voters / Elections web site: [mercedelections.org](http://mercedelections.org)
3. The number of individuals observing may be limited to prevent interference with the process, to preserve security, and to provide opportunity for each interested group to observe. (Elections Code §15004 &15204)

4. Central committees of qualified parties may employ, and have specialists or engineers in attendance, during preparation and operation of tabulation devices, their programming and testing. (Elections Code §15004)
5. When observers are present, the Registrar of Voters, Assistant Registrar of Voters, Supervising Election Specialist, or designated staff member will be available to explain the process and answer questions regarding the preparation, programming, and testing of tabulation devices or other related election equipment.

#### **B. Vote by Mail Process Observation**

1. Between 60 to 32 days prior to an election, the Merced County Elections Office posts a combined Public Notice of Central Count Accumulation and Commencement of Vote by Mail Processing. (Election Code § 15104) The notice is posted on the Elections web site: [mercedelections.org](http://mercedelections.org)
2. Vote by Mail ballot processing includes signature capture and comparison, precinct sorting, extraction, preparation, and tabulation. These activities take place in the **Elections Warehouse, 250 E. 15<sup>th</sup> Street, Merced.**
3. After check-in, observers will be escorted to an area that will allow them to observe individuals handling vote by mail ballots.

Vote by Mail Observer Guidelines are available at the time of sign in. [A copy of the guidelines is attached.](#)

#### **C. Election Night Observation**

1. Between 60 to 32 days prior to an election, the Merced County Elections Office posts a combined Public Notice of Central Count Accumulation and Commencement of Vote by Mail Processing.
2. A copy of the posting and letter of invitation to observe are sent to the Chairperson of the Grand Jury, the Chairpersons of each County Central Committee of a qualified party, to the local League of Women Voters, and our English and Spanish Media Contacts.
3. Results accumulation takes place inside of a security room. Entrance into secure areas is limited to persons authorized by the Registrar of Voters. Activities may be observed through the room window.

#### **D. Canvass & 1% Manual Tally Observation**

Canvass Observer Rules are posted.

A press release is sent at least one week before precincts are randomly selected for the 1% manual tally. This information is also listed in the Public Notice for the election on the Registrar of Voters, Elections web site: [mercedelections.org](http://mercedelections.org)

Random selection of precincts to be tallied may be observed at the Elections Warehouse.

Observers for all canvass activities, including the 1% manual tally, must follow the general rules and check-in procedures required for observing at the Elections Division office and Warehouse. (Part V. Check in Procedures & Observer Rules)

## **Source Documents & References**

The law provides the Elections Official with some discretion in terms of how various observation laws are applied. Additionally, while the Elections Official cannot delay or interrupt scheduled operations and processes because an observer is present, there is no requirement for the Elections Official to delay or interrupt scheduled operations and processes because an observer is not present or is late to arrive.

The rules below are drawn from the Secretary of State's General Rules for Observers as established in the Election Observer Panel Plan Template. (A copy is posted on the Elections web site under Election Information, Observers.) **Specific requirements are those established by the Merced County Registrar of Voters, Elections Office.**

## **General Rules for Observers**

### **Observers may:**

- Make notes and watch all procedures.
- View all activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View vote by mail and provisional ballot processing.
- Ask questions of supervisors at the central count site.

### **Observers are responsible for:**

- Checking in at each site, whether polling place or central counting site.
- Wearing an identification badge when observing at the elections office.
- Introducing themselves to the Election Inspector when observing at the polls.
- Maintaining a professional manner while observing the election processes.
- Ensuring they do not interfere with the election process.

### **Observers may not:**

- Interfere in any way with the conduct of the election.
- Touch any voting materials or equipment or sit at the official worktables.
- Converse with voters (within 100 feet of the entrance to the Registrar of Voters Office or Elections Warehouse) regarding the casting of a vote or speak to a voter regarding his or her qualifications to vote.
- Display any election material or wear campaign badges, buttons, or apparel.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Use cellular phones, pagers, or two-way radios inside the Registrar of Voters Office or Elections Warehouse work areas
- Talk to central counting site workers while they are processing ballots.
- Use office computers, telephones, or other non-public facilities at the central counting site.
- Touch election personnel.
- Eat or drink in the central counting site.
- Assist in operations.
- Photograph, video tape, or otherwise record a voter entering or exiting a ballot return center.