

# Merced County Election Observer Plan

Name of County: Merced County  
Name of Contact: Barbara J. Levey, Registrar of Voters  
Contact Phone: (209) 385-7541 or (800) 561-0619  
Date of Plan: Revised, September 19, 2018

## I. VOTING SYSTEM USED: ES&S M100, DS850, & AutoMARK

- **M100 precinct counters;**
- **AutoMARK accessible ballot marking devices;**
- **DS850 central count units** for counting vote by mail ballots, provisional ballots, and precinct ballots to be counted as part of the canvass.

## II. PLAN PURPOSE:

- Provide the public with the opportunity to observe and make suggestions on ways to improve the election process.
- 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

- Election specific press releases, as well as a public notices, are posted on our website at [mercedelections.org](http://mercedelections.org)
- "Invitations to Observe" letters are 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.
- Observers may only use public restrooms. Access to restrooms in areas not open to the general public may be prohibited at some locations.
- 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 will not be permitted to return that day.
- All questions or concerns regarding a procedure shall be directed to the Registrar, Assistant Registrar, or designated Elections staff member.

**Observing at the Elections Office 2222, M St., Merced, CA:**

- 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> St., Merced, CA:**

- Anyone wishing to observe can enter the building through the designated observation entrance when election specific activities are in progress.
- Observers must sign in and will be given a copy of the Observation Rules.
- 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 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);
  - Election night return activities are in progress; or
  - During post election canvass activities, which include but are not limited to:
    - Reviewing records and checking totals;
    - Processing rosters to record vote/no vote;
    - Processing vote by mail ballots turned in at the polls;
    - Processing provisional ballots;
    - Conducting the random draw of precincts for the 1% manual count;
    - Conducting the 1% manual count, and
    - Tallying Write-in votes.
- Brief escorted tours of other areas, may be provided, if requested in advance by calling the Elections Office.

**Observing at the Polling Places:**

- Observers who wish to be designated Official Election Panel Observers for the polling places on Election Day must attend an Observer Orientation Meeting which will be held in the Elections Warehouse sometime the week before the election. The date will be provided in a Public Notice posted on the Registrar of Voters, Elections website: [mercedelections.org](http://mercedelections.org)
- Official Election Observers must pre-register for the Orientation Meeting by calling the Elections Office so that introduction letters and badges can be prepared for distribution at the meeting. (See section VI, C & below for items to be covered in the meeting.)

- Official Election Observers will be issued a badge at the Orientation Meeting. The Badge must be turned in after the election.
- During the orientation meeting, Official Election Observers will be given a Letter of Introduction to present to precinct board members at the polling place on Election Day.
- A list of polling place locations can be obtained from the Registrar of Voters, Elections website: [mercedelections.org](http://mercedelections.org) A copy of the list will be available at the Orientation Meeting. Polls open at 7:00 a.m. and close at 8:00 p.m. on Election Day
- Observers must adhere to the Observation Rules.

## **VI. OBSERVATION OPPORTUNITIES**

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

1. The Registrar of Voters, 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 website: [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, 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 Office display board, 2222 M Street, Merced CA and on the Elections website: [mercedelections.org](http://mercedelections.org)
2. Vote by Mail ballot processing including signature capture and comparison, precinct sorting, extraction, preparation, and tabulation. These activities take place in the Elections Warehouse, 250 E. 15<sup>th</sup> St., Merced, CA.
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. Polling Place**

1. Election Officers at the polls are instructed to accommodate observers as long as they do not interfere with the conduct of any part of the voting process.
2. Observer Rules are posted at each polling place.
3. "Voter Feedback" postcards (English and Spanish) are provided to each polling place. The Election Officers are instructed to place these cards on the roster sign-in table.

4. The Elections Division surveys Election Officers who serve during statewide elections. During all elections, comments are gathered from roster comment sheets and reviewed after the election.
5. During statewide elections, the week before the election, an Observer Orientation Meeting is scheduled for poll observers. During special elections, a meeting may be set if the Elections Division is contacted by a group wishing to observe at the polls. A Public Notice will be posted on the Registrar of Voters, Elections website: [mercedelections.org](http://mercedelections.org)
6. Official Election Panel Observers must pre-register for the Observer Orientation meeting by calling the Election Office at **(209) 385-7541 or (800) 561-0619**.
  - Basic information about the equipment, the ballots, and poll activities will be given.
  - Observers Do's and Don'ts will be reviewed.
  - A special phone number(s), not given to election officers, rovers, or the general public will be provided to observers who have attended the meeting. The number **may not** be distributed to anyone who has not attended the orientation.
  - Each observer meeting attendee will be given an identification badge and a letter of introduction from the Registrar of Voters to the precinct boards. Introduction letters and badges **will not** be provided to observers who do not attend the orientation.

#### **D. Central Count & 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. Activities may be observed through the room window.

Warehouse: An observation area is marked off within the facility. Observers may enter the building through a designated observer entrance. Activities are required to be observed from behind a barrier. Restrictions are for security and safety; voting equipment, pallets, and carts of materials are being moved; vans or trucks and other vehicles are pulling up to and leaving the building.

Entrance into secure areas is limited to persons authorized by the Registrar of Voters. During statewide elections, Sheriff's Deputies may be present at the warehouse to assure rules and limitations are observed.

#### **E. 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.

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**

California Elections Code sections relevant to election observation can be found in the Secretary of State's Elections Observation Rights and Responsibilities. The document is posted on the Secretary of State's website at: <https://elections.cdn.sos.ca.gov/ccrov/pdf/2018/september/18232jl.pdf> A copy has also been posted on the Merced County Registrar of Voters, Elections website at: [mercedelections.org](http://mercedelections.org)

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:**

- Observe the proceedings at the polls, including the opening and closing procedures.
- Obtain information from the precinct index that is posted near the entrance.
- 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 staff at the polls as long as they don't interfere with the conduct of the election procedures.
- Ask questions of supervisors at the central count site as long as they don't interfere with the conduct of the election procedures.

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

- Checking in at each site, whether polling place or central counting site.
- Wearing an identification badge.
- Maintaining a professional manner while observing the election processes.
- Ensuring they do not interfere with the election process.

#### **Observers may not:**

- Interfere, in the judgement of the elections official, in any way with the conduct of the election.
- Physically handle any voting materials or equipment.
- Sit at the official worktables or view confidential voter information on any work terminal.
- Communicate with voters (within 100 feet of the entrance to a polling place) 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 polling place and/or within 100 feet of the entrance to the polling place.
- Talk to or attempt to stop central counting site workers while they are processing ballots.
- Use office computers, telephones, or other polling place facilities at polling places or the central counting site.
- Make physical contact with election personnel.
- Eat or drink in the polls or the central counting site.
- Assist in operations at any polling place or central counting site.