

# ELECTION OBSERVER PLAN & GUIDELINES



Observers are encouraged to contact San Benito County Elections Department before each election for the latest changes to the California Election Code and/or the unique details of a particular election.

**Office of Francisco Diaz**  
Conty Clerk-Recorder/Registrar of Voters

**Elections Department**  
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*NOTE: This document incorporates provisions from California Elections Code Sections 303.4, 320, 335.5, 338.5, 338.6, 339, 358, 360, 361, 362, 2250, 3018, 14223, 14240, 14251, 14294, 14422, 15004, 15101, 15104, 15106, 15360, 15367, 18370, 20874, 20875, 20876, 20878, and 20879, as well as relevant California Code of Regulations Sections 20871 – 20879. This document may not cover all legal authorities or statutes related to observations, and it is the responsibility of the observer to review the relevant legal authorities.*

## **I. INTRODUCTION:**

Welcome to San Benito County! We're thrilled to have you here. The 2024 Election Observer Plan and Guidelines were primarily crafted with vote centers in mind, but they also extend to observers at central counting locations and drop box sites.

It's crucial to note that observers must not disrupt the voting process or impede Election Officers in carrying out their duties. Should any interference arise, as determined by an Election Officer, the observer will be politely asked to vacate the premises.

We kindly ask for your cooperation and respect toward our hardworking Election Officers, who dedicate long hours to ensure a smooth voting experience for all. Please maintain a quiet demeanor and refrain from disturbing Election Officers or voters. While observation is permitted by law, adherence to established rules and guidelines is imperative.

Before Election Day, the County Clerk-Recorder/Registrar of Voters will convene an official Election Observer Panel, also known as the Election Monitoring Panel. This group is established to oversee election conduct, ensuring that the process is fair, transparent, and adheres to established rules and regulations. For further details, please refer to *Exhibit A: Invitation to Participate in the Election Observer Panel* at the end of this document.

## **II. OBSERVABLE ACTIVITIES:**

There are specific election-related activities that observers are permitted to witness at any location:

1. Opening procedures, including:
  - a) Setup of mandatory signage, voting booths, and other essential supplies.
  - b) Verification of security seals and setup, as well as resealing of touchscreen voting machines.
  - c) Preparation of the voter check-in table(s), ballot on demand table, and drop box table.
  - d) Unpacking of supplies and arrangement of voter information handouts.
2. Voter check-in and issuance of ballots and/or voter activation cards.
3. Ballot procedures from issuance to canvassing.
4. Closing procedures, which involve:
  - a) Removal of necessary signage, dismantling of voting booths, and other essential supplies.
  - b) Closure procedures for touchscreen voting machines.
  - c) Ballot reconciliation and completion of requisite forms.
  - d) Sealing of all mandated materials for transportation.
5. It's important to note that observers are not permitted to watch any voter while they are casting their ballot. According to the California Constitution and Election Law, voting must remain confidential, and no individual may attempt to discern a voter's ballot choices, nor should any voter disclose their ballot to another person.

## **OBSERVERS WILL BE ASKED TO:**

1. Kindly wait outside the vote center until Election Officers have arrived and are ready to escort any observers inside for the commencement of the opening procedures.
2. Upon arrival, please introduce yourself to the Election Officers, mentioning any affiliations you may have and stating your intention to observe.
3. For security purposes, please store all personal bags, backpacks, or briefcases in your vehicle. Observers found with such items inside the vote center will be asked to return them to their vehicles.
4. If you need to make a phone call, please do so at least 100 feet away from the area where voters are casting their ballots.
5. Please maintain a quiet voice while inside the vote center to minimize disruption to Election Officers and voters, in line with the policies enforced in public libraries.
6. Observers should remain in areas designated by Election Officers for observing specific activities.
  - a) If you wish to observe specific areas, please request permission from the Vote Center Captain, who may, at their discretion, escort you to the requested area.
  - b) Observers are restricted from entering areas designated for Election Officers or voters and should refrain from approaching or entering voting booths without an escort from an Election Officer.
7. Observers must ensure they do not interfere with the election process in any manner.
8. Upon exiting the vote center, kindly notify the Vote Center Captain. This assists in emergency procedures and headcounts.

#### **OBSERVERS MAY:**

1. Witness and take notes on the processing of vote-by-mail ballots, including the handling of identification envelopes, signature verification, ballot duplication, and tamper prevention.
2. Challenge the procedures or validity of vote-by-mail ballots based on established criteria, such as whether the ballot was received timely or if the voter has a felony conviction, prior to opening the ballot envelope (*R.C. Section 20879*).
3. Submit written challenges if multiple challenges disrupt the processing, with the right to have the challenges documented and reviewed by the elections official (*refer to Exhibit B*).
4. Ensure that challenges are resolved in accordance with the Elections Code and that any challenge deemed frivolous does not interfere with the election process.
5. Upon request, be granted permission to observe and inspect the integrity of all externally visible security seals used to secure voting equipment, ensuring this is done without physical contact and in the presence of an Election Officer to avoid disrupting the election process or compromising voter privacy (*R.C. Section 20879*).
6. Obtain a written or oral disposition of the challenge from the elections official, ensuring no confidential voter information is disclosed (*refer to Exhibit B*).

#### **OBSERVERS MAY NOT:**

1. Any action that interferes with election procedures or conduct is strictly prohibited.
2. Refrain from engaging Elections Officers or voters in conversations that disrupt or delay the voting process.
3. Do not handle voting materials or equipment or sit at official worktables.

4. The area between official worktables, voting booths, and vote tabulating equipment is not to be used as an observation point or post.
5. Any form of intimidation or obstruction toward Elections Officers, staff, or voters is prohibited.
6. Do not demand that Election Officers pause voter processing for observation purposes.
7. Avoid interfering with the timely closure of vote centers or the transportation of ballots to the Central Office or receiving area.
8. Within 100 feet of a poll entrance, refrain from engaging voters on matters related to casting votes, displaying election materials, wearing candidate badges, or discussing voter qualifications.
9. Usage of cellular telephones or two-way radios inside the vote centers or within 100 feet of its entrance is prohibited.
10. Photography or video recording inside the vote center, particularly of voters entering or exiting, with the intent to dissuade voting, is strictly prohibited. Voters have the right to object to being photographed or recorded.
11. Do not obstruct others' access to materials, including touchscreen at the entrance, within the vote center.
12. Avoid using telephone or other vote centers facilities for personal use.
13. Refrain from speaking loudly or behaving disruptively while inside the vote center.
14. Avoid congregating excessively inside the vote center.
15. Eating or drinking inside the voting booths is not permitted.
16. Wearing the uniform of a peace officer, private guard, concealed carry badges, or security personnel is prohibited.

### **III. NON-COMPLIANCE WITH RULES:**

1. If an observer declines to observe the rules, an Election Officer shall ask the observer to leave the vote center.
2. If the observer fails to follow the directions at the vote center, if deem necessary by the Election Officer, the Officer shall contact law enforcement and shall make the law enforcement officer aware of the pertinent section of law that applies to the particular incident.

### **PERTINENT LAW:**

*Excerpts below from the California Elections Code and opinions of the Attorney General, where noted.*

General:

1. Poll watchers may not sit at the official table. (*E.C. Sec. 14223(a)*)
2. The area between the official table and the voting booths is accessible to voters only and may not be designated as an observer post. Only poll workers and voters engaged in voting may be within the voting booth area during the time the polls are open. (*E.C. Sec. 14221*)

3. Indexes marked to indicate persons who have voted are posted for reference by the public. Signature rosters may be inspected at any time provided there is no interference with poll operations or delay or inconvenience to the voters. (*E.C. Secs. 14202 & 14223(b)*)
4. At the opening of the polls the ballot box must be opened, exhibited to be empty, closed and then shall remain in the polling place until the ballots are counted. (*E.C. Sec. 14215*)
5. If a polling place is inaccessible to a voter with a disability, the voter may vote a ballot outside the premises in an accessible area as near as possible to the polling place. (*E.C. Sec. 14282(c)*)
6. Voters may request and receive assistance in voting if they declare under oath that they are unable to mark their ballots. (*E.C. Sec. 14282(a)*)
7. A voting booth may not be occupied by more than one person at a time unless a person is assisting the voter as provided by law. Nothing prevents a voter from being accompanied by a child under the age of 18 years while within the voting booth area if the child is under the voter's care. (*E.C. Sec. 14281, 14222 and 14224*)

#### **INTERFERENCE WITH ELECTION OFFICERS OR VOTERS:**

1. Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment in the state prison for 16 months or two or three years. (*E.C. Sec. 18502*)
2. Damaging or tampering with voting equipment or official election materials in a polling place is a felony, punishable by imprisonment for 2, 3, or 4 years. (*E.C. Sec. 18564*)

#### **CORRUPTION OF VOTING:**

It is a misdemeanor for any member of the public observing the elections to willfully attempt to ascertain the identity of a voter and the voter's ballot choices while observing the processing of vote by mail ballots, the semiofficial and official canvass, or any recount. Attempts include, but are not limited to, attempting to ascertain the identity of a voter by viewing confidential voter information on any computer terminal or official document and subsequently attempting to ascertain the ballot choices of that voter; opening a provisional or vote by mail ballot envelope in order to ascertain the voter's ballot choices; or making or placing a mark or device on a ballot or secrecy envelope in an attempt to ascertain the voter's ballot choices. (*E.C. §18562.5*)

#### **COERCION:**

1. The use of force, violence or tactic of coercion or intimidation to compel a person to refrain from voting at any election is a felony punishable by imprisonment in state prison. (*E.C. Sec. 18540*)

2. Poll workers are instructed to report the presence of any persons or signs which may be intimidating to voters or cause interference with the voting process to the Elections Department. (*E.C. Sec. 14240*)

### **ELECTIONEERING:**

1. Electioneering activity is not permitted within 100 feet of the polling place; that is, within 100 feet from the entrance or door to the room or rooms in which voters sign the roster and cast their ballots. Electioneering is any expression that is verbal or visual on a sign, button, flyer, etc. that clearly identifies a candidate or measure that is meant to influence the public one way or the other as it expresses an opinion, good or bad, about the candidate or measure at the election (*E.C. Sec. 319.5*). Electioneering is also considered any of the following:
  - 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 ballot.
  - c. Place a sign relating to voters' qualifications or speak to a voter on the subject of his qualifications except as provided in Section 14240 (voter challenge by precinct board).
  - d. Place campaign signs or take or wear campaign materials within 100 feet of a polling place. Only poll workers can post signs within 100 feet of a polling place. For purposes of this section [of law], 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting a ballot. (*E.C. Sec. 18370 and 18541*)

### **IV. MECHANISM FOR OBSERVER FEEDBACK:**

Observers may provide feedback concerning their observations of the elections processes in any appropriate manner, including letters, memorandum, or emails.

"Detailed and meaningful feedback" shall include the time, date, location, and specific details about the activity observed.

*NOTE: The Elections Department cannot be obligated to implement any idea or suggestion provided by observers. However, the Elections Department will carefully consider each proposal in relation to the law, feasibility of successful implementation, and budgetary and staffing constraints.*

## **EXHIBIT A: INVITATION TO PARTICIPATE IN ELECTION OBSERVER PANEL**

RE: November 5, 2024, Presidential Election – Election Observer Panel

Dear Community Members,

We are excited to invite you to take part in upcoming election observer opportunities as valued participants in the Election Observer Panel for San Benito County.

The goals of the election observer panel are:

1. To provide the public an opportunity to observe and offer suggestions for improving the election process.
2. To ensure the integrity of the election process.
3. To increase transparency, build voter confidence, and encourage greater voter and public participation.

Observers will have the chance to visit vote centers, central counting facilities, and ballot drop boxes before and on Election Day. Additionally, you are welcome to join our ride-along program, participate in mail ballot processing, signature verification, and envelope scanning. We also offer three training sessions that cover signature verification, observer responsibilities, and election history.

If you are interested in joining, please reach out at 831-636-4016 or by email at [sbcvote@sanbenitocountyca.gov](mailto:sbcvote@sanbenitocountyca.gov) and we will share available dates and times for these observation opportunities.

Thank you for your interest in supporting the democratic process in our community.

Sincerely,



Francisco Diaz  
County Clerk-Recorder/Registrar of Voters

Here is a list of organizations that have participated in our election observer panel in the past:

- Anzar Hills Democratic Club (Aromas, California)
- Community Food Bank of San Benito County
- Community Services Development Corporation
- Community Servies Development Corporation
- Jóvenes de Antaño Senior Center
- San Benito County California Republican Assembly
- San Benito County Chamber of Commerce
- San Benito County Democratic Central Committee Party
- San Benito County Election Integrity Group
- San Benito County Latino Coalition
- San Benito County League of United Latin American Citizens Council #2890
- San Benito County Republican Central Committee Party

Here is a list of public agencies that have been represented in our election observer panel in the past:

- City of Hollister, City Council
- City of San Juan Bautista, City Council
- County of San Benito, Board of Supervisors
- Hollister School District
- San Benito County Sheriff's Office
- San Benito County Superior Court Grand Jury
- San Benito County Water District
- Sunnyslope County Water District



## **EXHIBIT B: WRITTEN PROCEDURES FOR OBSERVER CHALLENGES**

The elections official must develop and provide written procedures for managing challenges made by election observers. These procedures should be made available where election activities or processes are taking place.

Upon resolving a challenge, the elections official must provide the observer with an oral or written explanation of the outcome as soon as reasonably possible. Care should be taken to ensure that no confidential voter registration information is disclosed during this process.

### **Procedure for Handling Challenges by Election Observers:**

- 1. Make Procedures Available:**
  - Ensure written procedures for handling challenges are available at election sites where activities or processes are taking place.
- 2. Record Challenger Information:**
  - Document the name and organization (if applicable) of the person making the challenge.
- 3. Describe the Issue:**
  - Provide a clear, detailed description of the challenge or issue raised.
- 4. Log Date and Time:**
  - Record the exact date and time the challenge was reported.
- 5. Identify Election Equipment:**
  - Note the identification number, make, model, and serial number of the election equipment involved.
- 6. Take Photographs:**
  - Capture sufficient photos showing necessary details and positions to document the problem.
- 7. Document the Resolution:**
  - Record the final resolution and disposition of the challenge.
- 8. Provide Disposition to Observer:**
  - Communicate the resolution to the election observer, either orally or in writing, as soon as reasonably practicable.
  - Ensure no confidential voter registration information is disclosed in the process.

*NOTE: In the event the elections official determines that challenges appear frivolous or meritless, the elections official shall have the right to halt the challenge process-for those making the frivolous or meritless challenges in order to prevent interference with the conduct of the elections activity or process being undertaken.*