



KERN COUNTY ELECTIONS DIVISION OBSERVER INSTRUCTIONS

(Pursuant to California Elections Code Section 335.5, 353.5, 336.5, 3019, 14310, 15004, 15104, 15105, 15106, 15109, 15201, 15204, 15272, 15301, 15304, 15360, 18370, 18502, 18540, 18541, 18543, 18562.5, 18564, 19320)

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.

OVERVIEW

There are currently 16 permanent staff members serving 441,804 registered voters. That is 1 staff member for every 27,613 voters.

The Elections Division conducts county-wide federal and state, city, school, and special district elections; maintains the master voter list, precinct records and maps; and maintains candidate/committee campaign contribution/expenditure statements and election documents.

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 observation area. Observers must be escorted at all times when not in the designated observation area.
- 4) No eating or drinking is allowed in observation areas.
- 5) Radios, cameras, tape recorders, and electronic devices including smartphones, tablets, or other handheld devices may only be used in designated areas. The designated area in the Election Office is restricted to the front lobby. Cellular phones must be set to vibrate or off mode while observing the canvass. The Elections Official, in their discretion, may approve photographs or video recordings outside of the designated areas provided that such use does not violate any provision of the Elections Code.
- 6) Backpacks, briefcases, and purses are not allowed.
- 7) 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.
- 8) Observers may not challenge signatures on vote by mail (VBM) ballot return envelopes. Only the Elections Official shall perform signature comparison, in accordance with Division 3 of the California Elections Code. Observers shall have the right to make challenges as provided in Elections Code sections 15104(b) and (d).
- 9) No observer shall interfere with the orderly process of the election.
- 10) Observers shall maintain a professional manner while observing the election process.

- 11) Observers are to hold discussions and conversations outside the designated Canvass work areas. Following a verbal or written warning, anyone not adhering to these rules will be asked to leave for the day.
- 12) This is a neutral office. Topics such as politics, campaigns, candidates will NOT be permitted within the facility. Observers may not wear the uniform of a peace officer, a private guard, or security personnel.
- 13) One spokesperson per group should be the primary point of contact.
- 14) Any questions on procedures should be made directly to the Lead in charge, or to the Elections Division Manager and not to individual election workers. **NO communication between election workers will be allowed regardless of the topic.** If you are seen communicating directly with an individual election worker, you will be asked to leave for the day.
- 15) Observers may make notes and watch all procedures.
- 16) No more than two (2) observers are allowed per stanchion in the observation areas. Observers must avoid physical contact with employees.
- 17) Inappropriate or aggressive behavior towards staff or other observers will not be tolerated and you will be escorted from the building.
- 18) Observers may not talk to the central counting site workers while they are processing ballots.
- 19) 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.
- 20) Observers MUST remain in the area they were assigned to. If you are found unsupervised in an area that you were NOT assigned to, you will be escorted from the building.
- 21) Observers must not enter a secure area without the permission of the Elections Official.
- 22) Operations will continue as scheduled whether or not an observer is present.
- 23) Any observer who fails to follow instructions or causes a disturbance will be asked to leave the office or be escorted out by security.
- 24) Any observer who fails to follow these rules will be given a verbal or written warning. If the observer continues to fail to comply with these rules, they will be required to leave the facility for the duration of the election canvass. If the situation warrants, the Elections Official or their designee may require an observer to leave immediately.
- 25) Observers shall be entitled to the rights set forth in Cal. Code Regs. Tit. 2, section 20873.

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 individual's 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 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 workers 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.

- 4) Observers must adhere to any health and safety protocols in place in Kern County or as required by the Elections Division when the observation occurs.

VOTING EQUIPMENT PREPARATION & TESTING

Elections Code section 19320. Before preparing a voting machine for any general election, the Elections Official shall mail written notice to the chairperson of the county central committee of at least two of the principal political parties, stating the time and place where machines will be prepared. At the specified time one representative of each of the political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election.

Observers shall have the right to observe the preparation and operation of the tabulating devices, their programming and testing, and any or all phases of the election.

VOTE BY MAIL

- 1) Vote by mail observers shall be allowed sufficiently close access to enable them to observe the VBM ballot return envelopes and the signatures thereon and challenge whether established procedures are being followed pursuant to Cal. Code Regs. Tit. 2, section 20879, including but not limited to:
 - a) Verifying signatures on return envelopes by comparing them to voter registration information.
 - b) Duplicating accurately any damaged or defective ballots.
 - c) Securing VBM ballots to prevent any tampering with them before, during, and after they are counted.
- 2) No observer shall interfere with the orderly processing and counting of VBM ballots, including touching or handling of the ballots.

ELECTION DAY OBSERVER

POLL WATCHERS are persons interested in election proceedings who are entitled to observe polling place operations during voting hours. Poll watchers have the right to ask questions and receive answers during the observation of an elections process or activity. If questioning disrupts the execution of the duties of the Elections Official, the Elections Official may discontinue responding to questions from that poll watcher. The Elections Official may designate a person to whom a poll watcher may ask questions about the process being observed. Poll watchers may not disrupt the election process or interfere with a voter's right to cast a secret ballot. Poll watchers often represent candidates, political campaigns and/or organizations.

POLL WORKERS are appointed by the Elections Office and are responsible for all phases of the election that take place at the polls. They will comply with poll watchers' requests for voter information as promptly as voter traffic allows.

Please see handout entitled "A Guide for Poll Watchers."

ELECTION NIGHT

The polls close at 8:00 p.m. and the first results are expected to be released shortly thereafter. These results will only include the VBM ballots and mail ballots cast. The first returns from the polling place are expected shortly after 9:00 p.m.

Everyone is welcome to watch the process of returns on election night and stay until we have finished processing for the night.

CANVASS

- 1) All canvass procedures are open to the public.
- 2) The canvass resumes each morning and does not wait for observers to arrive, 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 or ask questions of the person designated by the Elections Official pursuant to Cal. Code Regs. Tit. 2, section 20873(k), observers shall not carry on conversations with each other or election workers 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 who has not been designated to answer questions, 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 their nature, challenged ballots. There is no law that allows an observer to challenge the ballot further. An observer may only challenge the processes and 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 VBM 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 or the provisional ballot envelope is not signed, 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. (Elections Code section 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 workers handling VBM and Provisional ballots are following established procedures. If the challenge process unduly impedes or interferes with the verification process, the Elections Official may halt challenges from a person or group if multiple challenges are being made by the same person or group. However, that person or group may submit written challenges for the Elections Official to review at a later date, and the Elections Official shall document and resolve these challenges pursuant to Cal. Code Regs. Tit. 2, section 20879(h).
- 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) Observers may make challenges in accordance with Cal. Code Regs. Tit. 2, section 20879(a)(3).
- 6) Elections workers will put any challenged ballot(s) in the Supervisor box for research. The Supervisor will report the challenge to the Registrar of Voters or their designee. The Registrar of Voters or their designee will make the final determination on whether or not a challenge will be upheld and will inform the challenger of the final determination.
- 7) Challenges must be made prior to the opening of the ballot envelope except for challenges pertaining to accurate ballot duplication or ballot security, which must occur before ballots are counted.

Prepared by the Kern County Elections Division
1115 Truxtun Ave., 1st Floor
Bakersfield, Ca 93301
(661) 868-3590 / (661) 868-3768 (Fax)
web site: www.kernvote.com

QUESTIONS AND CONCERNS – CONTACT THE FOLLOWING:

Registrar of Voters, Aimee X. Espinoza