

# **ELECTION INTEGRITY 2012**

## **Observer Packet**

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# PRE-ELECTION

## ■ VOTER REGISTRATION

- Eligibility: 18 years of age on or before Election Day, U.S. citizen, resident of California, not in prison or on parole for a felony conviction
- Registrations do not expire due to lack of voting; canceled due to death, residency, felony conviction, by a court due to lack of competency
- Must be registered by the 15<sup>th</sup> day prior to an election (in person or post-mark date)
  - EXCEPTIONS: new citizens may register up to the 7th day prior to Election Day, upon proof of citizenship and establishment of residency of California; new residents may register up to the 7th day prior to Election Day. Only eligible to vote for President and Vice President and for no other office
  - **NEW:** Online registration beginning September 19, 2012 – <https://rtv.sos.ca.gov/elections/register-to-vote/> (individual enters driver's license number, date of birth and last four of Social Security number; the system searches the DMV database, and, if the information matches, registrants authorize the use of an electronic image of DMV signature)
  - **NEXT CYCLE:** Watch for implementation and execution of same day registration (Governor signed AB 1436 on September 24, 2012 – goes into effect only when Secretary of State certifies statewide voter database, VoteCal, complies with the requirements of the federal Help America Vote Act of 2002). Voter would cast a provisional ballot, to be counted if the conditional registration is deemed effective during the canvass period.
- Key data points: residence address, date of birth, driver's license number or last 4 digits of SSN

## ■ MAINTENANCE AND PURGES

- SCHEDULED: pre-election residency confirmation procedure, completed by the 90th day immediately prior to the primary election; initiated by mailing a nonforwardable postcard to each registered voter of the county preceding the direct primary election to any voter who has not voted within the last 6 months; the affidavits of registration of persons whose residency confirmation postcards are returned by the post office as undeliverable and who have no forwarding address, or for whom forwarding addresses are outside of the county, shall be placed in the inactive file; the affidavits of registration of persons for whom forwarding addresses within the county are received shall be corrected to reflect the new address provided by the post office
- DEATH RECORDS: local registrar of births and deaths shall notify county elections officials not later than the 15<sup>th</sup> day of each month of all deceased persons 18 years of age and over, and elections official shall cancel the registration of each deceased voter

## ■ LOGIC AND ACCURACY TESTING

- Calibration and proper functioning of signature verification and vote-counting machines
- Observers have a right to be present

## ■ VOTE BY MAIL BALLOTS

- Application: can be per election or permanent; any registered voter eligible, regardless of reason; application due by the 7<sup>th</sup> day before the election, unless person is unable to go to the polls because of illness or disability resulting in his or her confinement in a hospital, sanatorium, nursing home, or place of residence, or any voter unable because of a physical handicap to go to his or her polling place - may request in a written statement, signed under penalty of perjury that a ballot be delivered to him or her by any authorized representative of the voter who presents this written statement to the elections official within the 7 days prior to the election
- Permanent status cancelled if voter fails to vote in four consecutive statewide general elections
- Vaidly cast ballots
  - DEADLINE: received, not post-marked, by close of polls on election day
  - Signature on the outside of the envelope that matches voter registration affidavit; residence address that matches voter registration affidavit
  - THIRD PARTY RETURN: A vote by mail voter may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot – that person must sign and print his or her name on the envelope (ROV does not verify signatures or relationships)
- Mailed out 29 days prior to election
- Processing: May begin 29 days before the election – including verifying voter's signature, updating voter history records, opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them
- OPEN TO THE PUBLIC: the processing of vote by mail ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election; allowed sufficiently close access to observe the vote by mail ballot return envelopes and the signatures, and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following: (1) Verifying signatures and addresses on the vote by mail ballot return envelopes by comparing them to voter registration information. (2) Duplicating accurately damaged or defective ballots. (3) Securing vote by mail ballots to prevent tampering with them before they are counted on election day

## ■ MILITARY AND OVERSEAS BALLOTS

- Register as special absentee voter by faxing or mailing federal post card application
- Ballots are mailed, faxed or emailed to voter
- Special absentee ballots sent by the 45<sup>th</sup> day before the election**
- Cast ballots returned by mail or fax (not email) to county elections official, including "oath of voter" form
- Voted ballots due on election day before close of polls

# ELECTION DAY

## POLL OBSERVER DO'S AND DON'TS

Your task is to observe, to notify the appropriate elections officials of any irregularities or concerns, and (if necessary) to complete a witness statement that may be used for subsequent proceedings.

State and federal law prohibit **ANY** direct challenges against voters at the polls by campaign volunteers. Do not intimidate or harass voters or election officials under any circumstances!!!

### DO

- **BE COURTEOUS AND FRIENDLY.** Introduce yourself to the precinct officer upon arrival. Indicate you are there only to observe, not interfere. Advise them you want to follow their procedures for bringing concerns to their attention and not to disrupt the process.
- Provide a Poll Observer Certificate completed by your organization, if requested.
- Monitor the roster posted at the polling location (should be updated hourly through 6 pm)
- Take notes of your observations
- Raise concerns directly with precinct officer. If concerns not satisfactorily resolved, **escalate** to the appropriate county official – contact Registrar of Voters office, Sheriff, or District Attorney, depending on the nature of the issue
- Complete “Witness Statement” forms, as needed to document incidents

### DON'T

- Carry weapons
- Wear clothing that could be construed as intimidating, *i.e.*, dark suits or uniforms
- Engage in electioneering (displaying campaign buttons, signs or items that suggest affiliation with a campaign or political organization) within 100 feet of the polling place
- Talk to voters unless they approach you outside of the polling place. Do not ever harass or intimidate them!
- Challenge any voter directly – raise concerns with precinct officer
- Touch ballots, rosters, logs, or any other voting materials
- Take photos or video inside the polling place
- Talk on the phone inside the polling place
- Talk with or confront opposition campaign personnel or media

## PROCESS

- Voter must announce name and address to the precinct officer, then write name and address in the log
- First time polling place voters who registered by mail are required to present identification (partial list of acceptable documents) – current and valid photo ID such as driver's license or state ID, passport, employee ID, credit or debit card, military ID, student ID, health club ID OR a document that includes the name and address of the individual presenting it and is dated since the date of the last general election, such as a utility bill, bank statement, government check
- OBSERVERS RIGHTS: Roster publicly posted and updated hourly until 6 pm; poll watchers are permitted to observe vote casting, subject to space and courtesy considerations
- PROVISIONAL BALLOTS
  - appropriate when the precinct board is unable to find a voter's name on the index of registration, if the records show that the voter was provided with a vote by mail ballot that is not surrendered at the polling place, if the voter fails to provide the identification required (for first time polling place voter who registered by mail)
  - ballot placed into a sealed envelope that is the same format, but different color, than vote by mail ballots; placed in to a box
  - processed the same as vote by mail ballots, but only after all vote by mail ballots and precinct indexes are processed

## COMMON ISSUES

### Voting Machine and/or Polling Place Irregularities

- Polling places do not open or close on schedule. (Polling places are required to be open from 7 am to 8 pm. Voters in line at 8 pm may vote, but later-arriving voters may not join the queue; if any late-arriving voters are allowed to vote, be sure they are provisional and segregated from on-time provisionals)
- Election officials do not know how to set up or handle machines
- Machines broken down
- Insufficient number of paper ballots (English, other languages)

### Illegal Voting

- Votes already on the machines at the opening of the polls
- Ineligible voters voting, for example people not registered to vote, who do not know their address, etc.
- Voters not listed in the poll roster, or listed as having received a vote by mail ballot that is not surrendered, are allowed to cast regular ballots and not provisional ballots
- Voters voting multiple times
- Multiple absentee ballots delivered without the deliverer signing the “third party” return space on the ballots

### Intimidation/Violence/Suppression

- Illegal assistance
- Pay-off or intimidation of voters
- Threats/intimidation of election officials
- Electioneering less than 100 feet from the polling location (exit polling (non-push) allowed at least 25 feet from polling place)

### Improper Election Official Conduct

- Mistreatment of poll watchers
- Unauthorized handling of machines
- Relocation of the ballot box
- Provisional ballots not being used in appropriate situations or being comingled with polling place ballots

# POST-ELECTION CANVASS

## **LOGISTICS** (many of these tasks can and should be done prior to election day)

- Identify point of contact on Registrar's staff.
- Communicate with Registrar about office hours for the canvas and number of stations that will be operating in order to assess number of volunteers needed. Ask for tour of Registrar's office.
- Inquire how ballots will be secured throughout the day and night.
- Identify lead of the observer team and direct all communications from Registrar through the lead-observer.
- Identify and coordinate volunteers to observe canvas as long as necessary. Create contact list and assign time-slots.
- Plan morning meeting with the days' volunteers to assess status of canvass, provide instructions to new observers, instruct on strategy.
- Ask Registrar for written canvass procedures – both as to the Registrar's processes and observer guidelines.
- If a machine is used for the first run of signature checking, find out what the sensitivity level is, and what the scope of review is for staff review after the machine run.
- Prepare and distribute written materials to volunteers to describe duties and observation tips (what notes to take, issues to watch for, appropriate behavior and communications with Registrar's office).
- Troubleshoot problems – escalate as needed to the Registrar, County Counsel, Board of Supervisors; consider court action.
- Identify weekend duty judge in the event litigation is necessary. Identify volunteer or paid attorney to handle litigation.
- DATA—Ask Registrar for count of – every day obtain current status:
  - how many vote-by-mail ballots have been processed and are ready to run through the counting machine (but not counted as of election night);
  - how many vote-by-mail ballots have been received but have not yet been processed or are in some stage of processing and not counted as of election night;
  - how many vote-by-mail ballots need to be duplicated;
  - how many provisional ballots to process;
  - ask Registrar to segregate ballots for close race from county wide ballots, to expedite processing and resolution (can be requested but not demanded).

## **OBSERVER DUTIES AND OBSERVATION TIPS**

- Ensure adequate access to observe each process.
- Be polite.
- No partisan or candidate clothing, buttons, hats, etc.
- No cell phone use or photos within processing areas.
- Do not interfere with staff. Follow chain of command established by Registrar's office to address problems.
- Do not touch ballots or any other election materials.
- Use a worksheet (note observer's name and date) to collect information important to the campaign:
  - Note start and stop times, and approximate number of ballots processed during each time frame. How much time did staff spend to review each ballot?
  - Note questionable decisions by staff (e.g. no match counted by staff; match set aside by staff; envelope appears to be signed by spouse; computer doesn't have signature on registration affidavit)
  - Note other staff behavior that is not compliant with published office policy (e.g. erasing notes of prior review, removing ballots from envelopes)
- Note as much information about a problem envelope/ballot as possible – voter's name, affidavit number, city, full address, DOB, party affiliation, staff person handling the processing.

## C.O.N.T...P.O.S.T.-E.L.E.C.T.I.O.N.C.A.N.V.A.S.S.

### OBSERVATION

- Vote-By-Mail Ballots
  - A ballot that is marked or signed by the voter in such a way that it can be identified (e.g. signature, initials, name, address, identification number, social security number, driver's license number, messages or text or unusual markings unrelated to indication of the vote choice for a contest), the entire ballot is void (if there are distinctly identifiable markings on one page of a multiple-page ballot, the entire ballot is void).
  - A mark is valid if the voter's choice is clear and is consistent with manner used to mark the voter's selections on the whole ballot.
  - Voter's printed name and residence completed on the envelope and should match the affidavit of registration. If signatures are questionable as to match, then challenge ballot and ask registrar to compare residence address on envelope with residence address on affidavit of registration.
  - Voter's signature on the envelope matches the signature on the affidavit of registration.
  - Date missing from the envelope does not invalidate ballot.
  - Multiple ballots in a single envelope.
  - "Third Party Return" not properly completed.
  - Verify timely receipt of ballot (no receipts after election day).
- Provisional Ballots
  - Voter's printed name and residence completed on the envelope and should match the affidavit of registration. If signatures are questionable as to match, then challenge ballot and ask registrar to compare residence address on envelope with residence address on affidavit of registration.
  - Voter's signature on the envelope does not match the signature on the affidavit of registration.
  - Date missing from the envelope does not invalidate ballot.
  - Voter hasn't signed affidavit that the voter is eligible to vote and registered in the county where the voter seeks to vote.
  - Once verified, can vote only for races in the precinct in which the voter is lawfully entitled to vote, e.g., President, statewide offices, and depending on circumstances, congressional, legislative, etc. for the precinct of registration and the precinct in which the vote is cast.
  - Envelope contains confirmation by precinct official that the voter has provided either a valid California Drivers' License or Identification Card containing the voter's name and current residence or two forms of identification which contain the name and current residence address of the voter. Such forms checked may include: military ID, college or university fee card or student ID, lease agreement, mortgage statement, property tax statement, income tax return, utility bill, credit card bill, bank statement, preprinted check or bank deposit slip, vehicle registration, mail addressed to voter at his or her current residence address, or sworn statement given to polling place worker from third party as to identity and attesting to name and current residence address.
- "Duplicate" Ballots (preparation of duplicate for soiled or damaged ballots)
  - Ballots that are damaged, or have markings (including strike-outs, changed mind) that prevent the ballot from being machine read, must be duplicated.
  - Observers should monitor that ballots are being accurately duplicated.
  - Raise a challenge if the voter's intent is not clear or open for interpretation.
- Reconciling logs
  - Identify any voter that may have voted at the polls (regular or provisional) and returned a vote-by-mail ballot.
  - Identify any voter that may have voted in multiple precincts or multiple times at the same precinct.

