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October 7, 2022

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 22253

TO: All County Clerks/Registrars of Voters

FROM: /s/ Danielle Dawson
Office of Voting Systems Technology Assessment

RE: General Election: Election Observer Panel Plan (EOPP) - **Action Required**

The Secretary of State has submitted proposed regulations to the Office of Administrative Law, related to election observation rights and responsibilities. The proposed regulations are currently under review by the Office of Administrative Law and will not be in place for the November General Election. However, the Secretary of State does anticipate them being in place for future elections. More information regarding the proposed regulations on election observation rights and responsibilities can be found here at: <https://www.sos.ca.gov/administration/regulations/proposed-regulations>.

For the upcoming November 8, 2022, General Election, please continue to follow the guidance issued in [CCROV #22233](#) by the Secretary of State's Office, regarding election observation rights and responsibilities.

Additionally, please submit to the Secretary of State by 5 P.M., November 1, 2022, your Election Observer Panel Plan (EOPP). Attached below is a suggested template for an EOPP. Feel free to use it in preparing your plan for the November 8, 2022, General Election. Please email this directly to OVSTA at: VotingSystems@sos.ca.gov.

Please contact OVSTA at (916) 695-1680 or VotingSystems@sos.ca.gov if you have any issues or questions regarding these documents.

Election Observer Panel Plan Template

I. County and System Information

1. Name of County
2. Name of Contact
3. Contact's Phone
4. Vendor and Voting Systems Used by County
5. Date

II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide the public with the opportunity to observe and make suggestions on ways to improve the election process.
2. Help ensure the integrity of the election process.
3. Remove some of the mystery associated with the election process in an effort to build voter confidence and encourage more voter and public participation.

III. Invite

Between E-60 and E-30, prepare letters of invitation (see sample attached) to the following:

1. County Grand Jury
2. Political Party Central Committee Members
3. Advocacy Groups
4. League of Women Voters

Other groups or individuals expressing an interest in observing Election Day activities may also be included in the observer panel.

Note: You might want to consider offering to meet with groups, in-person or virtually, to provide an opportunity for the group members to ask questions about the process.

IV. Appointment Letters (for introduction to precinct workers)

After the groups have provided the names of interested panelists, prepare letters of introduction (see sample attached) for the panelist to use when visiting polling places on Election Day. Materials to be prepared for each panelist will include a listing of all polling places within the county for that specific election as well as the central counting site location and hours of operation.

V. Rules for Observers

Provided rules that observers must be aware if and follow:

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 process.
- Ensuring they do not interfere with the election process.
- Following established county observation rules/policies.
- Being courteous to poll workers and election officials. Speak to them only when it is convenient and does not interfere with the conduct of the election.

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 election procedures.
- View election-related 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 poll workers or voters at the polls as long as they do not interfere with the conduct of any part of the voting process.
- Ask questions of supervisors at the central counting site as long as they do not interfere with the conduct of the election procedures.

Observers may not:

- Interfere, in the judgment of the elections official, with the conduct of the election.
- Physically handle any voting materials or equipment.
- Move or rearrange tables, chairs, or voting booths at the polling place or central counting facility
- Sit at the official worktables or view confidential voter information on any computer terminal or document.
- Communicate with voters within 100 feet of the entrance to, or inside of, a polling place, a vote center, an elections official's office, or a satellite location, 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 the telephones, computers or other polling place facilities at polling places or the central counting site.
- Talk to or attempt to stop the central counting site workers while they are processing ballots.
- 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 the central counting site.
- Prevent other observers from observing materials or a process.
- Enter secure areas without the express permission of the elections official.

Observers at Tabulation Locations:

- Well-designed video programs may provide a sufficient alternative, or way to supplement in-person observation by a small number of observers.
- If a video is not feasible, make allowances for the space and personal disinfection needs of the observers as you build out these work areas.
- Given that vote-by-mail ballots will make up a greater percentage of the results than in past years, anticipate and plan for a greater number of requests to observe the mail process, whether by video or in-person.

Observers at Voting Locations:

- Provide poll workers detailed guidance ahead of time on how they should manage observations at their site.
- Assess how many observers can be safely accommodated at each site.
- Prepare and provide simple messages for poll workers to use if more observers seek entry than permitted or refuse to comply with health guidelines.

VI. Mechanism for Feedback

Consider providing observers with a checklist and/or questionnaires to be completed and returned to you.

Sample Letter of Invitation

Date (E-60 to E-30)

Dear XXX:

The Department of Elections will convene an Election Observer Panel to observe activities associated with the XXX Election, which will be held on XXX date. Representatives of political party county central committees, advocacy groups, the League of Women Voters, and the County Grand Jury will be invited to participate.

Typically, members of the Panel visit one or more polling places on Election Day and then visit the ballot counting center to observe the tabulation of ballots on election night. Panel members are also invited to observe the processing of vote-by-mail ballots at the Department of Elections. Members of the Panel will be provided with the information they need to participate in these activities.

If your organization would like to be represented on the Election Observer Panel, please notify XXX by mail, by phone at xxx-xxxx, or by email at XXX. Please respond by XXX date, with the name of your representative. XXX will be available to meet with Panel members to explain their role in greater detail and to provide them with the information they will need.

Thank you for your interest in participating in our electoral system.

Sincerely,

XXX
Registrar of Voters/County Clerk

Sample Letter Of Introduction

Date (no later than E-5)

TO: Precinct Inspectors

FROM: XXX

Registrar of Voters/County Clerk

SUBJECT: ELECTION OBSERVER PANEL

This letter introduces XXX, whom I have appointed to the Election Observer Panel for the XXX election. Members of the Election Observer Panel are invited to observe activities related to the administration of an election, including visiting polling places, while complying with both public health and county election guidance.

No person, including a member of the Election Observer Panel, may interfere with the operation of polling places. XXX and other members of the Election Observer Panel may ask you to explain certain operations and procedures. Please extend every courtesy to XXX.

If you have any questions, please call me at xxx-xxxx. Thank you for your cooperation and your service to our county's voters.