



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
OFFICE OF VOTING SYSTEMS TECHNOLOGY ASSESSMENT
1500 11th Street | Sacramento, CA 95814 | **Tel** 916.695.1680 | **Fax** 916.653.4620 | www.sos.ca.gov

September 16, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20211

TO: All County Clerks/Registrars of Voters

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

RE: General Election: Election Observer Panel Plan (EOPP) and Computer Vote Count Program

For the upcoming November 3, 2020, General Election, please submit to the Secretary of State by 5 P.M., October 23, 2020, the following:

1. Your Election Observer Panel Plan (EOPP). Attached is a suggested template for an EOPP, including planning suggestion in response to the COVID-19 pandemic. Feel free to use it in preparing your plan for the November 3, 2020, General Election. Please email this directly to OVSTA at: VotingSystems@sos.ca.gov.
2. A copy of your election Computer Vote Count Program containing the ballot definition for the November 3, 2020, General Election (Elections Code section 15001) is due October 23, 2020.
 - Due to the proprietary nature of the Computer Vote Count Program, it cannot be emailed, so please compress all data into a single zip file, preserving file and directory names within the zip file. Once compressed, please name this single file to include your county name and the date of the election. This single file can then be placed in the VoteCal Communications Portal. Once you have done this, please email OVSTA at VotingSystems@sos.ca.gov so we can manually transfer the file.
 - If you or a third party vendor plan to mail the Computer Vote Count Program, instead of placing it in the VoteCal Communications Portal, please mail it to the attention of OVSTA, 1500 11th Street, 6th Floor, Sacramento, CA 95814. All mailed Computer Vote Count Programs should include a tracking number, that you or the third party vendor email to OVSTA at VotingSystems@sos.ca.gov.

- If you are relying on your data processing staff, vendor, or other third party to deposit your Computer Vote Count Program with our office, please remind them that we must receive the program by October 23, 2020.
- If the program is modified or altered after a copy is submitted to our office, we must receive a copy of the modified or altered program no later than noon on Election Day.

Please contact OVSTA at (916) 695-1680 if you have any 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

Provide rules that observers must be aware of and follow.

COVID-19 specific rules:

- All observers must wear face coverings.
- Observers must maintain physical distancing of six feet and may be asked to remain in a designated area.
- Observers can be asked to take other safety measures such as hand hygiene, cough etiquette and general respect for cleanliness and sanitation.
- Observation is primarily an audio-visual activity, and video, particularly if supplemented by audio, may be an appropriate substitute in some situations for physical attendance during election processes in light of COVID-19.

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 without the express permission of the elections official.
- 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 cellular phones, pagers, or two-way radios inside the polling place and/or within 100 feet of the entrance to the polling place.
- 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 Location:

- 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 observers 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 questionnaire to be completed and returned to you. In addition to any checklist and/or questionnaire you provide, you may wish to include questions for observers to provide you information about the following items related to the COVID-19 pandemic:

- Workstations, voting stations and machines, check-in stations, and other stopping places are setup at least six feet apart.
- Line management procedures are in place to ensure six feet distancing between each voter.
- In areas in which physical distance cannot be maintained, physical barriers have been implemented.
- Visual cues (e.g. signs or floor markings) are present to remind voters and workers of the physical distancing and face mask requirements.
- Hand sanitizer and disposable face coverings are available at the check-in station.
- A dedicated worker is stationed at the point of entry to communicate safety procedures and direct voters to check-in stations.
- There are separate entry and exit points and that foot traffic is one-directional.
- Poll workers are regularly cleaning and disinfecting personal work areas and shared spaces.
- Poll workers are disinfecting pens and machines after each use.
- There is a separate voting station setup for voters who refuse to wear face coverings.

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. Due to the COVID-19 pandemic, all members of the Election Observer Panel shall wear face coverings, maintain a physical distance of six feet, and practice other safety measures, such as hand hygiene, while visiting polling locations and election facilities.

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. Due to the COVID-19 pandemic, all members of the Election Observer Panel shall wear face coverings, maintain a physical distance of six feet, and practice other safety measures, such as hand hygiene, while visiting 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.