

## **Section 2: Ensuring and Protecting the Rights of Every Voter**

Poll worker training should include an overview of the mission and role of the poll worker, which is to help every registered voter cast a ballot and ensure each ballot is safely secured until it can be counted. This requires the poll worker to provide a positive voting experience and ensure the rights of everyone seeking to vote are protected. Poll workers should be trained to approach their task with a customer service mentality to make each voter's experience as positive as possible. To fulfill that role, poll workers should be familiar with the rights of voters, be trained in cultural and gender sensitivity, know how and when to assist voters with disabilities, know how and when to assist voters with specific needs, and know their responsibilities and the limits to their authority. These four areas of knowledge are discussed independently below, but are components that should be integrated in the overall requirement to ensure the rights of voters are protected, respected, and valued.

### **A. Poll Workers Should Know the Rights of Voters**

All poll worker trainings should include a review of the rights of voters, with special emphasis placed on the rights discussed below.

#### **General Rights**

##### **Right to Cast a Ballot**

- In the event face coverings are required, a voter who refuses to wear a face covering has the right to cast a ballot.
- Every registered or conditionally registered voter has a right to cast a ballot. A registered voter is a United States citizen who is a resident of California, is at least 18 years old, is not currently serving a state or federal prison term for the conviction of a felony, is not currently found to be mentally incompetent to vote by a court, and who is registered to vote at their current residence address. (California Elections Code § 2300(a)(1))\*
- At all elections, a voter claiming to be properly registered, but whose valid registration cannot be established by examining the voter list for the precinct or the records on file with the county elections official, shall be entitled to vote a provisional ballot. (§§ 2300(a)(2), 14310)
- A voter has the right to cast a secret ballot free from intimidation. Poll workers should be trained to watch for and address any form of intimidation, which includes electioneering activities (see Section 3 of these standards). (§§ 2300(a)(4), 18540; California Constitution, art. II, § 7)

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\*All references are to the California Elections Code, unless otherwise specified.

- Poll workers should also provide voters with disabilities, or any voter requiring assistance, the same opportunity for privacy when marking their ballots as they provide to all other voters. (§§ 2300(a)(4), 18540; California Constitution, art. II, § 7)
- Poll workers must be trained about the right of voters to cast a ballot if they are in line at the polling place when the polls close at 8:00 p.m. Voters who are in line at the polling place at the time polls close are entitled to vote and must be allowed to exercise that right. (§§ 2300(a)(3), 14212, 14401, 14402)

### **Rights of Voters Who are Required to Provide Identification**

- Poll workers must not ask a voter to provide their identification unless the voter list clearly states identification is required.
- Under federal law, first-time voters who registered by mail may be required to show identification to vote. This notation on the voter list will be made when the voter mailed in a voter registration form without providing a driver license number or the last four digits of their social security number. (Section 303 of the Help America Vote Act of 2002 (HAVA), 52 United States Code (U.S.C.) § 21083(b); Cal. Code of Regs., tit. 2 § 20107)
- When asking for identification, the poll workers should know which forms of identification are acceptable and that photo identification is not required – a photo identification is simply one of several acceptable forms of identification.
- Poll workers should also be instructed that a photo identification does not have to contain the voter’s address or be issued by a government agency.
- Poll workers should be provided with a list of examples of acceptable forms of identification as listed in Section 20107(d) of the California Code of Regulations.
- Poll workers should explain to those voters why they, and not all voters, are being asked to show identification.
- Poll workers should clearly explain that if a voter who is required to provide identification does not have any acceptable form of identification or does not wish to provide identification, the voter is entitled to cast a provisional ballot and should be politely offered one. (§ 14310; Cal. Code of Regs., tit. 2 § 20107(c))

### **Rights of Voters Who Decline to State a Political Party Preference or Register with a Nonqualified Political Party**

- Poll workers should have a thorough understanding of the rights and options of voters who are not registered with a qualified political party, but are registered as No Party Preference (NPP) voters (voters who have declined to state a political party preference) or are registered with nonqualified political parties.<sup>1</sup>

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<sup>1</sup> For the purposes of this section, any reference to NPP voters includes both those voters who have declined to state a political party preference and those who are registered with nonqualified political parties.

- During a primary election that includes at least one partisan public office (e.g., United State President) on the ballot, there should be a nonpartisan ballot and a separate ballot for each qualified political party. It is important for trainers to clearly distinguish between ballots for qualified political parties and nonpartisan ballots. (§§ 334, 337, 13102(a))
- A political party may adopt a party rule that allows a person who is registered as an NPP voter to vote the ballot of that political party in the partisan primary election. (§ 13102(c))
- If a voter is registered as an NPP voter, they shall be given a nonpartisan ballot. However, this voter is entitled to vote the ballot of a political party that has authorized NPP voters to vote the ballot of that political party. (§ 13102(b))
- At a partisan primary election, before providing a voter who has declined to disclose a political party preference with a nonpartisan ballot or before the voter enters the voting booth, as applicable, a member of the precinct board shall provide a uniform notification to the voter informing the voter that they may request a political party's ballot (a "crossover" ballot) and the name of each political party that has authorized a voter who has declined to disclose a political party preference to vote in its ballot for that election. (§14227.5)
- County elections officials should train poll workers how to properly record which political party's ballot was requested or whether a nonpartisan ballot was requested by each NPP voter. (§ 13102(d))
- Prior to each partisan primary election, poll workers should be reminded that the ballot options available for voters who are not registered with a political party can change with each election, so they should rely only on the most current information.

### **Right to a Provisional Ballot**

- If a voter requests a provisional ballot, or believes they are registered to vote despite not being listed on the voter list, the voter is entitled to cast a provisional ballot and must be told how to find out if the ballot was ultimately counted, and if not, why not. In poll worker training, emphasis should be placed on checking supplemental lists or rosters to ensure voters are not being unnecessarily required to cast provisional ballots. It is ultimately the duty of the county elections official, not an individual poll worker, to determine whether a provisional ballot is eligible to be counted. (§§ 2300(a)(2), 14310, 14312)
- A voter who is not registered may also conditionally register (also known as same day registration) to vote in-person at all permanent and satellite offices of the county elections official and all polling places in the county and cast a ballot that day. (§ 2170)
- A military or overseas voter who is not registered may conditionally register. (§ 2170)
- A voter has a right to cast a polling place ballot if they can surrender their vote-by-mail

ballot. If the voter cannot surrender their vote-by-mail ballot, they may be entitled to cast a polling place ballot if the precinct board, a member of a vote center election board, or the elections official can verify that they have not returned their vote-by-mail ballot, and notates that fact in the voter's record to ensure their vote-by-mail ballot is not tabulated. If the voter cannot surrender their vote-by-mail ballot and it cannot be verified that the vote-by-mail ballot has not been returned then the voter has the right to cast a provisional ballot. (§§ 3015, 3016, 14310)

- A voter may vote their vote-by-mail ballot, without the identification envelope, in person at the voter's polling place or a vote center if the precinct or vote center board has real-time access to the county elections officials election management system, and does both of the following: verifies that the voter has not returned a vote-by-mail ballot for that election, and changes the status of the voter in the election management system from a vote-by-mail voter to an in person voter. In addition, after the voter's status has been changed, the voter must provide their name, address, and signature pursuant to Section 14216. Finally, the elections official must establish procedures to ensure that a voter who casts a ballot using this method does not submit more than one vote-by-mail ballot without the identification envelope, and the precinct or vote center board must comply with those procedures. (§ 3016.5)

### **Right to Replace a Spoiled Ballot**

- Poll workers should be aware that a voter has the right to receive a new ballot if, prior to casting a ballot, a voter makes a mistake marking votes. A vote-by-mail voter may also request and receive a new ballot if the voter surrenders the blank or spoiled vote-by-mail ballot to an elections official before the polls close on Election Day. However, a voter can only receive two replacement ballots. Poll workers should alert a voter who spoils their initial ballot that they are only entitled to two more replacements and should exercise caution when casting a replacement ballot. (§§ 2300(a)(5), 3014, 3015, 14288)

### **Right to Receive a Replacement Ballot**

- Poll workers should be aware that a voter has the right to request a replacement ballot. A voter can request a replacement ballot themselves or can have a representative obtain a replacement ballot on their behalf. If a voter is requesting a replacement ballot, they should be directed to the county elections official for further information on how to obtain a replacement ballot. (§ 3014)

### **Right to Instruction on the Use of Voting Equipment**

- A voter has the right to receive instruction on how to cast a ballot using the voting equipment in the polling place. Poll workers should be trained that any person who asks to vote on any other ballot marking device is entitled to do so. No voter is required to prove a disability or justify the request to use any machine in the polling place to cast a ballot. Poll workers should be reminded that not all disabilities are visible. Poll workers should be adequately trained to use all equipment and be available to help voters understand how to use it properly. Furthermore, poll workers should

understand the proper procedures and tools available for demonstrating the voting system, including the use of specially marked demonstration ballots. Each voter who uses a paper ballot should be instructed how to fold the ballot or place it in a secrecy sleeve or folder, so the voter's selections are not visible. (§§ 14272, 14275, 14292)

## **Election Day Posting Requirements**

- Poll workers should be informed what materials are to be posted at the polls on Election Day and where and how each item should be posted.

This includes:

- Flags (and how to properly hang them and ensure they are easily visible to guide voters to the polling place),
- Voter Bill of Rights posters (which the law requires to be “conspicuously posted both inside and outside every polling place”),
- Updated rosters or voter lists, election date and polling place hours,
- The correct number of translated sample ballots for all precincts at the polling place in all required languages,
- A sign identifying which languages voting assistance is provided in at that polling place or Vote Center,
- Bilingual poll workers must have a sign, tag or button identifying which language(s) they can provide assistance in,
- Instructions on how to cast a provisional ballot,
- Instructions for mail-in registrants and first-time voters,
- Information on electoral procedure (notices specified in Section 9083.5)
- For partisan primary elections, posters and/or other materials describing the partisan primary election process.
- Information on federal and state laws regarding fraud and misrepresentation (e.g., a sign warning against tampering with voting equipment).  
(§§ 2300(d)(2), 14105, 14105.1, 14105.2, 14105.3, 14200-14202, 18564)
- Any COVID-19 or any other health-related materials.

## **Materials in the Polling Place and Voting Booth**

- A voter, or any other person, may use an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of Sections 14221, 14224, 14291, 18370, 18502, 18540, 18541, or any other provision of the Elections Code. (§ 2302)

- State and federal law do not prohibit voters from bringing the Secretary of State's Voter Information Guide, a county voter information guide, a sample ballot, a copy of the Voter Bill of Rights, or other similar explanatory materials into the voting booth. However, the law does preclude voters from bringing electioneering materials (see Section 3, Electioneering) into the voting booth or within 100 feet of the polling place. (§ 18370)

### **Right to Report Fraud or Illegal Activity**

- Voters have the right to report any illegal or fraudulent activity at or near the polls to a local elections official or to the Secretary of State's office. The Secretary of State's office can be reached at (800) 345-VOTE (8683). If a poll worker is asked how to report illegal or fraudulent activity, the poll worker should provide the voter with that information. (§ 2300(a)(10))
- A poll worker should inform a voter they can file a written complaint regarding any alleged violation of federal or state election laws. For questions related to HAVA complaints, the voter should be directed to the Secretary of State's office for assistance. The Secretary of State's office may be reached at (916) 657- 2166 or [elections@sos.ca.gov](mailto:elections@sos.ca.gov). (52 U.S.C. § 21112(a)(2)(C))

### **Other Rights**

Voters have additional rights, depending on the circumstances. Poll workers should be accommodating and flexible to ensure these rights are protected.

#### **Rights of All Voters to Receive Assistance at Polls**

- Voters who, for any reason, need or want assistance to vote have the right to receive help to mark a ballot. A voter can bring one or two people into the voting booth, or the voter may request assistance from a poll worker. Poll workers should be trained in what (and what not) to do if asked to assist. For example, it is a violation of state and federal law to disclose how a person votes. (§§ 2300(a)(6), 14224, 14282, 18563)
- County elections officials should train poll workers how to properly record the voters who have been assisted in marking their ballots. (§ 14283)

#### **Rights of Voters with Disabilities**

- Voters with disabilities have the right to vote privately and independently, the right to have a voting station reasonably modified, the right to have barriers removed from the voting process, and the right to receive additional aids and services. At least one accessible voting unit must be available in each polling place where an election is being conducted. (HAVA § 301(a)(3)(B); § 19242(b))
- Voters with disabilities have the right to an accessible polling place. Poll workers must be trained on how to use every voting machine that is offered in the polling place and

on procedures for curbside voting if the voter is unable to enter the polling place. A list of voters who have requested assistance must be maintained and returned to the elections official. (§§ 12280, 14282, 14283)

- Under federal anti-discrimination laws, poll workers must permit a service animal to accompany a voter with a disability (e.g., a guide dog for a visually impaired person). Poll workers should walk on the side of the voter that is on the opposite side of the service animal. They should not pet or engage a service animal without permission from the owner. A service animal can be any trained domestic animal for the purpose of assisting the voter. Service dogs can be any breed or size. (Code of Federal Regulations, Title 28, § 35.136)
- A person with a disability who is unable to write may use a signature stamp (which must be approved by the county elections official or the Department of Motor Vehicles prior to Election Day), or authorize another person to use the stamp, on any elections-related document that requires a signature (including a vote-by-mail ballot envelope). A signature stamp on a vote-by-mail envelope is treated in the same manner as a written signature. (§ 354.5)
- All eligible citizens have the right to register to vote unless a court has currently determined them to be mentally incompetent to vote or they are otherwise ineligible because they are currently serving a state or federal prison term for the conviction of a felony. It is not up to poll workers to determine a person's registration qualification or competence to vote. Sometimes poll workers, upon encountering a voter who is disabled, may improperly question the person's competence to vote. Poll workers should be trained to provide the same respectful and courteous level of service to a voter with a disability as they would to any other voter. No voter who is on the voter list is required to show any identification unless they are a first-time voter who registered to vote by mail and are so noted in the voter list, or to prove their competence to receive or cast a ballot. Poll workers should be reminded that if a voter's name is not on the voter list, they are still entitled to cast a provisional ballot. (§§ 2000, 2101, 2300(a)(1), (2), 14310; Cal. Const., art. II, § 2; HAVA § 303(a)(5); Cal. Code of Regs., tit. 2 § 21017)
- For more information on how train poll workers on how to assist voters with disabilities consider including the "Disability Sensitivity at the Polls" flyer in your training materials. The flyer may be found on the Secretary of State's website at <http://elections.cdn.sos.ca.gov/voters-with-disabilities/disability-sensitivity.pdf>.
- Voters with disabilities should not be asked or permitted to fill out their ballots at the table where poll workers are checking in voters, even if the voters have requested assistance in filling out their ballots, because the secrecy of the ballot may be compromised. A separate table or voting booth compliant with the Americans with Disabilities Act (ADA) should be provided nearby.
- For additional information on assisting voters with disabilities, see page 15.

## **Rights of Voters with Limited English Proficiency**

- The federal Voting Rights Act provides that in some precincts, ballots and election materials must be printed and provided in other languages spoken by voters. Poll workers should be appropriately trained to offer translated sample ballots, including bringing to the voter's attention the availability of alternate language assistance. Poll workers should not make any comments regarding voters who ask to use alternative language materials. The county elections official may want to provide poll workers with written materials explaining how to appropriately offer ballots and voting materials in other languages. (§ 12303)
- Voters who need or want assistance to vote have the right to receive help in casting a ballot. A voter who is not proficient in English can bring one or two people into the voting booth, or the voter may request assistance from a bilingual poll worker. Poll workers should be trained in how best to communicate with voters who do not speak English or voters who have limited English proficiency. (§§ 2300(a)(8), 12303, 14224)
- Poll workers should also be instructed to respect people from backgrounds different from their own, including those who do not speak English. Poll workers should be reminded that all voters must be treated with the utmost respect and courtesy.
- Voters will generally understand if poll workers are busy, but no voter should have to tolerate rudeness or disrespect for any reason, particularly if the inappropriate treatment is aimed at them because of a disability or limited English skills. Voters needing language assistance should not be asked to step aside while other voters are serviced first; all voters should be processed in the order in which they appear to vote.

## **Rights of Voters Accompanied by Children**

- A voter who is accompanied by children below the age of 18 may take the children into the voting booth. (§ 14222)

## **Rights of Voters**

- Every active registered voter will receive a vote-by-mail ballot. (§§ 3000.5, 3003)
- To be counted, vote-by-mail ballots that are returned in person must be delivered to the office of the elections official, any polling place in the state, a vote center, a vote-by-mail drop-off location, or a drop box no later than the close of polls at 8:00 p.m. on Election Day. Vote-by-mail ballots that are mailed must be postmarked on or before Election Day and received by the county elections office that issued it no later than the 7<sup>th</sup> day after Election Day. The voter or a designated third party may deliver the vote-by-mail ballot to the county elections office or the polling place. Vote-by-mail ballots cast after the polls close will not be counted. (§§ 2300(a)(7), 3017(a), 3018, 3020)
- A voter who wants to vote at the polling place has a right to cast a polling place ballot if they can surrender their ballot. If they can't surrender their ballot they may be entitled to cast a polling place ballot if a precinct board, vote center board, or elections official



can verify that they have not returned their vote-by-mail ballot, and notates in their voter record to ensure their vote-by-mail ballot is not tabulated. If they can't surrender their ballot and elections officials cannot verify the vote-by-mail ballot has not been returned, then they have the right to cast a provisional ballot. (§§ 3015, 3016, 14310)

## **Rights of Elections Observers**

- Only poll workers and voters engaged in voting may be within the voting booth area when the polls are open. Other people may be in the polling place observing the process as long as they do not interfere with any voter's right to cast a secret ballot or a poll worker's ability to work. Poll workers should be taught how to treat elections observers, as well as what elections observers are and are not allowed to do. (§ 14221)
- Poll workers should be made aware that people have the right to observe the election process, even if they are not voting. Observers may be at the polls before they open to the public, during polling hours, and after the polls close. Observers have the right to ask poll workers questions about elections procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the poll workers' duties, the poll workers can stop responding and direct the observers to the county elections office for further answers. (§ 2300(a)(9))
- Frequently, people visit polling places on Election Day to check the voter list or roster. These may be people working for campaigns who want to determine which voters have cast their ballots. Poll workers should be provided with instructions on how best to interact with these people. Poll workers should also be trained how to update the voter list or roster and post such information in an accessible location, which is required by law to be completed at least once each hour, up to and including at 6:00 p.m. Counties operating under the Voter's Choice Act should explain their list process to poll workers and explain how to explain and interact with people with questions about the list process. (§14294)
- Poll workers should be made aware that a voter, or any other person, may use an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of Sections 14221, 14224, 14291, 18370, 18502, 18540, 18541, or any other provision of the Elections Code. (§ 2302)

## **Rights of News Media and Pollsters**

- Members of the news media and opinion-polling researchers are required to abide by different rules than elections observers. Clearly identified members of the news media may speak to voters leaving the polling place as long as they do not interrupt voting and are at least 25 feet from the polling place entrance. However, unless allowed by the county elections official, no voter may be photographed, videotaped, or filmed entering or exiting a polling place, or filmed inside the polling place, without their permission. Poll workers should be aware that members of the media should contact the county elections official before the election to prevent any problems or confusion

on Election Day.

- Elections officials should consult with their county counsel's office for county-specific best practices.

## **B. Poll Workers Should Be Trained in Cultural/Gender Sensitivity**

Given the great diversity of California's population, poll workers should be instructed to treat voters of all backgrounds with equal respect. Poll workers should be trained on cultural sensitivity – the ability to recognize and respond to cultural concerns and sensitivities of various groups. Poll workers should be made aware of relevant differences between cultures and religions and how the actions of a poll worker may be viewed differently than intended.

### **Cultural & Gender Sensitivity**

- Training should include information about people who speak languages other than English; people from racial or ethnic minorities; people who have physical, sensory, or mental disabilities; people with low literacy skills; people with religious affiliations; people who are elderly; and people who are gender diverse and/or LGBTQ+.

### **Respect for Differences**

- Poll workers should be taught that everyone in the polling place must be treated with the utmost level of respect and be provided with the same level of service, regardless of what language the voter speaks. Many U.S. citizens speak languages other than English, and in many California counties, federal law requires ballots to be available in languages other than English. When multilingual ballots are available, voters should be offered a choice. In addition, any voter, including non-English speaking voters and voters with limited literacy skills, are allowed to bring up to two people to help them vote. (§§ 12303, 14224)
- Poll workers should be trained on appropriate language to use when speaking to a voter with a disability. For example, the person is not a blind voter, but rather, a voter who is visually impaired. The voter is not wheelchair bound, but rather, the voter uses a wheelchair.
- Poll workers should be trained on appropriate language to use when speaking to a gender diverse and/or LGBTQ+ voter. For example, if the poll worker does not know what pronoun to use to refer to a voter, the poll worker can politely ask which pronouns the voter uses.
- Voters may present and express their gender in a manner that is different than what may be assumed based on how they are listed on the voter list. A perceived difference between a voter's gender expression and the gender identity displayed in their documentation does not render their identification insufficient. Any doubt as to the sufficiency of proof or a document presented shall be resolved in favor of permitting the voter or new registrant to cast a polling place ballot.

- Poll workers should be instructed that the photo in a voter's photo identification, should identification be required, may not appear to match the voter's current gender expression. This perceived difference does not disqualify the validity of a document establishing proof of residency or identity. Any doubt as to the sufficiency of a proof of a document presented shall be resolved in favor of permitting the voter or new registrant to cast a polling place ballot.
- Poll workers should be encouraged to be considerate and patient, anticipate voters' needs, and offer assistance when possible. For example, when checking in a voter, the poll worker should politely determine how to spell the voter's name. Train poll workers to politely ask voters how to spell their names, provide paper and pen for a voter to write down their name, or, for spelling purposes, accept a voter's offer to show their name in print on an identification card or other document. If necessary, the poll worker should also politely ask the voter for the voter's pronouns to use when referring to the voter. Poll workers may not require proof of identity except under the circumstances outlined in Section 2. A. of these standards.
- Poll workers should be instructed to assess the needs of each voter who might need assistance and meet that need in the course of their work, rather than treating voters as parts of specific population groups (such as "physically disabled" or "second language").

### **Offering Assistance**

- Sometimes it can be difficult to realize when a voter needs assistance. Some people may be much more independent than they appear to be. However, poll workers should be trained not to be afraid to ask voters if they need assistance. The poll workers should also be trained to ask voters directly if assistance is needed, regardless of whether the voter has brought an interpreter, companion, or assistant to the polls. Unless the voter indicates otherwise, all communication with the voter should be directed to the voter rather than to any interpreter, companion, or assistant. Eye contact is a sign of respect. The county elections official may want to provide written materials explaining how to appropriately ask voters if assistance is needed.

### **Three Communication Tools: Wait. Recognize. Listen.**

- Poll workers should be instructed to use three tools on Election Day:
  1. **Wait** – Suppress the instinct to quickly respond or cut off a question. Wait first to process the question, then formulate a reasoned and respectful response.
  2. **Recognize** – Focus on how to recognize other people's feelings, anticipate their needs, and be sensitive, accommodating, and courteous in assisting them.
  3. **Listen** – Listen before speaking to understand exactly what the voter is feeling, seeing, needing, and trying to communicate. It is most important to remember to put assumptions aside so poll workers are better able to hear and understand a voter's responses.

## **Voter Privacy**

- Poll workers should be trained to respect a voter's privacy. Voter privacy is not only a courtesy; it is a legal requirement. Training should emphasize the importance of voter confidentiality and clearly detail procedures for handling each ballot to ensure each voter's privacy is protected. (§ 2300(a)(4), California Constitution, art. II, § 7)
- Poll workers should be aware that the Elections Code allows a voter to voluntarily disclose how they voted if that voluntary act does not violate any other law. (§ 14291)

## **How and When Poll Workers Should Ask for Help**

- If poll workers find language or any other barrier is interfering with the ability to communicate with a voter, they should be taught to ask a bilingual poll worker for help or to contact a hotline at the county elections office for assistance. County officials should provide the appropriate contact information and the assistance necessary to make such contact.

## **Display Materials**

- Poll workers should be trained how to set up and draw voters' attention to instructional materials, including materials offered in other languages. A freestanding easel or display board is an effective way to post required notices in one place so voters can easily read them before receiving their ballots.

## **Removing Insensitive Poll Workers**

- If a poll worker is identified on Election Day as being culturally insensitive or otherwise unsuitable for a particular polling place, that poll worker should be reported to the county elections official and immediately removed from the precinct.

## **C. Poll Workers Should Be Trained in How and When to Assist Voters with Disabilities**

In addition to understanding how to respectfully treat people from different cultures, poll workers should be trained to assist voters with disabilities. Poll workers should understand that all voters have the right to vote privately and independently. It is not up to a poll worker to determine a person's eligibility to register or to vote. Poll workers should be trained to provide the utmost respectful and courteous level of service to every voter. Voters with disabilities, like every other voter, must be afforded the ability to cast their ballots in private.

## **Access**

- Poll workers must be instructed how to ensure voters with disabilities can get into and maneuver inside the polling place. This includes providing poll workers with the mitigating measures that were identified when the polling place was evaluated for

disability access. Poll workers need to be provided with necessary and proper equipment, signs, etc., to ensure the polling place is accessible. Access starts by clearly marking the most accessible way to get to the polling place. Accessible parking spaces must be clearly marked. This may include creating temporary accessible parking spaces closest to the polling place entrance. Directional signs will help voters identify the most accessible way to get to the polling place and voting equipment. Poll workers should be trained to temporarily modify the outside and inside set-up of the polling place (parking, tables, chairs, voting booths, etc.) to make it accessible and still ensure voters can cast their ballots in private.

- Poll workers should be taught that not all polling places can be made accessible. The law requires each polling place to have at least one accessible voting machine. If a polling place is designated as inaccessible because it cannot be made accessible with mitigating measures, poll workers will need to direct voters with disabilities to a nearby accessible polling place or provide curbside voting. Therefore, poll workers must be prepared to provide voters with disabilities from other precincts the opportunity to cast provisional ballots.

### **Curbside Voting**

- A voter with a disability may appear outside of the polling place and vote a regular ballot. Poll workers must be familiar with the procedures for conducting curbside voting. (§ 14282)
- Some polling places may use electronic pollbooks or other portable solutions. Poll workers should receive hands-on training for all such devices.
- Procedures for curbside voting include:
  - Taking the voter list, ballot marking pen, and ballot (in a secrecy sleeve) or a ballot marking device outside to the voter
  - Removing the receipt stub before giving the ballot and stub to the voter
  - Allowing the voter to mark the ballot in private
  - Taking the voted ballot in the secrecy sleeve and marking pen back into the polling place and inserting the voted ballot into the ballot box or scanner
  - Properly recording the voters who have been assisted in marking their ballots (§§ 14282, 14283)
- Signage shall be posted outside the polling place and adjacent to the area where the voter may appear to vote indicating that the option is available for a voter with a disability to vote there. The polling place shall establish a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place, such as a posted phone number, doorbell device, or the stationing of a precinct board member outside the polling place. (§ 14282)

## **Polling Place Set-up**

- Poll workers should be familiar with how to arrange furniture and equipment at a polling place to ensure materials are accessible to all voters and voters with disabilities are able to use equipment privately and independently. Set-up procedures should provide instructions on how to put together voting booths for use by voters who, for example, use wheelchairs. Precinct supplies should include aids such as magnifying glasses or sheets for voters with sight disabilities, pen grips, or signature guides. Poll workers should be prepared to offer the aides to voters.
- Many voters with disabilities have difficulty standing in line for any length of time. If a voter asks to use a chair, poll workers should provide one. Poll workers need to help such voters keep their place in line if necessary. Also, some voters will need to sit down to use audio keypads.

## **Voting System Access**

- Poll workers need to remember that some voters with disabilities may have disabilities that are not visible. When a voter wants to vote on the accessible voting machine, poll workers must allow them to use it. Poll workers should not question why the voter needs to use the accessible voting machine or assume the person does not have a disability simply because the poll worker cannot see it.
- Each polling place must have at least one accessible voting machine. Vote centers must have three accessible voting machines. Poll workers should ensure voting machines are set up in an accessible manner and, if a machine has auxiliary aids that provide or improve access, they should be familiar with the proper set-up and use (e.g., magnifying glasses, alternate language selection, audio headsets, and tactile controls). Poll workers should be trained on how a voting machine can be modified, moved, or set up to accommodate individual disability-related access needs. For example, poll workers should be trained to adjust the height and angle of the touch screen to match the most effective range and reach of voters with limited manual dexterity. (§ 19242(b); HAVA § 301(a)(3)(B); 4005(a)(2)(B))
- Poll workers should be taught to, before the polls open, practice connecting and removing equipment that provides accessibility for voters with disabilities to ensure the equipment is properly set up. Specific suggestions and techniques for improving physical access to voting machines are available in the Accessibility Report on the Secretary of State's website at:  
<https://votingsystems.cdn.sos.ca.gov/oversight/ttbr/accessibility-review-report-california-ttb-absolute-final-version16.pdf>.

## **Poll Workers Should Be Trained in Disability Sensitivity**

- Poll workers should be trained on disability sensitivity – the ability to recognize and respond to the needs and sensitivities of people with different types of disabilities.
- Poll workers should be taught disability sensitivity for working with voters with

disabilities and, in particular, focus on not treating voters with disabilities as less-capable voters.

- Poll workers should do the following when working with voters with disabilities:
  - Use common sense. People with disabilities want to be treated the same way everyone else is treated. A person is a person first; the disability comes second.
  - Avoid patronizing words or actions. Show the person the same courtesy and respect that you expect to receive from others. Treat adults as adults.
  - Be considerate and patient. Ask a voter what you can do to assist – do not help without asking or assume you know what is needed. Be patient if the voter requires more time to accomplish various tasks.
  - Communicate with the voter. Remember that some people with disabilities may have an assistant, interpreter, or companion with them. It is important to always look and speak directly to the voter rather than to their companion, interpreter, or assistant. Face the voter with a disability when you are talking. For example, if you are looking at a voter who is blind, you will be speaking directly to them, too.
  - Keep the path to the voting booth clear. If the polling place is in a building with several routes through it, be sure signs are posted to direct a person to the most accessible path.

#### **When working with voters who are blind or visually impaired:**

- Identify yourself as a poll worker as soon as you come in contact with the voter. If guiding a voter who is blind, offer your arm to the voter, rather than taking the voter's arm. When giving verbal directions to help the voter move through the polling place, be as specific as possible and identify obstacles in their way.
- If the person has a guide dog, walk on the side of the voter opposite from the side the dog is on. Do not pet or engage a guide dog without permission from the owner. Guide dogs can be any breed or size. If you are unsure if the dog is a service animal, simply ask.
- Describe what you are doing as you do it. If you are going to leave a person who is blind or visually impaired, let the person know.

#### **When working with voters with speech disabilities and/or who are hard of hearing:**

- A voter who cannot speak can give their name and address by simply providing identification to a poll worker. (§ 14216)
- Follow the voter's cues to determine whether speaking, gestures, or writing is the most effective method of communication.

- If speaking, speak calmly, slowly, and directly to the voter. Do not shout. Your facial expressions, gestures, and body movements help the voter understand what you are saying. Face the voter at all times.
- Rephrase, rather than repeat, sentences that the voter does not understand.

**When working with voters with limited mobility:**

- Do not push or touch a wheelchair without the owner’s consent. People using adaptive equipment consider the equipment to be part of their personal space.
- Ask before helping. Grabbing someone’s elbow may throw the person off balance. A person with mobility impairments might lean on a door while opening it. Quickly opening the door may cause the person to fall.
  - Fasten mats and throw rugs securely or move them out of the way to prevent people from tripping.
  - Keep floors as dry as possible.
  - Keep the ramps and accessible doors to the polling place unlocked and free of clutter.

**Removing insensitive poll workers**

- If a poll worker is identified on Election Day as being insensitive to voters with disabilities, or is otherwise unsuitable for a particular polling place, that poll worker should be reported to the county elections official and should be immediately removed from the precinct.

**D. Poll Workers Should Know Exactly What Responsibilities and Authority They Do and Do Not Have on Election Day**

Poll workers are asked to follow and enforce complex rules on Election Day. They are charged with managing a complex operation and are asked to provide customer service to equally inexperienced voters.

The large number of rules, election laws, and procedures can intimidate or empower poll workers. Either of these reactions can be problematic. Poll workers may allow themselves to be bullied in ways that jeopardize the integrity of an election. For instance, poll workers may issue an official ballot to a voter who demands one instead of the provisional ballot the voter should receive. Alternatively, a poll worker may feel empowered to exercise authority they don’t have. For example, the poll worker might refuse to give a provisional ballot to a voter who is entitled to receive one, a decision that will disenfranchise that voter.

Given differences in human character, these problems cannot be eliminated. However, elections officials can reduce the potential that such situations will arise through effective poll worker training and education that emphasizes the mission of the poll worker, which is to assist every person in voting and to ensure that each ballot is safely secured until it can be counted. After training, poll workers can be coached and reminded on Election Day by



roving inspectors who visit polling places throughout the day.

To ensure poll workers have the necessary tools to handle problems and respond to various situations (e.g., voters whose names cannot be found on the voter list), training should provide poll workers with:

- Easy access to written materials that will help them review procedures and make speedy decisions.
- The proper tools to quickly reach county officials. They should feel comfortable calling for help if they feel they need it. If one poll worker has a question, other poll workers should not dissuade them from calling for clarification, particularly if a voter could be disenfranchised.
- Information they can easily provide to voters who want or need to contact the county elections office themselves.
- The understanding that roving inspectors will visit them during the day to troubleshoot and respond to questions, problems, or needs. Poll workers should feel comfortable calling on their roving inspectors or the county elections office at any time.
- Clear instruction about how to handle electioneering, exit pollsters, and elections observers. Poll workers should be taught that if any other unfamiliar situation arises on Election Day, they should immediately contact the county elections office for assistance.
- Instructions to call the county elections office if they feel threatened or intimidated, if voters feel threatened or intimidated, or if a disturbance of any kind occurs. Poll workers should be instructed to call local law enforcement first if they believe the safety of any person in the polling place is in jeopardy.
- Clear, unambiguous instruction regarding the limits of their authority. They should understand poll workers have no authority to determine who may vote. Rather, poll workers are required to consult with a supervisor or issue a provisional ballot when a question arises.
- Training to check supplemental voter lists or rosters to ensure voters are not required to cast provisional ballots unnecessarily.
- An understanding they will be asked to leave and/or not be asked to work in the next election if they take any actions that threaten the voting process or infringe on the rights of voters.