

Alameda County Registrar of Voters

Election Observations Rights and Responsibilities

Observations in General

Election observers should be aware that in general, the law provides elections officials with some discretion in terms of how various observation laws are applied.

Furthermore, how a law is applied will vary from jurisdiction to jurisdiction for reasons including, but not limited to:

- The size and configuration of the election's office.
- The staffing levels that the county elections official is able to afford.
- The number of observers who are requesting access to a particular process.

If the number of observers exceed the capacity in the observer space, the Registrar of Voters ("ROV") will implement an observation schedule, allowing all observers an equal amount of observation time.

We would like to give everyone an opportunity to observe. We ask that you be respectful and refrain from language or behavior that disrupts, disturbs, or otherwise impedes the orderly conduct of the election process.

Anyone who violates of Penal Code 415(2) which states, "Any person who maliciously and willfully disturbs another person by loud and unreasonable noise is guilty of a misdemeanor," will be escorted away from the Registrar of Voters' Office by the proper authorities.

Observers Must:

- Check in at each site, whether the a vote center or the central counting site.
- Wear the identification badge provided by the election officials after checking in. The identification badge must remain worn and visible at all times.
- Maintain a professional manner while observing the election process.
- Ensure that they do not interfere with the election process.
- Follow the established Election Observer Rights and Responsibilities and instructions of the election officials.

Observers May:

- Observe election procedures.
- Take notes and watch election procedures.
- Ask questions of election officials, as long as they do not interfere with the conduct of any part of the election process. If elections officials determine that an observer's questioning disrupts the execution of the duties of the elections official, the elections official may determine the appropriate action, including but not limited to discontinuing responding to questions, instructing observers to remain silent inside the observation area, or having observers removed from the premises.

- Use an electronic device, including a smartphone, tablet, or other handheld device at Vote Centers, subject to the judgment of designated ROV officials that doing so will not impede work processes, jeopardize the confidentiality of voter information, jeopardize security and safety, or otherwise disrupt any part of the election process or result in a violation of the Elections Code. Please note that the use of phones or other handheld devices is not permitted in the Registrar of Voters' office.
- While observing ballot verification or tallying, challenge decisions or processes as permitted under Election Code § 15404 and 2 C.C.R. § 20879. Challenges must be addressed to a supervisor or other designated personnel.

Observers May Not:

- Interfere with or disrupt the conduct of the election. The elections official is entitled to determine whether an observer is interfering with the conduct of the election.
- Make physical contact with election personnel
- Physically handle any voting materials or equipment without the express permission of the elections official.
- Enter restricted areas, except with express permission from the elections official and accompaniment of authorized ROV personnel. This includes any areas where badge access is required or where live ballots or confidential voter information are present.
- Move or rearrange tables, chairs, or voting booths.
- Sit at the official worktables or assist in election operations.
- Display any political party or campaign material or wear political party or campaign badges, buttons, or apparel.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Attempt to direct, stop, or otherwise interfere with the work of election personnel. Any questions or challenges to the process must be addressed to a supervisor or other designated personnel.
- Use ROV telephones, computers, or other ROV equipment or facilities.
- Eat or drink in a Vote Center or the central counting site.
- Prevent other observers from observing materials or a process.
- Carry weapons.
- Photograph a voter entering or exiting a polling place.
- Engage in Electioneering (as defined by California Elections Code § 18370) inside or within 100 feet of the entrance of a voting location, curbside voting area, ballot drop-box, or the ROV's office, including:
 - Ask a person to vote for or against any candidate or ballot measure.
 - Provide materials or audible information for or against any candidate or ballot measure.
 - Distribute, display, or wear any clothing or materials (e.g., shirts, hats, signs, stickers, buttons) that include a candidate's name, image, logo, or otherwise support or oppose any candidate or ballot measure.
 - Display information or speak to a voter about the voter's eligibility to vote.

Elections Officials May:

- Require observers to maintain minimum distances from personnel and work areas.
- Require observers to limit discussions or to be quiet inside the observation area if conversations interfere with election officials' ability to concentrate or to communicate effectively with each other or with voters.
- Use discretion to determine how (e.g., written or verbal) and to whom observers may pose questions and challenges during the observation process.
- Restrict the number of observers permitted in an observation.
- Restrict the items observers may bring with them into the polling place or central counting site, such as cell phones, large bags, or back packs, etc.
- Require an observer who does not follow observation rules to leave the premises. They may also contact law enforcement if any visitors refuse to follow observation rules or to leave the premises when instructed by elections officials due to significant or repeated violation of these rules.
- Use discretion in determining what constitutes observer misconduct or interference and take any necessary steps to maintain the integrity of the election process.

PLEASE BE AWARE:

Any person who in any manner interferes with the officers holding an election or conducting a canvass, as to prevent the election or canvass from being fairly held and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years. (Elections Code § 18502).

Damaging or tampering with voting equipment or official election materials in a polling place is a felony, punishable by imprisonment for between two and four years. (Elections Code § 18564).

**These Election Observations Rights and Responsibilities are subject to change pending additional updates from the California Secretary of State and as elections officials may deem necessary in response to circumstances that may arise.