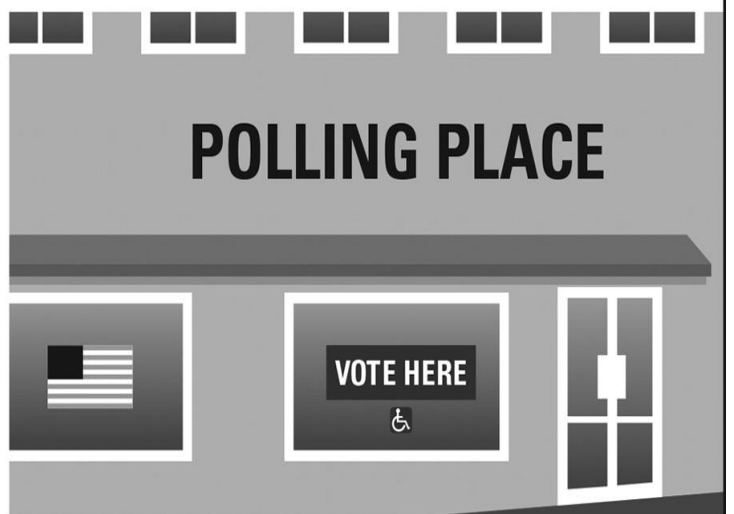
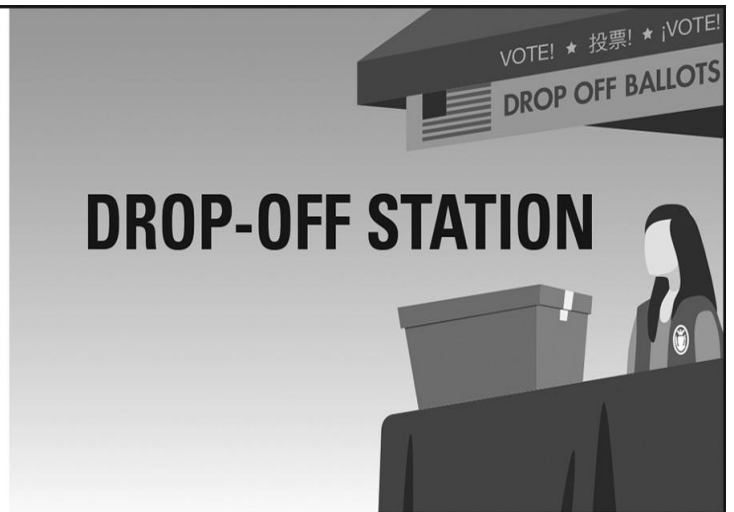
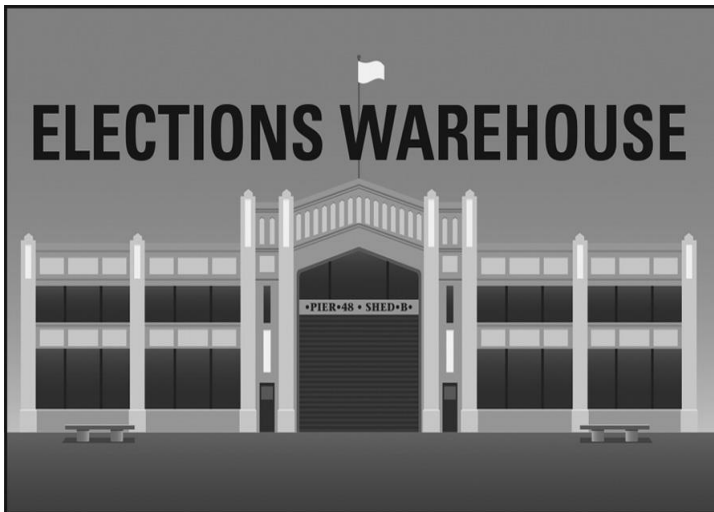


OBSERVER GUIDE TO ELECTIONS



CITY AND COUNTY OF SAN FRANCISCO

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Introduction

The Department of Elections (Department) is responsible for conducting elections under the rules and regulations established by federal, state, and local laws – notably, the Voting Rights Act, the Help America Vote Act, the Americans with Disabilities Act, and the City’s Language Access ordinance. The Department strives to maintain an open process that ensures public confidence in the election system, providing and improving upon our public outreach and education plan to all eligible voters in San Francisco, and continuing to improve the services the Department provides by streamlining processes and anticipating the future needs of San Francisco voters.

Prior to each election, the Department invites representatives from political parties’ central committees, the Civil Grand Jury, League of Women Voters, advocacy groups, and the media to form a panel of Official Election Observers. Panelists are invited to observe various election processes, such as Logic and Accuracy testing of voting equipment, processing of vote-by-mail ballots, poll worker training classes, voter outreach presentations, Election Day activities, Election Night ballot tabulation and reporting, and post-election Canvass, including the 1% manual tally of ballots cast.

Your role as an observer of the election is invaluable and helps strengthen the democratic process. The Department publishes this Guide to help Election Observers familiarize themselves with election processes and observation guidelines so that the Department may conduct election operations with minimal interference while allowing the public to observe. By facilitating observation, the Department hopes to encourage voter participation and build confidence in elections, ensure the integrity of elections, and provide an avenue for public input.

The Observer Guide is intended to provide general information about observing the election process and does not have the force and effect of law, regulation, or rule. It is distributed with the understanding that the Department of Elections is not rendering legal advice, and therefore, the guide is not intended to be a substitute for legal counsel for the individual or organization using it. In case of conflict, the law, regulation, or rule will apply.

Part I
Observer Rights
and Responsibilities

Part I - Observer Rights and Responsibilities

Citizens, candidates, campaign staff, and members of the media have the right to observe various processes associated with elections. The law provides elections officials with some discretion of how various observation laws are applied. Due to space and time constraints, the Department reserves the right to limit the number of observers.

1. Observer Rights

Observers have the right to:¹

- Observe election-related activities, as permitted by law, such as voting equipment preparation and testing, polling place activity, and ballot processing
- Ask questions of poll workers and/or designated supervisory staff as long as they do not interfere with the conduct of any part of the voting process or other election procedure
- View the canvass of the vote following the election

2. Observer Responsibilities

Observers are responsible for:

- Checking in at all sites - the Department office at City Hall, polling places, or warehouse at Pier 48
- Wearing the Department-issued identification badge and introducing themselves to poll workers
- Remaining within the areas designated by the person supervising each process
- Not entering restricted areas unaccompanied
- Not interfering with election processes
- Keeping at arm's length from staff and not speaking directly to them
- Addressing questions, including challenges only to designated supervisory staff
- Not touching voting equipment, ballot containers, or ballots
- Not using Department resources such as telephones, computers, or photocopiers

¹ County Clerk/Registrar of Voters Memorandum #14125 issued by the California Secretary of State on May 9, 2014.

Part I - Observer Rights and Responsibilities

- Not eating or drinking in the Department office, polling places, or the warehouse at Pier 48
- Refraining from using personal electronic devices (e.g., cell phones, cameras) at the Department office at City Hall, polling places, and the warehouse at Pier 48
- Maintaining a professional manner – no conversations with each other, speaking loudly, or other disturbances in the observation areas
- Following established observation rules and guidelines

3. Election Day Guidelines

On Election Day, the public may observe the activities of voters and poll workers at polling places from the time the polls open at 7 a.m. until all closing procedures are completed. While at the polls, observers must respect the right of voters to a secret ballot free from intimidation.²

At the polling places, observers may not:³

- Interfere with the conduct of the election. Any poll worker is entitled to determine whether a person is interfering with the conduct of the election
- Handle any voting material, voting equipment, or furniture at the polling place
- Sit at the official worktables, use polling place facilities, or assist in the operation of a polling place
- Communicate with voters within 100 feet of the entrance to, or inside of, a polling place by encouraging them to vote for or against a person or a measure, or regarding a voter's qualifications to vote. Exit polling of voters is permitted, provided it is conducted at least 25 feet away from the entrance to the polling place
- Display any campaign material or wear campaign badges, buttons, or apparel
- Wear the uniform of a peace officer, a private guard, or security personnel
- Directly challenge a voter. Only a poll worker may do so, based on evidence presented – see *Conducting a Challenge* section on page 9
- Prevent other observers from observing material or processes

² California Elections Code § 2300(a)(4).

³ County Clerk/Registrar of Voters Memorandum #14125 issued by the California Secretary of State on May 9, 2014.

Part I - Observer Rights and Responsibilities

At the polling places, observers may:

- Inspect signatures on the Roster of Voters, provided there is no interference with poll workers' ability to perform their duties or inconvenience to voters⁴
- Obtain information from the precinct index that is posted near the entrance of the polling place⁵

The Department will continue with scheduled operations whether or not an observer is present. Additionally, the Department may ask an observer to leave, if he or she fails to follow established observer guidelines.

4. Media Guidelines

The California Secretary of State has historically taken the position that cameras and video equipment are not allowed at polling places with some exemptions.⁶ For instance, if a credentialed media organization wants to photograph or film a candidate casting his or her ballot, the Department may permit it, provided there is no interference with polling activity, intimidation of voters or poll workers, or compromise of any voter's privacy.

In general, the media is required to follow the guidelines noted above. The Department suggests that media organizations inform the Department prior to photographing or filming a polling place. In all instances, the media organization must obtain the consent of the voters present prior to filming or photographing voting activity. For additional information, please refer to the County Clerk/Registrar Voters Memorandum #14122.

⁴ California Elections Code § 14223(b).

⁵ County Clerk/Registrar of Voters Memorandum #14125 issued by the California Secretary of State on May 9, 2014.

⁶ County Clerk/Registrar of Voters Memorandum #14122 issued by the California Secretary of State on May 9, 2014.

Part II
Before Election Day

Part II – Before Election Day

1. Outreach Activities

The Department provides year-round education for San Francisco residents year-round about voting and elections, in compliance with various municipal, state, and federal laws and mandates. For each election, the Department devises a specific program plan to inform voters about the scope of the election and types of contests. It enables those who are eligible and interested to participate and ensures participants are aware of available voting options and assistance. The Department meets individual voters and eligible registrants in San Francisco neighborhoods through scheduled events and presentations that are conducted in a variety of languages to meet the needs of San Francisco's diverse population.

Please check the Voter Education Community Outreach Calendar at sfelections.org for dates and locations of outreach presentations.

2. Logic and Accuracy Testing

The Department is required by law to conduct Logic and Accuracy (L&A) testing of all vote-tabulating equipment prior to each election. L&A testing verifies that the specific ballot information for each precinct is correct, checks the performance of the vote tabulating equipment, and ensures that all votes are recorded properly and tabulated accurately.

The L&A Testing Board, composed of registered voters from different fields of work, reviews and approves the testing plan for each election. In addition to approving the testing plan, they review and approve the results of the test. The L&A Testing Board must approve and certify the results no later than seven days before the election.⁷

The voting equipment subject to testing is:

- 400-C machines – high- speed optical scan tabulators
- Optech Insight machines – optical scan tabulators used for precinct ballots
- Edge II machines – units with touchscreen and audio modes that allow people with specific needs to vote independently and privately

⁷ California Elections Code § 15000.

Part II – Before Election Day

a. 400-C Machine Testing

The Department has four 400-C vote tabulating machines. During testing, staff tests several ballot types on each machine according to the testing plan. Once the test ballots are run, a report is generated and compared for accuracy with the predetermined result. When testing is complete, the machines remain in the Department's secured computer room, a restricted area accessible only to authorized personnel.

b. Optech Insight Machine Testing

During testing, test ballots are run through each machine and a report generated and compared with the predetermined result for accuracy. When testing is complete, a serialized tamper-evident seal is attached to the memory pack cover to prevent tampering. Next, the machine is placed inside a black bag, closed and secured with another tamper-evident seal and stored by precinct number in a secured caged area at the warehouse at Pier 48 in preparation for delivery to appropriate polling places.

c. Edge II Machine Testing

Initially, the date and time is set for each machine and the touch screen calibrated to ensure it is working properly. Then a simulated test vote is run. After the simulation is complete, staff performs a manual vote using the touch screen to confirm that votes are being recorded accurately. Once the machine is determined to be functioning properly and the vote tally is confirmed to match the predetermined result, testing is complete. Then the testing team places serialized tamper-evident seals on the results cartridge compartment, the reset button cover, and the open/close switch panel to prevent unauthorized access. Once the unit is secured, it is placed in a blue bag with a security seal in a caged area at the warehouse at Pier 48 in preparation for delivery to the appropriate polling places.

3. Poll Worker Training

Poll worker training is conducted prior to each election to prepare poll workers for service on Election Day. Training classes are conducted at several locations at or near City Hall in the month preceding the election. Although different curricula have been developed to support the training of various types of election workers (e.g., inspectors, high school student clerks), all training classes focus on the following topics: rights of voters, including language and other access rights for voters with specific needs; correct

Part II – Before Election Day

setup and operation of voting equipment; procedures for voting, including standard, vote-by-mail, and provisional voting; and procedures for documenting and transferring custody of ballots and other election materials at the end of Election Day.

4. FED Training

For each election, the Department employs Field Election Deputies (FEDs) to serve as liaisons between polling places and the Election Day Support Center. Each FED is responsible for a territory of approximately 7-10 polling places. They receive comprehensive training on how to carry out their duties. Their training includes a five-hour course that covers Election Day tasks, instructions on poll worker procedures and election laws, solutions to common voting equipment issues, vehicle operation logistics, and other topics. FEDs also practice driving their poll route to determine the optimum route between precincts and to become familiar with their assigned van and cell phone. Additionally, FEDs attend a lab where they can practice their new skills.

5. Early Voting

Prior to every election, the Department facilitates early voting opportunities for San Francisco residents. Early voting begins 29 days prior to the election at the Department's office on the ground floor of City Hall during weekdays. Weekend voting is available the two weekends prior to the election. Those interested in casting their ballots during the early voting period have the option to vote by paper ballot or use an accessible voting machine. The early voting period also marks the first day that ballots are sent to those registered as permanent vote-by-mail voters.

6. Vote-by-Mail Ballots⁸

Beginning 29 days before the election, the Department may begin processing the vote-by-mail return envelopes by reviewing the signatures on the envelopes. The Department provides at least 48 hours' notice before processing vote-by-mail ballots.⁹

The Department uses two automated systems, the Agilis mail sorter and the Election Information Management System, to process the unopened envelopes prior to manually

⁸ California Elections Code § 15104. For information regarding signature comparison, see California Election Code § 3019.

⁹ California Elections Code § 15104(c).

Part II – Before Election Day

verifying the signatures. The mail sorter is linked to the voter registration database of eligible voters and their voter IDs so that it can read and process each envelope's barcode, which includes the voter ID, election ID, and precinct.

The sorter performs several tasks - out-sorting spoiled and unreadable envelopes, counting envelopes, capturing a digital image of the signature on each envelope and batching it with other images, and sorting the envelopes by precinct. The batched signature images are then accessible for review on staff computers. The signature captured from the envelope and the signature from the voter's registration are displayed on the monitor so that staff can visually compare and accept or challenge the envelope. Signature comparison for damaged envelopes is performed manually. After acceptance, the voter's voting history is updated to reflect that he or she returned a ballot for the current election.

The Department may begin opening accepted envelopes ten business days before the election.¹⁰ Once the envelopes are accepted and sorted by precinct, the extractor opens the sides of the envelope to facilitate manual ballot extraction. Throughout this process the voter's identifying information is kept face down to protect the voter's privacy. Ballots that cannot be processed by the 400-C machine are set aside for manual review.

a. Challenging Vote-by-Mail Ballots

Observers are allowed sufficiently close access to observe if the individuals handling the ballots are following established procedures.¹¹ Observers may challenge **only** the manner in which vote-by-mail ballots are handled, from the processing of the ballot return envelopes through ballot counting and disposition.¹² Any challenges must be made prior to opening the envelope and the challenger has the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.¹³

b. The Remake Process

Under certain circumstances, when a ballot is cast lawfully but is unreadable by the vote counting equipment, the Department must "remake" the ballot so it can

¹⁰ California Election Code § 15101(b).

¹¹ California Election Code § 15104(d).

¹² California Election Code § 15104(b).

¹³ California Election Code § 15105 and § 15106.

Part II – Before Election Day

be read and processed by the equipment.¹⁴ For example, ballots that are torn, bent, folded, dirty, damp, or damaged must be remade. This process begins approximately one week before Election Day and may continue until the election is certified.

Generally, the remake team consists of four members: two screeners and two markers. All members working on the remake team undergo training on how to properly interpret voter marks and intent as provided by the California Elections Code and Secretary of State’s Uniform Vote Count Standards. Working together, the screeners review each ballot that is out-stacked by the 400-C machine to determine whether a remake is necessary. If the screeners decide a remake is necessary, the markers duplicate the votes cast on the original ballot on a remake ballot. The remake must reflect the intent of the voter as determined by the screeners. The process is closely monitored to ensure accuracy and consistency.

¹⁴ California Election Code § 15210.

Part III
Election Day

Part III – Election Day

1. Polling Places

The number of polling places may vary for each election based on the type of election. If you plan to observe polling places, please bring the memorandum from the Director of Elections introducing you to poll workers; the Department distributes this memo at the initial observer meeting. Additionally, please familiarize yourself with the observer guidelines outlined on pages 1-3. The Department requests that you adhere to the guidelines so poll workers may conduct the election efficiently, with minimal interference.

a. Conducting a Challenge¹⁵

If you believe a person's eligibility to vote should be challenged, you may do so by contacting the Department. Without sufficient evidence, a challenge shall be resolved in favor of the voter. Keep in mind, only an Election Official may challenge a person's eligibility to vote. If challenging of voters results in undue delay in voting activities or causes intimidation, poll workers may discontinue all challenges and note it on the Roster of Voters.

b. Assistance to Voters¹⁶

Poll workers may offer assistance to voters as outlined in the California Voter Bill of Rights. For instance, if a polling place is inaccessible to a voter with a physical disability, poll workers may assist the voter in an accessible area as close to the polling place as possible. If a voter is unable to mark the ballot, he or she may bring up to two assistants to the booth to help mark the ballot. Also, voters may bring children under the age of 18 into the voting booth.¹⁷

Additionally, the Department employs bilingual poll workers to provide language assistance to voters.¹⁸

2. Election Day Support Center

To provide support to poll workers and field support personnel, and to dispatch in-person assistance or additional supplies and materials if needed, the Department organizes an Election Day Support Center prior to every election. The Election Day

¹⁵ California Elections Code § 14240 – 14253.

¹⁶ California Elections Code § 2300 and § 14282.

¹⁷ California Elections Code § 14222.

¹⁸ California Elections Code § 14227.

Part III – Election Day

Support Center is located primarily in the area adjacent to the City Hall Café with supporting teams located elsewhere in City Hall.

3. Election Night Processing Center

To facilitate the delivery of election material from polling places, the Department establishes an Election Night Processing Center at the warehouse at Pier 48. When polls close, poll workers prepare the ballots and other election material for transport. As required by the San Francisco City Charter, Deputy Sheriffs collect the Rosters of Voters, all ballots, and Voter Verified Paper Audit Trail printers containing the recorded votes from polling places and transport these items to the Election Night Processing Center.¹⁹

4. Delivery of Memory Devices

Parking Control Officers from the Department of Parking and Traffic retrieve results cartridges (Edge machines) and memory packs (Insight machines) from the polling places and transports them to McAllister Street entrance at City Hall.

5. Election Night Results Reporting

The Department releases the first round of preliminary results at approximately 8:45 p.m. after the polls close. This report represents results from the vote-by-mail ballots the Department received before Election Day. Beginning at approximately 9:45 p.m., the reports include results from ballots cast at polling places. After all polling places have reported, the Department releases a preliminary ranked-choice report as well as posts ballot image files for the ranked-choice contests on *sfelections.org*. If no candidate in a contest has more than 50% of the votes tallied, the Department releases reports that show round-by-round redistribution of ranked-choice votes, beginning the day after Election Day. Results will be available at:

- *sfelections.org*
- San Francisco Government Television – SFGTV, Channel 26
- North Light Court, City Hall – results are displayed on a large monitor with printed copies available at approximately 8:45 p.m., with updates released at approximately 9:45 p.m., 10:45 p.m., and 11:45 p.m.

¹⁹ San Francisco Charter § 13.104.5.

Part III – Election Day

- Department Office, Room 48 at City Hall – updated copies will be available and also posted outside the office

Part IV
After Election Day

Part IV – After Election Day

1. Counting Votes

The Department may begin opening accepted vote-by-mail envelopes seven business days prior to the election.²⁰ The counting process that begins prior to the election continues after the Election until all ballots are counted. Duration of the count varies with each election.

a. Vote-by-Mail Ballots

The Department may begin opening and reading vote-by-mail ballots utilizing the 400-C ballot counting machine ten business days prior to the election. The results of the early count are released after polls close on Election Day.²¹

b. Precinct Ballots

Precinct ballots are scanned at the polling places when voters insert their voted ballot cards into the Insight machines. The votes are tallied and the data is stored in the memory pack of each machine. Any votes cast on the Edge II machine are recorded in the results cartridge and on the Voter Verified Paper Audit Trail. Once the Parking Control Officers from the Department of Parking and Traffic deliver the memory devices to City Hall, the information from the Insight memory packs is uploaded to the tabulation database (on election night). In accordance with Secretary of State requirements, the information from the Edge results cartridges is *not* uploaded and used in the official tally. Instead, the votes recorded on the Voter Verified Paper Audit Trails are duplicated onto paper ballot cards at Pier 48 during the Canvass, counted using the 400-C machines at City Hall, and then included in the tally.

c. Provisional Ballots²²

A voter claiming to be properly registered, but whose qualifications to vote cannot be immediately established, is entitled to vote provisionally. A vote-by-mail voter who is unable to surrender his or her vote-by-mail ballot may also vote provisionally. The provisional ballots are scanned through the Agilis sorting machine and the ballots are reviewed to determine the voter's eligibility and reason for voting provisionally. If the ballot is accepted, it is processed similarly to vote-by-mail ballots and included in the official tally.

²⁰ California Elections Code § 15101(b).

²¹ California Elections Code § 15101(b)(c).

²² California Elections Code § 14310 – 14312. See Section 15350 for counting procedure.

Part IV – After Election Day

d. Ballots with Write-In Votes

Vote-by-mail ballots with write-in votes are reviewed at City Hall. Precinct ballots with write-in votes are reviewed in the warehouse at Pier 48. All work on ballots with write-in votes is done in teams. Following established procedures, two staff members, working together, determine whether to accept the vote. A second pair reviews the work for accuracy. Once the ballot cards with write-in votes are reviewed, any valid write-in votes are added to the tally. For contests with ranked-choice voting, both valid and invalid write-in votes must be processed using the 400-C machine at City Hall. For other contests, any valid write-in votes are tallied manually and added to the election results.

2. Results Reporting after Election Day

On any day during which the Department tabulates ballots, the Department releases updated results at approximately 4 p.m. These releases may include results from ballots cast at polling places, remaining vote-by-mail ballots, provisional ballots, and write-in votes. On the days ballots are not counted, the Department posts a notice on *sfelections.org* stating there is no update.

3. Canvass Process

California election law requires an official canvass, which is an internal audit of the election to ensure the accuracy and validity of the results.²³ It begins no later than the Thursday following the election and continues until completed.

The canvass entails numerous manual processes that verify the accuracy of the computer count, including a hand tally of ballots cast in one percent (1%) of the polling places and the vote-by-mail ballots cast by voters in those precincts. Canvass processes include the inspection of material and supplies returned by poll workers, reconciliation of the number of signatures on the Roster of Voters with the number of ballots recorded, processing ballots with write-in votes, a 1% manual tally of precinct and vote-by-mail ballots, and remake of votes cast on Edge II machines onto paper ballots.

The post-election canvass is conducted primarily at the Department's warehouse at Pier 48. The canvass area is secured by the San Francisco Sheriff's Deputies and is accessible

²³ California Election Code § 15300 et seq.

Part IV – After Election Day

to authorized personnel and observers only. Proper security must be arranged to transfer ballots from the secured area.

For state and federal elections, California law allows 28 days following an election for the election official to conduct the canvass and certify results. For local elections, the law provides 24 days to certify results.²⁴

a. 1% Manual Tally

The one percent manual tally is conducted by the Department during the canvass period after every election.²⁵ The purpose of the one percent manual tally is to verify the accuracy of the machine count of ballots. It is a hand count of a random sample of 1% of the precincts in the election. In addition to the 1% of randomly selected precincts, the Department manually tallies one precinct for each race not included in the randomly selected precincts, as needed.

The Department posts a public notice of the date and time of the random selection of precincts and the manual tally five days before the event. The manual tally of ballots begins immediately after the random selection of precincts. After the manual tally for randomly selected precincts is complete, staff compares the manual tally with the machine tally for each selected precinct to verify both results are the same.

²⁴ California Elections Code § 15372(a) and § 10262(a).

²⁵ California Elections Code § 336.5 and § 15360.

Department of Elections Addresses

1. Department of Elections
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
2. Department of Elections
Terry Francois Boulevard
Pier 48, Shed B
San Francisco, CA 94158
(Warehouse is located near the AT&T Ball Park)
3. Polling Places
For a list of polling places, please check *sfelections.org* and click “Elections” on the menu.