

Alameda County Registrar of Voters
Election Observations Rights and Responsibilities

Health and Safety Measures

All in-person observers are required to wear face coverings over their nose, mouth and surrounding areas of lower face.

In addition to the rights and responsibilities set forth below, election observers must adhere to any health and safety provisions in place in the county in which the observation occurs. All election observers shall follow practices that help control and prevent the spread of COVID-19, including daily self-screening at home daily prior to arriving at their observation location. When performing daily self-screening, check for any of the following COVID-19 symptoms:

- Frequent cough
- Fever
- Difficulty breathing
- Chills
- Muscle pain
- Headache
- Sore throat
- Recent loss of taste or smell

Election observers should stay home if they are experiencing any of the above symptoms. In addition, the observer should stay home if they:

- Feel sick
- Have tested positive for COVID-19
- Live with someone who has tested positive for COVID-19

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 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.

Observers have the right to:

- Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote-by-mail ballot processing.
- Observe the proceedings at Vote Centers, including the opening and closing procedures.
- Obtain information from the voter list that is posted or otherwise available at of the Vote Center.
- Take 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 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.
- Use an electronic device, including a smartphone, tablet, or other handheld device, at a Vote Center provided that the use of the device does not result in a violation of any other provision of the Elections Code.

Elections officials have the right to:

- Use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.
- Require observers to be quiet inside the observation area.
- Use discretion to determine how (e.g., written or verbal) and to whom observers may pose questions and challenges during the observation process.
- Ask an observer who does not follow observation rules to leave the premises.
- Restrict the number of observers permitted in a room to prevent interference with the observed process.
- 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.

Observers are responsible for:

- Checking in at each site, whether the 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.

Elections officials are responsible for:

- Maintaining the integrity of the administration of the election and determining observer misconduct or interference.

- Establishing security rules for public observation. Examples of such rules are the use of sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices.
- Providing notice to the public of the dates, times, and places of election-related activities that may be observed by the public, as required by law. For example, elections officials are required to provide 48 hours' notice for vote-by-mail (VBM) ballot processing and five days' notice of the post-election one percent manual tally.

Observers must not:

- Interfere with the conduct of the election. The elections official is entitled to determine whether a person is interfering 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 Vote Centers 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 by encouraging them to vote for or against a person or a measure or regarding the 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 Vote Center.
- Directly challenge a voter. Only a member of a precinct board may do so, based on evidence presented.
- Display any campaign 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 Vote Center and/or within 100 feet of the entrance to the Vote Center.
- Talk to or attempt to stop poll workers or the central counting site workers while they are processing ballots.
- Use the telephones, computers, or other polling place facilities at polling places or the central counting site.
- Touch election personnel.
- Eat or drink in a Vote Center 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 express permission of the elections official.

Elections officials must not:

- Delay or interrupt scheduled operations and processes solely because an observer is present.