

HANDBOOK FOR ELECTION OBSERVER GUIDELINES



**ORANGE COUNTY
REGISTRAR OF VOTERS**

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Dear Orange County Voter,

Thank you for your interest in our Handbook of Observer Guidelines. This handbook has been designed to provide you with a comprehensive guide to your rights and responsibilities as an Election Observer.

You will find detailed information throughout this manual on the laws that govern Observers, Election Day processes and procedures, and other election-related activities that are open to Observers. You can find additional resources on our website by visiting **www.ocvote.com**.

This manual is intended to provide general information and does not have the force and effect of law, regulation or rule. It is distributed with the understanding that the Orange County Registrar of Voters is not rendering legal advice and, therefore, the handbook is not to be a substitute for legal counsel for the individual or organization using it.

We strongly recommend that any interested party obtain legal advice, to assist in complying with applicable California laws, including the California Elections Code and the California Government Code.

Our mission is to serve the voters of Orange County in a uniform, consistent and accessible manner with the highest level of integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Kelley".

Neal Kelley
Registrar of Voters

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GENERAL OBSERVER GUIDELINES

What Are Observers Allowed To Do?

- Observe the proceedings at the polls, including opening and closing procedures.
- Obtain information from the precinct index that is posted near the entrance.
- Take notes and watch all procedures.
- View all activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View mail ballot and provisional ballot processing.
- Ask questions of the precinct board and elections officials about election procedures.
- Ask questions of supervisors at the central counting site.

What Are Observers Responsible For?

- Checking in at each site, whether a polling place or the 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.

What Are Observers NOT Allowed To Do?

- Interfere in any way with the conduct of the election.
- Touch any voting materials or equipment or sit at the official worktables.
- Converse with voters (within 100 feet of the entrance to a polling place) regarding the casting of a vote, solicit a vote, or speak to a voter regarding his/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 of the polling place.
- Talk to central counting site workers while they are processing ballots.
- Touch election personnel.
- Eat or drink in the polls or the central counting site.
- Assist in operations at any polling place.
- Talk in a loud voice, cause confusion, or congregate inside a polling place. The area between the official table and the voting booths is for voters only and may not be used as an observer post.

What Is The Registrar Of Voters Code Of Conduct?

- Observers must sign-in at the front office and receive a visitor's badge daily, which must be worn at all times while in the elections facility. The visitor's badge must be returned to staff at the front counter before leaving each day.
- No food or beverage is allowed in the observation area.

- Scheduled operations and processes continue whether or not an observer is present.
- Observer activity is limited to witnessing whether proper procedures are followed.
- Observers may approach sufficiently close to the observed process to determine reasonably whether a challenge of the process is warranted.
- Observers shall not interfere with the observed process: no touching of election-related materials, equipment or elections staff, and no direct questioning of the staff doing the work.
- There may be no more than two observers for each candidate, proponent, or opponent. Each candidate, proponent, or opponent may assign an additional person to act as the group's supervisor.
- Cell phones and pagers must be set to vibrate or off. No phone calls, except in the front lobby.
- No audio recorders, radios, or cameras are permitted unless approved by Management.
- Silence is required while inside the observation area.
- Before and during the observed process, you may quietly ask questions of the process supervisor. You may not directly communicate with any staff member who is engaged in the observed process.
- Written questions or comments may be submitted to the process supervisor throughout each process.
- All challenges must be lodged in the manner provided by law. If a challenge unduly impedes or interferes with the work process, challenges shall be discontinued.

What Election Activities Can Be Observed?

Pre-Election Day

- Ballot creation and voting equipment preparation and testing.
- Logic & Accuracy testing of voting system to conduct central count of vote by mail and precinct ballots.
- Precinct supplies assembly and distribution.
- Vote-by-mail operations (verify signature and eligibility; prepare ballots for counting).
- One Percent Manual Tally.

Election Day & Night

- Polling place operations.
- Return and processing of precinct materials at distribution centers and at warehouse.
- Vote tabulation and reporting of semi-official results.

Post-Election Day

- Processing provisional ballots and vote-by-mail ballots received at polling places.
- Ballot duplication.
- Processing write-in ballots.
- Ballot reconciliation.

PRE-ELECTION DAY – GETTING STARTED

Step 1...Ballot Creation

The public is welcome to view this process. There are no code sections or requirements governing the transparency of this process; however, ballot creation does not begin until 88 days before the election, which is the close of filing for candidates, measures, statewide propositions, constitutional amendments and initiatives that have qualified for the ballot. At that time we may format, translate, and print the ballot materials which may include:

- (1) The Official Ballot; and
- (2) County Sample Ballot Pamphlet

How Is A Ballot Created?

Step 1: Ballot Type

- Creation of the ballot begins with associating a particular combination of contests with each precinct. This combination is called a “ballot type.”
- Each ballot style must be formatted in English, Spanish, Vietnamese, Korean, and Chinese versions.
- In partisan primary elections, additional ballot types are required for each partisan ballot.

Step 2: Candidate Order

- The order of candidates on the ballot is determined by a formula based on a randomly-ordered alphabet as well as by a “rotation” formula based on the office involved.
- 82 days before the election, the Secretary of State (SOS) conducts a public, random drawing of letters of the alphabet.
- Names of statewide, congressional, countywide, and superior court judicial candidates rotate by assembly district, and state senate, assembly, municipal, board of supervisors, and county board of education candidates follow the SOS random alphabet but do not rotate.
- The Registrar of Voters conducts a public, random draw of letters of the alphabet to be used for any district which encompasses more than one county. Multi-county districts do not rotate. This drawing is done 82 days prior to the election at 10:00 a.m.

Step 3: Data Generation

- Ballot type data for every precinct is imported into a database within the Hart voting system’s BOSS application.
- BOSS uses this data to generate electronic ballot styles in five languages as well as audio translation files for each.
- The generated styles data is written onto secure, portable memory disks (MBBs and Audio Cards).

- The MBB transfers copies of the ballot style data to the Hart system's BallotNow application, Judge's Booth Controller (JBC) used at each polling place, and transfers cast votes to the system's Tally application which tabulates the votes.

Step 4: BallotNow

- BallotNow allows us to print paper ballots in-house.
- It is used to capture vote data from paper ballots; the ballots are digitally scanned, imaged, reviewed, and resolved, and the votes are captured and stored on an MBB memory disk.

Step 2...General Voting Equipment Preparation and Testing

Each qualified political party, any bona fide association of citizens, or a media organization may employ, and may have present at the central counting place, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

The elections official may limit the total number of representatives in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate.

Elec. Code §15004

Equipment Testing

- Every piece of voting equipment, including eSlates, JBCs and DAUs goes through a service and maintenance procedure before every election.
- The equipment is tested to ensure it powers up, the screen is visible, and that the data is backed up correctly. This also verifies that all the cables are communicating properly.
- The equipment is tested to make sure it was reset correctly. This ensures that all previous information is erased from the equipment.
- Paper is installed in the printers used in the voting booths, and a test page is printed. The printer is also tested to make sure it scrolls properly.

Logic & Accuracy Testing (L&A)

- L&A testing is conducted on the voting system and the voting equipment that will be used in the election.
- L&A is designed to ensure that the hardware and software to be used in an election are working together properly both as individual units and as a combined system.
- Accuracy is tested by casting and tabulating ballots for which the results are known. We compare the known results to the test results, then resolve the cause of any discrepancies, and re-test.
- Ballots are selected and marked according to a "matrix" developed to encompass every contest and choice, including place holders for over-votes, under-votes, and write-in votes.
- Logic testing ensures that the vote tabulation program and hardware correctly interpret, summarize, and report voters' choices.

- Prior to testing, written notice of the test schedule is faxed or e-mailed to the media, inviting the public to attend the testing. This information is also posted on the Registrar of Voters website.
- After test voting is complete on all matrices in contests, the test results stored on the memory cards are read into the voting system application.
- If any discrepancies are found, a precinct-by-precinct report is reviewed to locate the erroneous precinct result(s). These are verified against the vote records and the voting matrix for that precinct to identify the ballot, contest, and option in error. If this process does not adequately locate the error, the VBO paper trail is reviewed as a final check.
- Testing and resolution is repeated until no discrepancies occur.

Pre-definition

- Pre-definition is the process performed on a precinct's voting equipment (JBC) by warehouse personnel whereby the equipment is electronically assigned ("defined") to a particular precinct.
- A predefined JBC will display only those ballot types that apply to that precinct's voters.
- The JBC unit is daisy-chained by electronic cables to the eSlate voting machines.
- The JBC houses the MBB data memory card which holds the ballot type data.
- To ensure that predefinition has been done correctly, a cross-reference report is used and reviewed.

Step 3...Vote-by-Mail (VBM) Ballot Processing

What Can I Observe?

- Both before and after the election, observers may view the processing of VBM ballot return envelopes, and the processing and counting of VBM ballots.
- Observers will be allowed sufficiently close to observe and challenge whether the individuals handling the ballots are following established procedures.
- Observers may not interfere with the orderly processing of ballot return envelopes or the processing and counting of VBM ballots, including touching or handling of the ballots.

Elec. Code §15104(a), 15104(e)

Who Can Observe?

- Any member of the county grand jury, and at least one member each of the Republican County Central Committee, the Democratic County Central Committee, any other party with a candidate on the ballot, and any other interested organization may observe and challenge the manner in which the VBM ballots are handled, from the processing of ballot return envelopes through the ballot counting and disposition.

Elec. Code §15104(b)

What Can I Challenge?

Observers may challenge whether those individuals handling VBM ballots are following established procedures, including:

1. Verifying signatures and addresses by comparing them to voter registration information;
2. Duplicating accurately any damaged or defective ballots; and
3. Securing VBM ballots to prevent any tampering with them before they are counted on Election Day.

Elec. Code §15104(d)

Challenges may be made for the same reasons as those made against a voter voting at a polling place, including that:

1. The voter is not the person whose name appears on the index of registered voters;
2. The voter is not a resident of the precinct;
3. The voter is not a citizen of the United States;
4. The voter has voted that day;
5. The voter is presently on parole for the conviction of a felony;
6. On the grounds that the ballot was not received within the time provided by law; or
7. A person is imprisoned for a conviction of a felony.

Elec. Code §14240, 15105

How Do I Challenge?

- All challenges shall be made prior to the opening of the identification envelope of the challenged VBM voter.
- Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.

Elec. Code §15105, 15106

How Are VBM Ballots Processed?

Step 1: Envelope Verification

- Beginning 29 days prior to the election, we may begin processing the returned VBM envelopes.
- We verify the voter's signature on the outside of the envelope and update the voter's history file in our database to record that the voter has returned a VBM ballot in the current election.
- We verify the signature by comparing it to the one on the voter's affidavit of registration. Only the elections staff may perform this comparison.

Elec. Code §3019

Step 2: Removing the Ballots

- Beginning seven business days before Election Day, we may remove the ballots from the signature-verified envelopes and prepare them to be machine-read; however, we may not access or release a vote count until the polls have closed on election night.
- Envelopes are placed flat, signature side down, and ballots are removed one at a time.
- Ballots are separated from the bar-coded envelopes, so the voter is no longer identifiable.
- Staff manually reviews ballots for initials, signatures, and those damaged that cannot be scanned.
- Damaged ballots are duplicated by management.
- “Clean” ballots are staged for ballot scanning and ballot resolution.

Elec. Code §15101

Step 3: Scanning Ballots

- Ballots are batched and brought into the secure ballot scanning room to be processed.
- The batches are scanned into the system.
- As the batch is being scanned, images of the ballots appear on the screen.
- If the batch is scanned successfully, the operator saves the batch and attaches a scan batch report.
- If the batch is not scanned successfully, the batch is not saved, and re-scanned.
- Quality control checks are performed throughout the day, as well as immediately before the Cast Vote Records are recorded to the Mobile Ballot Box. These quality control checks ensure that each batch scanned is recorded properly in BallotNow.
- If a batch has a rejected ballot, that ballot is removed from the batch and re-scanned.
- After the batch has been through this entire process, it is secured in a sealed box and prepared for storage.

Step 4: Resolving Ballots

- Resolution is the process of determining voter intent when the vote is categorized as an under-vote, over-vote, write-in, or unclear voter intent.
- We use BallotNow’s “Auto Resolve” automatic resolution function only for under-votes.
- For all resolution activity, we use two-person teams to simultaneously review the ballot image and resolve the ballot until it can be accepted and recorded.
- When resolutions are complete, records are saved to be accumulated into the tabulation of other vote results after 8:00 p.m. on Election Day.

Step 5: Tallying VBM Ballots

Only after all VBM ballots have been verified, resolved, and recorded, may they be counted and canvassed—in the same manner as polling place ballots.

Elec. Code §15109

ELECTION DAY – POLLING PLACE OPERATIONS

What Are Observers NOT Allowed To Do?

- Interfere in any way with the conduct of the election.
- Go near occupied voting booths or approach any voters during the voting process.
- Touch any voting materials or equipment or sit at the official worktables, or assist in operations.
- Converse with voters within 100 feet of the entrance to a polling place regarding the casting of a vote, solicit a vote, or speak to a voter regarding his/her qualifications to vote.
- Directly challenge a voter (only the precinct board may do so, based on evidence presented).
- 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 a cellular phone, pager, or other electronic device inside the polling place.
- Touch election personnel.
- Eat or drink inside the polling place.

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.

Elec. Code §2300

What Are The Rights Of Poll Watchers?

- Only poll workers and voters engaged in voting may be within the voting booth area when the polls are open. Others may be in the polling place to observe the process as long as they do not interfere with the voter's right to a secret ballot or the poll worker's ability to perform their duties.
- Observers have the right to ask poll workers questions about election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, poll workers may stop responding and direct the observers to the county elections official for all further answers.
- Poll workers are trained that observers who visit polling places as part of a "get out the vote" effort for a campaign may not engage in electioneering within 100 feet of a polling place. Electioneering includes circulating a petition, soliciting a vote, or placing a sign relating to a voter's qualification. These campaign visitors also check the voter street index to determine if the voters they have identified as supporting their campaign have voted yet. Poll workers are trained to update the voter indexes and post such information in an accessible location once each hour up to and including 6:00 p.m.
- Voters may contest an election based on misconduct by a poll worker: Discriminating against voters based on race, ethnicity, party affiliation, literacy, or disability; denying eligible voters the right to cast a ballot; intentionally misinforming voters of their status; or coercing or intimidating voters.

- The precinct board shall compile a list including the name and address of each challenged voter, the grounds of the challenge, and the outcome. If the board determines that persistent challenges are resulting in a delay of voting that is causing voters to forego voting because of insufficient time or fear of intimidation, the board may discontinue all challenges.

Elec. Code §14221, 14252, 14253, 14294, 18370

What Are The Rights Of The Media?

- Media and public opinion pollsters are subject to different rules than poll watchers. Clearly identified members of the news media and pollsters may be within 25 feet of a polling place, and may speak to voters leaving the site as long as they do not interrupt voting. However, voters may not — without the voter's permission — be photographed, videotaped or filmed entering or exiting a polling place, and may not be filmed inside the polling place.

Elec. Code §18541

POST-ELECTION DAY – COUNTING THE VOTES

Who Can Observe The Canvass Of The Vote?

- Any member of the public may observe all proceedings at the central counting place, but no person, except one employed and designated for the purpose by the elections official or his authorized deputy, shall touch any ballot container, and access to the area where electronic data processing equipment is being operated may be restricted to persons authorized by the elections official.
- For the manual tally of paper ballots, the ballot being read and the tally sheet shall be within the clear view of the observers.

Elec. Code §15204

What Are The Ballot Canvass Work Area Requirements?

- Enter the ballot canvass work area ONLY during canvass operations.
- Inside the ballot canvass work area no phone calls may be sent or received and no conversations are allowed.
- Observers may get close enough to observe the information on the workstation and the reports pertaining to the workstation. All questions about content or procedures must be submitted in writing.
- Observers may take notes during the process, but may not record any voter's personal identifying or contact information. The Registrar of Voters reserves the right to read an observer's notes prior to exiting the building.

What Steps Are Involved In The Canvass Of The Vote?

The canvass proceeds in phases, all of which are open to the public:

1. Semifinal Official Results;
2. Official Canvass;
3. One Percent Manual Tally;
4. Sealing and Disposition of Ballots; and
5. Certification, Statement of the Votes Cast, and Certificates of Election.

Elec. Code §1530

Step 1: Semifinal Official Results

- On election night, immediately upon the closing of the polls at 8:00 p.m. and continuing without adjournment until all precincts are accounted for, we collect, resolve, and tally all the votes cast at the polling places (electronic) and the VBM ballots received prior to Election Day. VBM ballots received on Election Day are included in the Final Official tally.
- Beginning at 8:05 p.m. on election night, we release the results of this tally to the public and to the Secretary of State, reported by contest and by precinct. Vote results are considered unofficial until the elections official completes the official canvass.

- The distribution of semifinal official election results will commence at 8:05 p.m. After 8:30 p.m., results are updated every 30 minutes until all precinct counts have been reported.

Elec. Code §353.5, 15150-15213, 15320

Step 2: Official Canvass

In this phase we audit and account for all ballots that were issued, voted, and those that were not used. This phase includes, but is not limited to, the following tasks:

- Inspect all materials and supplies returned by poll workers.
- Reconcile the number of roster signatures with number of ballots recorded on the polling place ballot statement; in the event of a discrepancy the number of ballots received from the polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement.
- Reconcile the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, over-votes, or as otherwise provided by statute, with the number of votes recorded, including VBM and provisional ballots, by the vote counting system.
- Process and count any valid VBM and provisional ballots not included in the semifinal official canvass.
- Count any valid write-in votes.
- Duplicate any damaged ballots, if necessary.
- Reporting final results to the governing board and the Secretary of State, as required.

Elec. Code §15302

Step 3: Provisional Ballots

- At all elections a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established at the polling place upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official shall be entitled to vote a provisional ballot.
- The voter must execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.
- Any VBM voter who is unable to surrender their unvoted VBM ballot may vote a provisional ballot.
- Once voted, the ballot is sealed in a provisional ballot envelope for return to the elections official.
- The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the voter's assigned precinct. The elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.
- A voter who has moved from one address to another within the same county and not re-registered to vote at that new address may vote on election date at either: (1) the polling place associated with the voter's current residence address; or (2) the office of the county elections official or other central location designated by that elections official. The voter shall be re-registered at the place of voting for future elections.

- To prevent double voting, provisional ballots are not reviewed until all VBM ballots are verified and recorded and history has been applied.
- Provisional ballots are examined, verified, and processed much in the same way as VBM ballots. Each ballot is reviewed and researched on the following points before being accepted for counting: (1) valid signature; (2) current county voter registration; (3) prior county voter registration; (4) current registration address versus new address; (5) whether a VBM or provisional or precinct ballot was returned; and (6) the precinct where the ballot was cast.
- If the provisional voter is eligible to vote, the official must then determine which contests may be voted. If the voter is eligible to vote in all the contests on the voted ballot, then the ballot is processed like a VBM ballot; but, if the voter was only eligible to vote in some of the contests, the eligible portion of the ballot is duplicated on a new paper ballot and the duplicate ballot is processed like a VBM ballot. If the ballot has been voted electronically and determination has been made that it can be counted, those votes will be tallied electronically. If the ballot can only be partially counted, only those contests eligible to be voted will be tallied electronically.

Elec. Code §14310-14312

Step 4: One Percent Manual Tally

- The manual tally of a portion of the total votes cast is a means of verifying the accuracy of the automated system count.
- We hand count all the ballots voted in one percent—randomly selected— of the total number of precincts, plus one additional precinct for each race not included in the randomly selected group (only the individual race shall be recounted). The official has discretion to select more precincts.
- The process is open to the public, following at least five days public notice of the time and place of the One Percent Manual Tally and of the random selection of the precincts to be included in the tally.
- Voting machine votes are recounted using the printed paper tape sealed inside the voting machine's VBO component, and this tape governs resolution of any discrepancy.
- Manual tally totals are compared to the automated system count to verify the system's accuracy.
- The Statement of the Votes Cast must include a report of the recount results, including every discrepancy and its resolution.

Elec. Code §336.5, 15360

Voting System Reference: Glossary and Security Features

Audio Card	In a DAU eSlate, the PC card that contains the audio prompt recordings for an election.
Audit Report or Trail	Recorded information that allows elections officials to view the steps that occurred on the equipment included in an election to verify or reconstruct the steps followed without compromising ballot or voter secrecy.
Authentication	The verification of the identity of a person or process. In a communication system, authentication verifies that messages really come from their stated source, like the signature on a (paper) letter.
Ballot Type	One of any number of specific ballot configurations issued to the appropriate precinct. At minimum, ballot types differ from one another in content. They may also differ in size of type, in language used, or in method of presentation (e.g., visual or audio). A ballot with a unique collection of contests to be used in the election. Every precinct's (or split precinct's) ballot is lined to one ballot type and there may be several precincts with the same ballot type. The ballot type information is carried on the MBB.
Bar Code	A printed horizontal strip of vertical bars of varying widths, groups of which represent decimal digits. In the Hart Voting System, bar codes are required in order for paper ballots to be correctly scanned. BallotNow uses bar codes to represent a ballot page's election identifier (ID), party ID, language ID, precinct ID, sheet ID, serial number (if applied,), page number, ballot type, and duplex code.
Cast Vote Record (CVR)	An anonymous record of the contest options that a voter selected on his/her cast ballot. One Cast Vote Record is equivalent to one ballot.
Contest	A choice to be made on the ballot; a race. Contest types include offices, measures, referendums, propositions and questions.
DAU (Disabled Access Unit)	An eSlate that includes accessory components so that disabled persons can vote independently and privately. A DAU includes a module that accepts audio cards so that voters can listen to the ballot with headphones. It also has jacks for tactile input switches or "sip and puff" devices so that voters with limited mobility have alternatives to the SELECT wheel. (DAU is a Hart InterCivic trademark.)

DRE (Direct Recording Electronic)	A type of voting system that records a vote electronically and does not require or permit the voter to record his or her vote directly onto a tangible ballot. All DREs certified for use in California must utilize a "voter-verifiable paper audit trail" (VVPAT) component that prints a contemporaneous paper record copy of each electronic ballot and allows each voter to confirm his or her selections before the voter casts his or her ballot. A "paper record copy" is an auditable document printed by a VVPAT that corresponds to the voter's electronic vote and lists the contests on the ballot and the voter's selections for those contests. A paper record copy is not a ballot. [EC 19251]
Early Voting	A term for votes cast on the eSlate voting device prior to Election Day, during the statutory period for Vote-by-Mail voting. Pursuant to California law, these votes are treated like Vote-by-Mail votes and are not counted until the polls close on election night.
Election ID	An election identification code that is unique for every election. The election ID is used internally by the software applications.
Encryption	Any procedure used in cryptography to convert plaintext into ciphertext (encrypted message) in order to prevent any but the intended recipient from reading that data.
eSlate	The DRE-type voting machine manufactured by Hart InterCivic, Inc. An electronic ballot can be viewed, voted, and recorded on this device. (eSlate is a Hart InterCivic trademark.)
Firmware	Computer programs (software) stored in read-only memory (ROM) devices embedded in the system and not capable of being altered during system operation. For purposes of applying the Standards, firmware is considered a form of software.
Flash Memory	Reprogrammable, read only memory that is used in PC cards or MBBs. Flash Memory does not require continuous electric power to operate. It is a system that can store more data and work faster than a traditional floppy disk.
JBC (Judge's Booth Controller)	The control unit of the eSlate system, through which a poll worker distributes electronic ballots to the eSlate and DAU eSlate. (JBC and Judge's Booth Controller are Hart InterCivic trademarks.)
Jurisdiction	A precinct or group of precincts managed by a single organization.
MBB (Mobile Ballot Box)	The Mobile Ballot Box (MBB) is Hart Voting System's reusable, portable PC memory card. The MBB is used to store election information and transport that data to and from the polling

places. Because the MBB uses solid-state, nonvolatile flash memory storage, no batteries or constant power supplies are required to maintain data.

PC Card	An information storage device that is about the size of a credit card. Similar to a USB memory stick. It is also called a "PCMCIA" card.
Precinct	A subdivision of a governmental jurisdiction (e.g., a county) for election purposes.
Pre-Definition	Pre-election configuration process by which an individual unit of polling place voting equipment (the JBC-Judge's Booth Controller) is "defined" with only the selected ballot types and precincts that will be served by the polling place in which the JBC will be operating.
Select Wheel	Rotary wheel on the front of the voting machine that directs navigation through the ballot to desired voting choices.
Sip and Puff Tube	Voter's mouth-controlled personal voting input device that connects to the DAU eSlate to enable voting.
SSL (Secure Sockets Layer)	A protocol developed by Netscape for transmitting private documents via the Internet. SSL works by using a private key to encrypt data that is transferred over the SSL connection.
Tactile Input Switches	Also called "dual mode switches," "jelly switches," or "buddy buttons," these red and green "paddles" enable voters without fine motor control in their hands to vote without using the SELECT wheel and ENTER button on the eSlate. The red switch navigates through the ballot (like turning the SELECT wheel), and the green switch selects the option (like pressing the ENTER button).
TRANS Utility	Hart's system utility within the BOSS application, for capturing audio and textual translations of ballot text in multiple languages.
USB (Universal Serial Bus)	External peripheral interface for communication between a computer and other devices. The eCM security device connects to a USB port.
VBO (Verifiable Ballot Option)	Printing component locked within the eSlate, which prints a paper record of each voter's cast ballot, as recorded electronically on the MBB. The printed paper (roll of thermal paper) is removed and preserved for the required retention period, and may be used for the manual one percent tally during the canvass of the vote.

Statutory Reference

All citations are to California Elections Code, unless otherwise noted.

Canvass of the Votes - Canvass Board Members

15304. In jurisdictions using a central counting place, the elections official may appoint not less than three deputies to open the envelopes or containers with the materials returned from the precincts. If, after examination, any of the materials are incomplete, ambiguous, not properly authenticated, or otherwise defective, the precinct officers may be summoned before the elections official and examined under oath to describe polling place procedures and to correct the errors or omissions.

Canvass – Vote-by-Mail Ballots (VBM)

15100. The provisions of this chapter apply to the processing of VBM ballots during the 29-day period before any election, during the semifinal official canvass, and during the official canvass.
15101. (a) Any jurisdiction in which VBM ballots are cast may begin to process VBM ballot return envelopes beginning 29 days before the election. Processing VBM ballot return envelopes may include verifying the voter's signature on the VBM ballot return envelope and updating voter history records.
- (b) Any jurisdiction having the necessary computer capability may start to process VBM ballots on the seventh business day prior to the election. Processing VBM ballots includes opening VBM ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8:00 p.m. on the day of the election. All other jurisdictions shall start to process VBM ballots at 5:00 p.m. on the day before the election.
- (c) Results of any VBM ballot tabulation or count shall not be released prior to the close of the polls on the day of the election.
15102. The official shall appoint a special counting board or boards in numbers that he or she deems adequate to count the VBM ballots. The official shall provide for the forms of tally books and the distribution of the duties of the members of the canvassing board. When the tally is done by hand, there shall be no less than four persons for each office or proposition to be counted. One shall read from the ballot, the second shall keep watch for any error or improper vote, and the other two shall keep the tally.
15103. The elections official shall pay a reasonable compensation to each member of the canvassing board of VBM ballots. This compensation shall be paid out of the treasury of the agency conducting the election as other claims against

it are paid.

15104. (a) The processing of VBM ballot return envelopes, and the processing and counting of VBM ballots shall be open to the public, both prior to and after the election.

(b) Any member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the VBM ballots are handled, from the processing of VBM ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify VBM voter observers and the public at least 48 hours in advance of the dates, times, and places where VBM ballots will be processed and counted.

(d) VBM voter observers shall be allowed sufficiently close access to enable them to observe and challenge whether those individuals handling VBM ballots are following established procedures, including all of the following:

- (1) Verifying signatures and 30 addresses by comparing them to voter registration information;
- (2) Duplicating accurately any damaged or defective ballots;
- (3) Securing VBM ballots to prevent any tampering with them before they are counted on election day.

(e) No VBM voter observer shall interfere with the orderly processing of VBM ballot return envelopes or processing and counting of VBM ballots, including touching or handling of the ballots.

15105. Prior to processing and opening the identification envelopes of VBM voters, the elections official shall make available a list of VBM voters for public inspection, from which challenges may be presented. Challenges may be made for the same reasons as those made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is imprisoned for a conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged VBM voter.

15106. Except as otherwise provided, the processing of VBM ballot return envelopes, the processing and counting of VBM ballots, and the disposition of challenges of VBM ballots shall be according to the laws now in force pertaining to the election for which they are cast. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.

15109. Except as otherwise provided in this chapter, the counting and canvassing of VBM ballots shall be conducted in the same manner and under the same regulations as used for ballots cast in a precinct polling place.

15110. Reports to the Secretary of State of the findings of the canvass of VBM

ballots shall be made by the elections official pursuant to Chapter 3 (commencing with Section 15150) and Chapter 4 (commencing with Section 15300).

15111. The elections official shall keep an accurate list of all voters who have received and voted a VBM ballot at each election and compare this list with the roster of voters as provided in Section 15278. That list shall include the election precinct of the voter.
15112. When elections are consolidated pursuant to Division 10 (commencing with Section 10000), and only one form of ballot is used at the consolidated election, the ballots cast by VBM voters shall be counted only in connection with elections to which VBM voter privileges have been extended by law.

Whenever the period of time within which VBM voters' ballots shall be received by the elections official in order to be counted, as provided for any election by this code or any other law of this state, is different from that period of time provided for another election, and the elections are consolidated and only one form of ballot used for both elections, all VBM voters' ballots issued for the consolidated election may be counted for both elections if received by the elections official within whichever period of time is longer.

Canvass - One Percent Manual Tally

15360. (a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail voters' ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

Additional precincts for the manual tally may be selected at the discretion of the elections official.

(b) If vote-by-mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts to be tallied prior to conducting the tally and selection.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

19253. (a) On a direct recording electronic voting system, the electronic record of each vote shall be considered the official record of the vote, except as provided in subdivision (b).

(b) (1) The voter verified paper audit trail shall be considered the official paper audit record and shall be used for the required 1-percent manual tally described in Section 15360 and any full recount;

(2) The voter verified paper audit trail shall govern if there is any difference between it and the electronic record during a 1-percent manual tally or full recount.

Challenging a Voter at the Polling Place

14240. (a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

- (1) That the voter is not the person whose name appears on the index;
- (2) That the voter is not a resident of the precinct;
- (3) That the voter is not a citizen of the United States;
- (4) That the voter has voted that day;
- (5) That the voter is presently on parole for the conviction of a felony.

(b) On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of

the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

14241. A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge.
14242. The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and moving from that precinct within 14 days prior to an election.
14243. If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the index, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the index."
14244. If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, the person challenged shall be sworn to answer questions, and after having been sworn, a member of the precinct board shall ask that person: "Are you a resident of this precinct?" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked.
14245. If the challenge is on the ground that the person challenged has already cast a ballot for this election, a member of the precinct board shall tender to the person challenged this oath: "You do swear (or affirm) that you have not previously voted in this election, either by VBM ballot or at a polling place."
14246. If the challenge is on the ground either that the person challenged is not the person whose name appears on the index, or that he or she has voted that day, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth either in Section 14243 or 14245.
14247. Challenges of voters that they are not residents of the precinct or citizens of the United States shall be tried and determined by the precinct board at the time of the challenge. The precinct board may, at its discretion, also request any other person, present in the polling place to be sworn and answer questions, whom the board believes may have knowledge or information concerning the facts of the challenge.
14248. Before administering an oath to a person regarding his or her place of

residence, a member of the precinct board shall read to the person challenged, the rules prescribed by Section 14249 and Article 2 (commencing with Section 2020) of Chapter 1 of Division 2.

14249. If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions concerning the matter of residence, that person shall not be allowed to vote.
14250. The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in Article 2 (commencing with Section 2020) of Chapter 1, Division 2.
14251. Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.
14252. The precinct board shall compile a list showing all of the following:
- (a) The name and address of each person challenged;
 - (b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14247, together with the name and address and any other identification of the person about whom the information or testimony is given;
 - (c) The grounds of each challenge;
 - (d) The determination of the board upon the challenge, together with any written evidence pertaining thereto;
 - (e) If evidence has been presented to the board requesting challenges, the evidence shall be returned to the elections official responsible for the conduct of the election.
14253. In the event that the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster.

Criminal Interference with Voters

18370. No person, on Election Day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place or an elections official's office:
- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition;
 - (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot;
 - (c) Place a sign relating to voters' qualifications or speak to a voter on the

subject of his or her qualifications except as provided in Section 14240;

(d) Do any electioneering.

As used in this section, "100 feet of a polling place or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor.

18540. (a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years. (b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.
18541. (a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:
- (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot;
 - (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240;
 - (3) Photograph, videotape, or otherwise record a voter entering or exiting a polling place;
- (b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.
- (c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.
18543. (a) Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail

for not more than 12 months or in the state prison.

(b) Every person who conspires to violate subdivision (a) is guilty of a felony.

Provisional Ballots

14310. (a) At all elections, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:
- (1) An election official shall advise the voter of the voter's right to cast a provisional ballot;
 - (2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d);
 - (3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote; (b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelopes used for VBM ballots, and shall be completed in the same manner as VBM envelopes;
- (c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on VBM ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.
- (2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters.
 - (3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.
 - (A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his

or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(f) This section shall apply to any VBM voter described by Section 3015 who is unable to surrender his or her unvoted VBM voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted.

14311. (a) A voter who has moved from one address to another within the same county and who has not re-registered to vote at that new address may, at his or her option, vote on the day of the election at the polling place at which he or she is entitled to vote based on his or her current residence address, or at the office of the county elections official or other central location designated by that elections official. The voter shall be re-registered at the place of voting for future elections.

(b) Voters casting ballots under this section shall be required to vote by provisional ballot, as provided in Section 14310.

14312. This article shall be liberally construed in favor of the provisional voter.

15350. Provisional ballots cast pursuant to Section 14310 shall be processed and counted in accordance with the provisions outlined in Chapter 3 (commencing with Section 15100) and pursuant to the requirements of Sections 14310 and 14311.

Recounts

15620. Following completion of the official canvass, any voter may, within five days thereafter, file with the elections official responsible for conducting an election in the county wherein the recount is sought a written request for a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure, provided the office, slate, or measure is not voted on statewide. The request shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

If an election is conducted in more than one county, the request for the recount may be filed with the elections official of, and the recount conducted

within, any or all of the affected counties.

For the purposes of this section "completion of the canvass" shall be presumed to be that time when the elections official signs the certified statement of the results of the election except that, in the case of a city election, if a city council canvasses the returns itself and does not order the elections official to conduct the canvass as permitted by Section 10263, "completion of the canvass" shall be presumed to be that time when the governing body declares the persons elected or the measures approved or defeated.

15621. Following completion of the official canvass, any voter may, within five days beginning on the 29th day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide. The request shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

The Secretary of State shall forthwith send by registered mail one copy of the request to the elections official of each county in which a recount of the votes is sought.

All the other provisions of this article shall apply to recounts conducted under this section.

15622. The request may specify the order in which the precincts shall be recounted.

15623. Any time during the conduct of a recount and for 24 hours thereafter, any other voter may request the recount of any precincts in an election for the same office, slate of presidential electors, or measure not recounted as a result of the original request.

15624. The voter filing the request seeking the recount shall, before the recount is commenced and at the beginning of each day following, deposit with the elections official a sum as required by the elections official to cover the cost of the recount for that day. The money deposited shall be returned to the depositor if, upon completion of the recount, the candidate, slate of presidential electors, or the position on the measure (affirmative or negative) for which the declaration is filed is found to have received the plurality of votes cast which it had not received according to the official canvass or, in an election where there are two or more candidates, the recount results in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff election or general election who would not have so appeared in the absence of the recount. The depositor shall be entitled to the return of any money deposited in excess of the cost of the recount if the candidate, slate, or position on the measure has not received the plurality of the votes cast or, in an election where there are two or more candidates, the recount does not result in the candidate for whom the recount was requested appearing on the ballot in a subsequent runoff or general election as a result of the recount. Money not required to be refunded shall be deposited in the

appropriate public treasury.

15625. The recount shall be conducted under the supervision of the elections official by special recount boards consisting of four voters of the county appointed by the elections official. Each member of a recount board shall receive the same compensation per day as is paid in the jurisdiction within which the recount is being conducted to members of precinct boards, other than inspectors, to be paid out of the appropriate public treasury.

If the office of the elections official is the subject of the recount, the governing body shall appoint an officer, other than the elections official, to appoint and supervise the special recount boards.

15626. The recount shall be commenced not more than seven days following the receipt by the elections official of the request for the recount under Section 15620 or 15621, and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. The recount shall not be commenced until the first day following notification of the individuals specified in Section 15628.

15627. (a) If in the election which is to be recounted the votes were recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter who files the declaration requesting the recount may select whether the recount shall be conducted manually, or by means of the voting system used originally, or both.

(b) For purposes of direct recording electronic voting systems, "conducted manually" means that either the paper record copies or the voter verified paper audit trail of the electronically recorded vote are counted manually, as selected by the voter who requests the recount.

15628. Not less than one day prior to commencement of the recount, the elections official shall post a notice as to the date and place of the recount and shall notify the following persons of it in person or by any federally regulated overnight mail service:

(a) All candidates for any office the votes for which are to be recounted.

(b) Authorized representatives of presidential candidates to whom electors are pledged if the votes to be recounted were cast for presidential electors.

(c) Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body the votes for which are to be recounted.

(d) The Secretary of State in the case of a recount of the votes cast for candidates for any state office, presidential electors, the House of Representatives of the United States, the Senate of the United States, or delegates to a national convention or on any state measure.

15629. The recount shall be conducted publicly.

15630. All ballots, whether voted or not, and any other relevant material, may be examined as part of any recount if the voter filing the declaration requesting the recount so requests.

No examination of any ballot shall include touching or handling the ballot without the express consent of the elections official or the election officer supervising the special recount board. No ballot may be touched or handled during the examination unless the elections official or the elections officer supervising the special recount is present to observe the examination.

Except as provided in this section no ballot shall be touched or handled by any person during the recount unless that person is the elections official, a person acting at the direction of the elections official, a member of the special recount board, or by order of the superior court.

15631. On recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

(a) The person challenging the ballot shall state the reason for the challenge.

(b) The official counting the ballot shall count it as he or she believes proper and then set it aside with a notation as to how it was counted.

(c) The elections official shall, before the recount is completed, determine whether the challenge is to be allowed. The decision of the elections official is final.

15632. In lieu of the returns as reported in the official canvass, upon completion of the recount showing that a different candidate was nominated or elected, that a different presidential slate of electors received a plurality of the votes, or that a measure was defeated instead of approved or approved instead of defeated, there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of those precincts for the office, slates of presidential electors, or measure involved in the recount. If the office, slates of presidential electors, or measure are not voted on statewide, the results of any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office, on the slates of electors, or on the measure in question shall be declared null and void. If the office, slates of presidential electors, or measure are voted on statewide, the results of any recount will be declared null and void where there is not recounted each vote cast for the office, slates, or measure in any county specified in the request for recount filed with the Secretary of State.

15633. A copy of the results of any recount conducted pursuant to this chapter shall be posted conspicuously in the office of the elections official.

Federal Laws

Help America Vote Act of 2002

Key provisions: (1) new voting system standards and funding to acquire new voting systems that enable every voter to vote independently and privately, to review and correct and verify their ballots before casting them.; (2) allow voters to cast a provisional ballot at the polling place even when there is some doubt about eligibility; (3) requires verification of identity when registering to vote for the first time; (4) facilitates voting by military and overseas voters; (5) facilitates the filing of complaints by voters; and (6) creates Elections Assistance Committee to oversee and study election processes. Voting Accessibility for the Elderly and Handicapped Act of 1984 [42 USC 1973ee] generally requires polling places to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make available registration and voting aids for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs) which are also known as teletypewriters (TTYs).

National Voter Registration Act of 1993

(Popular names: Motor Voter Law; NVRA.) The purpose of the Act is to make it easier for all Americans to register to vote and to maintain their registration. It provides for voter registration services while applying for a driver's license, while applying for general assistance or for state-funded public services for the disabled, or by using mail-in forms in a state-approved format. The Act also requires elections officials to take specified steps to maintain an up-to-date voter registration database and to notify voters of their registration status.

Americans with Disabilities Act of 1990

(Popular name: ADA.) To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. Title II of the Act provides protections in the state and local government activities.

Voting Rights Act of 1965

Language Minority Groups (LMGs). See §4(f)(4) and §203; interpretations and guidelines are provided in the Code of Federal Regulations (7/1/99 version, Title 28, Chapter I, Part 55, §§55.1- 55.24). The minority language provisions were added to the Act in 1975, and Orange County became a covered jurisdiction under §203(c) pursuant to the July 2002 publication of Census Bureau statistics (67 Fed. Reg. 144, 48871). The language provisions require Orange County to provide election materials and activities in English, Chinese, Korean, Vietnamese and Spanish, in any type of election. Covered activities are defined as "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots[.]" The basic purpose is to allow members of the LMGs to be effectively informed of and participate effectively in voting-connected activities.

Voter Bill of Rights

1. You have the right to cast a ballot if you are a valid registered voter (a US citizen who is a resident in this state, at least 18 years of age and not in prison or on parole for conviction of a felony, and registered to vote at his or her current residence address).
2. You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
3. You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.
4. You have the right to cast a secret ballot free from intimidation.
5. You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake. If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. VBM voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on Election Day.
6. You have the right to receive assistance in casting your ballot, if unable to vote without assistance.
7. You have the right to return a completed VBM ballot to any precinct in the county.
8. You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
9. You have the right to ask questions about election procedures and observe the elections process. You have the right to ask questions of the precinct board and election officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.
10. You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's Office.

If you believe you have been denied any of these rights, or you are aware of any election fraud or misconduct, please call the Secretary of State's confidential toll-free Voter Hotline at 1-800-345-VOTE (8683).

Information on your voter registration affidavit will be used by elections officials to send you official information on the voting process, such as the location of your polling place and the issues and candidates that will appear on the ballot. Commercial use of voter registration information is prohibited by law and is a misdemeanor. Voter information may be provided to a candidate for office, a ballot measure committee, or other person for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State. Driver's license and social security numbers, or your signature as shown on your voter registration card, cannot be released for these purposes. If you have any questions about the use of voter information or wish to report suspected misuse of such information, please call the Secretary of State's Voter Hotline at 1-800-345-VOTE (8683). Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State's Safe at Home program toll-free at 1-877-322-5227 or visit the Secretary of State's website at www.sos.ca.gov.