



*Election Integrity Project*<sup>®</sup> *California*  
EVERY LAWFULLY CAST VOTE ACCURATELY COUNTED

# **EIPCa Education Program**

## **Citizen Observation Guidelines**

### **2024 Election Cycle**

**The information available in these materials is for general purposes only  
and not to be relied upon as legal advice.**

**For legal advice consult an attorney.**

© Election Integrity Project<sup>®</sup> *California*, Inc. 2024, all rights reserved

# Table of Contents

<b>1. Overview .....</b>	<b>1</b>
<b>2. General Preparation Before Going to Observe.....</b>	<b>2</b>
<b>3. When You Arrive to Observe.....</b>	<b>3</b>
<b>4. General Observation Procedures.....</b>	<b>4</b>
<b>5. Observer Rights and Responsibilities.....</b>	<b>5-6</b>

## Overview

**Thank you for taking the time to be a Citizen Observer.** You will be protecting the constitutional rights of all citizens, and helping to ensure that every lawfully cast vote is accurately counted.

**Citizen Observers play an important role** in observing the election process and documenting the procedures being used. They are there...

- so that NOTHING takes place “behind closed doors”
- so that opportunities to succumb to temptation are few
- so that the probability of “getting caught” is a real deterrent
- so that honest errors are corrected.

**It is crucial that citizen election observers conduct their observations while keeping negative emotions under control.**

Observers are there to enhance elections officials’ efforts by assisting in catching errors and lapses in procedure.

**When something concerning occurs,  
it is to be assumed misunderstanding and honest error is the cause,  
and can be remedied in a respectful and polite manner.**

**Citizen observers should conduct themselves in a manner that is above reproach.**

- Always remain pleasant and courteous.
- Never confront, argue, accuse use sharp language, or display “attitude.”
- Never engage in illegal activities such as photography and audio or video recording without official permission.
- **Do NOT become a crusader.**
  - **Citizen Observers have the right to Observe** (be close enough to see and hear) and ASK QUESTIONS.
    - ✓ **They do not have the right to make demands and accusations.**
    - ✓ **Please do not demand and accuse.**
  - If questions are not addressed, or concerns persist after explanations and answers are received, step outside and contact the **EIPCa Hotline** to share those concerns, where further research and resolution can take place.

## GENERAL PREPARATION BEFORE GOING TO OBSERVE

1. Wear comfortable but professional-casual clothing, since you will be inside business offices.
2. Wear comfortable shoes since you may be standing most of the time.
3. Do not wear political clothing of any kind (shirts, bags, hats, etc.), other ID or logos. **[EC § 319.5]**
4. Do not wear law enforcement or military attire.
  - **According to CA law**, it is forbidden to wear anything military or law enforcement-related in the polls or within 100 feet of the polls unless responding to an emergency.
  - It is OK for veterans to wear a cap or jacket that indicates their veteran status.
5. Since you will be working in close quarters with others, avoid wearing products with a strong scent; observe diligent hygiene.
6. **Bring Citizen Observer Guidelines** (this document), **Citizen Incident Statement forms**, a clipboard, blue pens, and paper to take notes.
7. Bring a cell phone, but silence or turn it off when you are inside the elections office.
  - Charge your cell phone ahead of time and **add the EIPCa Hotline** number to your contacts so that you can **call when necessary**.
  - **You must step outside the building to call.**
  - You should NOT be required to surrender your cell phone or other personal property.
8. **Cameras and recording devices are not allowed, except for credentialed media.**
  - Camera, audio or recording device may be used **ONLY OUTSIDE** of the polling place, 100 feet from where ballots are being cast.
9. Take a snack and a drink; do any eating or drinking outside the offices only.
10. If there are multiple observers in the same area, the elections officials may set up a rotation so that everyone has an opportunity to observe.

## WHEN YOU ARRIVE TO OBSERVE

### WHEN YOU ARRIVE TO POLLING PLACE OR BALLOT PROCESSING CENTER:

1. Introduce yourself to Elections Official in charge.
2. Immediately establish a respectful relationship.
3. Sign in if required but ask that the sign-in sheet be moved from public eye.
4. **Many counties have created guidelines for Observers.** These guidelines should comply with state observer laws.
  - Each county has its own protocols for implementing the Secretary of State's guidelines for elections observers. Officials will orient you to their procedures.
  - Although a County may have its own Observer guidelines, no County can require the Observer to consent in writing to follow guidelines written by the County, because County guidelines may conflict with actual California law.
    - Regrettably, some Counties have recently issued guidelines that misquote and misinterpret, or attempt to supersede, California law.
    - County guidelines may be focused on the general rights of interested citizens, and not the specific observation and challenge rights of Observers. (**EC §§ 15104(b), 15104(d).**)
    - It is appropriate to accept a copy of the County guidelines if offered, but, again, do not sign any consent document.
  - **Once you are inside the election building, you MUST follow your county's guidelines for observers,** particularly what the Supervisor insists about where to stand and whom to talk to.
    - **Take detailed notes if the guidelines conflict with observer rights** as stated throughout this document, especially pages 2 and 3.
    - Include in your notes how county guidelines affect your ability to engage in meaning observation.
    - **Call the EIPCa HOTLINE** immediately if your lawful observer rights are being infringed.
    - **Document your observations using EIPCa Citizen Incident Statement.**
5. **Go to the location where you will** observe the election process taking place. For ballot processing observation, most countries will require Observers to be escorted by a member of the Elections Office staff.
6. **DO NOT chat** with others who are observing. It is distracting and can result in your being asked to leave.

## GENERAL OBSERVATION PROCEDURES

1. **Take good notes** of your observations throughout the process.
  - **Keep notes factual and NOT emotional or judgmental.**
2. **Do not engage** with clerks, campaign personnel or other observers.
  - You are there to observe, not to chat. Chatting can be grounds for removal since it is considered distracting.
  - **Be polite but avoid conversation or arguments.**
3. **NEVER touch voting materials** of any kind at any facility.
4. **Always** treat election staff and poll workers with respect.
5. **If you encounter inappropriate conditions or procedures:**
  - ASK an appropriate question of the Supervisor.
  - Always use a professional tone.
6. **If the situation is not resolved to your satisfaction**, immediately step outside and call the **EIPCa HOTLINE**.
7. **Using your detailed, same-day notes, record ALL incidents on the EIPCa Citizen Incident Statement as soon as possible.**
  - **Make a copy of all original Citizen Incident Statement reporting forms:**
    - Keep one for your confidential records.
    - Send originals to EIPCa Arizona headquarters if you want it to be added to signed affidavits for the federal lawsuit.
  - Securely save ALL notes.
  - At least once a week, mail your signed Citizen Incident Statements to the EIPCa Arizona office through a ground mail service (USPS) at:
    - **EIPCa AZ Office:** 1042 Willow Creek Rd, #A101-479, Prescott, AZ 86301

## OBSERVER RIGHTS and RESPONSIBILITIES

**According to the cited Elections Code sections EC § 2300 and §§ 15101-15105, and the CA Secretary of State’s “Elections Observation Rights and Responsibilities”,**

**Citizen Observers have the right to:**

- A. make notes and observe election procedures [EC § 2300, 14215]**
  - B. view election-related activities at the central counting site on Election Day [EC § 15204]**
  - C. view the canvass of the vote activities following the election [EC §§ 335.5, 353.5, 15109, 15201, 15204, 15272]**
  - D. observe vote by mail and provisional ballot processing [EC §§ 15104, 15350]**
  - E. ask questions of elections officials and supervisors at the central counting site [EC § 15104]**
  - F. receive answers or be redirected to the appropriate official for answers [EC § 2300(a) (9)(A)(B), (10)]**
  - G. No one has the right to interfere with the conduct of any part of the voting process.**
- 1. As a California citizen, you are permitted by law to be close enough to see and hear (observe) all election activities regarding the processing of vote by mail ballots.**
    - **If your observation rights are denied or interfered with in any way, contact the EIPCa Hotline immediately.**
    - **The Secretary of State has defined “observe” as being close enough to see and hear (without interfering).**
  - 2. Elections Officials must be transparent.** Because all election procedures are open to the public, elections workers should not stop working because of the presence of observers.
    - **The Secretary of State guidelines “Election Observation Rights and Responsibilities” state that “elections officials must not delay or interrupt scheduled operations and processes solely because an observer is present.”**

### 3. Elections Officials must allow and facilitate questions and challenges.

- **EC § 15104** and **EC § 2300** together give Observers the right to question election procedures and to object when it appears proper procedures are not being followed.
- **ROVs must provide a means** by which Observers may communicate challenges in a reasonably timely manner. [**EC § 15104**]

### 4. Item #9 on the “Voter Bill of Rights” delineates your right to ask questions of any elections official and receive timely and appropriate answers, or be referred to someone who can provide those answers.

- The **Voter Bill of Rights** may not be posted at a ballot processing location but it still applies.

### 5. To stay within your legal rights, **speak only with the Elections Official in charge** unless that option is unavailable and the situation is urgent.

### 6. NEVER INTERRUPT OR INTERFERE

Observers shall not interfere with the orderly processing of vote by mail ballot envelopes or the counting of vote by mail ballots, including touching or handling ballots. [**EC § 15104(e)**]

- **All interactions with elections officials must be in the form of a question.**
- **State that what you are observing** “is inconsistent with your understanding of the law.”
- **If resolution is not reached, ask a question that may lead to a resolution,** such as:  
**“Would you please consult your manual or call your hotline for clarification?”**

### 7. For details on the proper procedures for processing ballots and for proper polling location operation, read the articles in **EIPCa’s “Vote Safe in 2024 and a Little More”** series:

- Have each installment sent to your inbox by signing up at <http://www.eip-ca.com/signup>
- Download the articles as they are posted at [www.eip-ca.com](http://www.eip-ca.com) between January 17 and March 5.