

**MERCED COUNTY REGISTRAR OF VOTERS
ELECTIONS OFFICE
“VOTE-BY-MAIL” BALLOT PROCESSING
OBSERVER GUIDELINES**

GENERAL RULES

1. No “Vote-by-Mail” ballot processing observer shall interfere with the orderly processing of mail ballot return envelopes or ballot processing/counting. Observers shall not touch or handle the ballots [Elections Code §15104, subd. (e)]. Observers shall not enter inside the area where the processing of mail ballot return envelopes and the processing/counting of mail ballots takes place.
2. “Vote-by-Mail” ballot processing observers will be permitted access to a designated observation area, sufficiently close to enable them to observe and challenge whether individuals handling vote-by-mail ballots are following established procedures [Elections Code §15104, subd. (d)].
3. “Vote-by-Mail” ballot processing observers shall sign in and wear an identification badge provided by the Elections Office at all times while within the designated observation area.
4. “Vote-by-Mail” ballot processing observers, while within the designated observation area **shall not**:
 - ◆ Carry on conversations with each other.
 - ◆ Engage in loud talking or arguing or make disruptive comments or noises.“Vote-by-Mail” ballot processing observers who violate these rules will receive one warning. If the behavior continues after one warning, the violator(s) will be required to depart the designated observation area and will not be permitted to return that day.
5. “Vote-by-Mail” ballot processing observers shall not talk to or question members of the Elections Office staff while they are working.
6. Cell phones must be on vibrate or turned off while observers are within the building.
7. Questions or challenges regarding the handling of “Vote-by-Mail” ballots shall be addressed only to the Registrar of Voters, Assistant Registrar of Voters or designated Elections staff member.

BALLOT HANDLING CHALLENGES

1. 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 "Vote-by-Mail" ballots are handled, from the processing of the mail ballot return envelopes through the counting and disposition of the ballots [Elections Code §15104, subd. (b)].
2. "Vote-by-Mail" ballot processing observers may not challenge signatures on mail ballot return envelopes. Only the elections official shall perform signature comparison, in accordance with Division 3 of the California Elections Code.
3. "Vote-by-Mail" ballot processing observers may challenge whether the individuals handling mail ballots are following established procedures. Established procedures of the Merced County Registrar of Voters, Elections Office include the following:

- a. **Verifying signatures and addresses by comparing them to voter registration information**

ESTABLISHED PROCEDURE: In Merced County, the address comparison is completed while the vote by mail application is being processed [Elections Code §3009, subd. (a)].

Signature comparison is completed at the time a return batch is processed and the return status is entered into the voter's record. A return status code on the list of vote by mail voters indicates that the record was processed. A portion of the process is completed with the assistance of the Vote Remote signature comparison computer program.

- b. **Duplicating accurately any damaged or defective ballots**

ESTABLISHED PROCEDURE: Two Election Officials must work together on this process:

- ◆ One worker watches and proofs, as the second worker transfers the exact votes from the original to the duplicate ballot.
- ◆ The workers write the **precinct number, date, duplication cross-reference sequence number and both workers' initials** on the original/old ballot as well as on the duplicated/new ballot.
- ◆ The original/old ballot is placed in an "Archived Originals" manila precinct envelope.
- ◆ The "Duplicate" (new) ballot is placed in the precinct box "To Be Processed".

- ◆ The scanner operator or catcher will place a 650 scanner number sticker with operator's initials and the processing date on batch separator sheet after scanning.

c. Securing "Vote-by-Mail" ballots to prevent tampering before counting

ESTABLISHED PROCEDURE: Returned "Vote-by-Mail" ballots are kept in secure storage room when not being worked on by the elections office staff. Persons other than Elections Office personnel are not allowed access to the secure storage room unless escorted by Elections Office personnel. All secure storage areas are within buildings which are alarmed when staff is not present. Two or more election staff members must be present in any work area when ballots are being handled. No containers with ballots shall be left unattended unless they are locked in the secure storage area.

VOTER CHALLENGES

1. Prior to processing and opening "Vote-by-Mail" ballot return/identification envelopes, the election official shall make available a list of "Vote-by-Mail" voters for public inspection, from which challenges may be presented. All challenges shall be made prior to the opening of the identification envelope of the challenged "Vote-by-Mail" voter [Elections Code §15105].
2. Challenges may be made for the same reasons as those made against a voter at a polling place. [Elections Code §§14240, subd. (a); 15105]:
 - a. That the voter is not the person whose name appears on the index.
 - b. That the voter is not a resident of the precinct.
 - c. That the voter is not a citizen of the United States.
 - d. That the voter has [already] voted [in the election].
 - e. That the voter is presently on parole for conviction of a felony.
3. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by [the California Elections] code or that a person is imprisoned for conviction of a felony [Elections Code §15105].
4. If [the elections official] 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 [elections official] shall first determine whether the document or list is accompanied by evidence constituting probable cause to justify or substantiate a challenge [Elections Code §14240, subd. (c)]

5. 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** [Elections Code §15106].