



Registrar of Voters

Michael Jimenez
Interim Registrar of Voters

OBSERVATION RIGHTS AND RESPONSIBILITIES

Observers are responsible for:

- Checking-in at each site, whether polling place or central counting site.
- Wearing an identification badge.
- Maintaining a professional manner while observing the election process.
- Ensuring they do not interfere with the election process.
- Following established County observation rules/policies.
- Being courteous to Poll Workers and Elections Officials. Speaking to them only when it is convenient and does not interfere with the conduct of the election.

Observers may:

- Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote-by-mail ballot processing.
- Observe the proceedings at the polls, including the opening and closing procedures.
- Obtain information from the precinct index that is posted or otherwise available at the polling place.
- Take notes and watch election procedures.
- View election-related activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View vote-by-mail and provisional ballot processing.
- Ask questions of Poll Worker Supervisors at the polls as long as they do not interfere with the conduct of any part of the voting process.
- Ask questions of Observer Escorts at the central counting site as long as they do not interfere with the conduct of the election procedures.

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)
First District

JANICE RUTHERFORD
Second District

DAWN ROWE
Vice Chair, Third District

CURT HAGMAN
Chairman, Fourth District

JOE BACA, JR.
Fifth District

Leonard X. Hernandez
Chief Executive Officer

Observers may not:

- Interfere, in the judgment of the elections official, with the conduct of the election.
- Physically handle any voting materials or equipment without the express permission of the elections official.
- Move or rearrange tables, chairs, or voting booths at the polling place or central counting facility.
- Sit at the official worktables or view confidential voter information on any computer terminal or document.
- Communicate with voters within 100 feet of the entrance to, or inside of, a polling place, an elections official's office, or an early vote site, by encouraging them to vote for or against a person or a measure or regarding the voter's qualifications to vote.
- Directly challenge a voter at a polling place or early vote site. Only a member of a precinct board may do so, based on evidence presented.
- Display any campaign material or wear campaign badges, buttons, or apparel.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Use cellular phones, pagers, or two-way radios inside the polling place and/or within 100 feet of the entrance to the polling place.
- Talk to or attempt to stop Poll Workers of the central counting site workers while they are processing ballots.
- Use the telephones, computers, or other polling place facilities, including staff breakrooms, at polling places or the central counting site.
- Touch election personnel.
- Eat or drink in the polls or the central counting site.
- Assist in operations at any polling place or the central counting site.
- Prevent other Observers from observing materials or a process.
- Enter secure areas without the express permission of the elections official.

Elections officials are responsible for:

- Maintaining the integrity of the administration of the election and determining observer misconduct or interference.
- Establishing security rules for public observation. Examples of such rules are the use of sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices.

- Providing notice to the public of the dates, times, and places of election-related activities that may be observed by the public, as required by law. For example, elections officials are required to provide 48 hours' notice for vote-by-mail (VBM) ballot processing and five days' notice of the post-election one percent manual tally.

Elections officials have the right to:

- Use discretion in determining a sufficiently close distance for Observers to stand from the process they want to observe.
- Require Observers to be quiet inside the observation area.
- Use discretion to determine how (e.g., written or verbal) and to whom Observers may pose questions and challenges during the observation process.
- Require an Observer who does not follow observation rules to leave the premises.
- Restrict the number of Observers permitted in a room to prevent interference with the observed process.
- Restrict the items Observers may bring with them into the polling place or central counting site, such as cell phones, large bags, or back packs, etc.

Elections officials may not:

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

COVID-19 specific rules:

- Persons experiencing any COVID-19 symptoms are asked not to visit the Registrar of Voters, Early Vote sites or polling places until they are feeling better.
- Members of the public are not required to wear face coverings or practice social distancing regardless of vaccination status.*
- Face coverings are available for any Observer upon request.

*Public health requirements are subject to change based on guidance from Centers for Disease Control and Prevention (CDC), California Department of Public Health, or San Bernardino County Department of Public Health. For information about the coronavirus crisis including vaccines and testing, visit sbcovid19.com.

The Elections Code also provides penal provisions for anyone who engages in electioneering or activities related to the corruption of the voting process.

Elections Code section 18370 provides:

A person shall not, on Election Day, or at any time that a voter may be casting a ballot, do any of the following:

- circulate an initiative, referendum, recall, or nomination petition or any other petition
- solicit a vote or speak to a voter on the subject of marking the voter's ballot
- place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240
- do any electioneering as defined by Section 319.5

within 100 feet of either of the following:

- the entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018, or
- an outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

- solicit a vote.
- speak to a voter about marking the voter's ballot.
- disseminate visible or audible electioneering information.

Any person who violates any of the provisions of Section 18370 is guilty of a misdemeanor.

Elections Code section 18541 provides:

A person shall not, with the intent of dissuading another person from voting, do any of the following:

- solicit a vote or speak to a voter on the subject of marking his or her ballot
- place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240
- photograph, video record, or otherwise record a voter entering or exiting a polling place
- obstruct ingress, egress, or parking

within 100 feet of either of the following:

- the entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018, or
- an outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

A person shall not, with the intent of dissuading another person from voting, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot:

- solicit a vote.
- speak to a voter about marking the voter's ballot.
- disseminate visible or audible electioneering information.

Any violation of Section 18541 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.

Elections Code section 319.5 provides:

(a) "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within the 100 foot limit specified in subdivision (b). Prohibited electioneering information or activity includes, but is not limited to, any of the following:

- (1) A display of a candidate's name, likeness, or logo.
- (2) A display of a ballot measure's number, title, subject, or logo.
- (3) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (4) Dissemination of audible electioneering information.
- (5) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote by mail ballot drop boxes.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.