

Election Monitoring: Observing and Reconciling Election Counts California

September 29, 2006

Version 1.0

SCOPE: This document describes what to look for when monitoring machines and processes involved in the counting of the voting. It does NOT cover civil rights monitoring such as registration, intimidation, and dirty tricks.

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WHAT CAN I OBSERVE SUMMARY

Before the Election

1. Preparation of operation of tabulating devices, programming and testing
2. Logic and Accuracy Testing
3. Absentee Ballot processing that happens prior to the election
4. Pollworker training

During the Voting

1. Poll opening/set up procedures
2. The polls as either a pollworker or a pollwatcher
3. Poll closing procedures

After the Polls Close

1. Chain of custody of ballots and memory cards
2. Counting of the Votes
3. 1% Manual Audit

WHO CAN OBSERVE SUMMARY

Technical people designated by the county central committees ONLY

Preparation of operation of tabulating devices, programming and testing

Select people chosen or ok'd by the RoVs

Logic and Accuracy Testing

Note - this should be open to the public, space permitting.

Pollworkers

Pollworker training

Poll opening procedures

Poll operations

Poll closing procedures

Pollwatchers

Poll operations inside the polling place

Note: In California there is no difference between pollwatchers and the general public. In other states, each party specifies pollwatchers.

General Public

1. Absentee Ballot processing before, during and after the election

Chain of custody of ballots and memory cards

Counting of the vote

1% manual tally

Provisional Ballot processing

WHAT CAN I RECONCILE SUMMARY

1. Number of registered voters per county vs. number of voters total
2. Number of registered voters per precinct vs. number of voters
3. Results posted at polling site vs. published numbers per precinct

NOTE: There is a tendency amongst RoVs to not post these results or just post for the precinct based optiscans, not the DREs. This is an election code violation that the Secretary of State is allowing.

4. Summation of results posted at polling site vs. summation of individual memory cards
5. Summation of individual memory card results vs. central tabulator results
6. Anomalies in number of spoiled/redone votes on VVPAT machines, per machine
7. Anomalies in number of spoiled/redone votes on VVPAT machines, per precinct
8. Anomalies in spread of precincts chosen for 1% manual tally
9. 1% manual tally sheet errors
10. 1% manual tally sheet vs. precinct results sheet vs. published precinct results sheet

PRE-OBSERVING PREPARATION

BACKGROUND

1. Why am I observing? You have the right, but why are you exercising it?
Which apply to you? What are you doing to meet your goal?

1. I want to make sure the count is accurate.
2. I want to catch the staff making a mistake so I can nail them.
3. I want the bad guys to know there are observers so they won't try anything.
4. I want to make sure the laws are followed.
5. To collect evidence

NOTE: #2 may get you into trouble for future interactions.

2. What are the systems you are observing?

Check your county website for information on what systems are being used.

Read about them at <http://verifiedvoting.org/article.php?list=type&type=63> - they are in process of updating info.

1. For a standard poll vote - i.e. precinct based optiscan, DRE
For handicapped accessibility - i.e. touchscreen -DRE or ballot marking device
Centralized ballot counting - high-speed optiscan for absentee ballots
Tabulators

3. What state election codes cover what you are observing?

See key election codes in this document. There is very little in the code about the details of observing.

<http://www.election-reform.org/laws/Calif.html>

4. Who is the RoV/clerk/ etc of this county and how can I contact this person?

http://www.ss.ca.gov/elections/elections_d.htm

This site is not very up to date, but you can get a phone number to call and confirm any contact info you need.

5. Who am I observing for?

Verified Voting is setting up a registration for observers so there is a central gathering place for information. From their site:

Interested in learning more about election transparency and how you can help?

Send an email to observer@verifiedvoting.org to receive more information.

TALKING TO THE REGISTRAR

You gather more flies with honey than with vinegar. If you are part of an election protection group, such as for a specific candidate, you should visit your RoV well before the election to discuss what you will need and what they will allow. This prevents surprises and an adversarial relationship on election night, when everyone is already under intense pressure.

Here is a list of items to go over with your election official:

1. What are the physical boundaries at the polls? At the central count facility? Can I take pictures? Can I record audio? Video?

2. How is the vote counted in this county?

Some counties, such as San Francisco, publish observation guides, but you may have to track this yourself. Ask for a tour of the facilities including absentee ballot processing, warehousing, consolidation points, and central counting.

3. What county procedures cover the election process?

Ask for a copy of their procedures manual for their employees and of their election plan that must be submitted to the Secretary of State 29 days prior to the election. (10/10/06). See EC 15003 on page 43 of this document. A plan not submitted is an Election Code violation.

4. Ask for the county to post the results/statement of vote in a machine-readable format, such as .csv. Commonly used .pdf files can NOT be put into Excel and have analysis performed. The statement of vote needs to be broken down by precinct, polling place vote, absentee vote, provisional vote, etc.

5. Ask for the county post the results on the web from each of the memory cards in a machine-readable format. This is for reconcile.

6. When will information on registration numbers by precinct be available and can it be posted on the web in machine-readable format?

7. For the 1% manual tally, will the choice of random precincts be done after the close of polls, in a public and transparent manner? Will the date be announced in advance?

8. What are the procedures for handling a discrepancy in the 1% manual tally? Ask that all discrepancies and their resolution be publicly reported prior to election certification.

Ask for any policies or procedures that are available.

9. Would the RoV consider doing a high percentage for audit, such as 5%? If not for all races, then for close races? Will the 1% audit cover all votes, including absentee and provisional ballots?
10. Will the RoV keep track of the number of spoiled votes by precinct on the DRE VVPAT rolls and publish these numbers?

OBSERVING ELECTION DAY

1. A good philosophy to keep in mind during any observing you do is:
Write it down
Keep observing notes separate from criticism and analysis.
Include everything in your notes so that others can form their own opinions.
Get the information out into the public
2. Bring with you: Pencil, Paper, Notebook, EIRS form (TBD), Video camera, Digital camera, Cell phone, Laptop, Watch, Binoculars, Phone numbers for local news reporters
3. How much time can I spend?
According to BBV, the most interesting problems happen from 10 p.m. to 1 a.m. on Election Day. Whatever time you plan on covering, have a backup or someone to handover the observing to when you leave. Teamwork is critical.
4. What am I going to do with all my observing notes?
Write a report of your observations and submit this report to.
 - a) County: RoV, Board of Supervisors, Elections Board
 - b) State: Secretary of State, state legislators
 - c) Political: Candidates, county central committee of both parties
 - d) CA State library, which will keep it as a public record
 - e) Interested press contacts
 - f) Various watchdog groupsBlackBoxVoting.org section on California elections
<http://www.bbvforums.org/forums/messages/132/8533.html?1151439266>
Verified Voting
<http://www.verifiedvoting.org/index.php>

OBSERVING BEFORE THE ELECTION

OBSERVING PREPARATION AND OPERATION OF TABULATING DEVICES, PROGRAMMING, AND TESTING

WHO CAN OBSERVE

15004. The county central committee of each qualified political party may employ, and may have present at the central counting place or places, not more than two qualified data processing specialists or engineers to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the specialists or engineers in attendance at any or all phases of the election.

BACKGROUND

This is something left to the experts, not the general public, to accomplish. What to look for won't be covered in detail here, as this author is not an expert. However, this section is here so that groups interested in monitoring may know that this part of the code exists and try to hire experts or recruit volunteers to perform this duty. Groups to recruit from include BlackBoxVoting.org and ACCURATE.

For Diebold AV-TSx and AV-OS machines, the Secretary of State gave them a conditional certification, which lists security measures that must be followed by RoVs. These are good practices for all the vendors' machines.
http://www.ss.ca.gov/elections/voting_systems/diebold_cert.pdf

The elections official must reset the encryption key used for all AV-TSX units to change the key from the factory default setting prior to programming any units.

Each memory card must be programmed in a secured facility under the supervision of the registrar of voters/registrar of voters' staff. Once a memory card is programmed for the election, it must be immediately inserted into its assigned unit and sealed with a serialized, tamper-evident seal by the registrar of voters or the registrar's staff, and have its serial number logged into a tracking sheet designed for that purpose.

The county must maintain a written log that records which memory cards and which serialized tamper-evident seals are assigned to which units. Any breach of control over a memory card shall require that its contents be

zeroed, in the presence of two election officials, before it can be used again

The County must maintain a written log that accurately records the chain of custody of each memory card and unit from the point of programming the memory card for use in the election through the time of completion of the official canvass.

Access to the GEMS server shall be tightly controlled and all persons having access to it at any time shall be pre-approved by the county elections official and noted in a log that details name, time, and purpose of access to the room in which the GEMS is housed.

OBSERVING LOGIC AND ACCURACY TESTING

WHO CAN OBSERVE

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

Each county has different policies about who can observe and/or participate in this. In Alameda County, it is two members of the Grand Jury and two members of the League of Women Voters.

BACKGROUND

The Logic and Accuracy test is a functionality test and it does not truly cover all functions or simulate all the complexities of an election. It is useful for finding accidental errors, particularly accidental ballot layout/configuration/programming errors. It won't find intentional fraud. Nevertheless, it is done and should catch some major flaws if they are present. Accidental errors are not uncommon.

The following has been taken mainly from BBV Toolkit.

BEFORE THE TESTING

- Obtain a list of each test that is done

- Find out when each testing session takes place

- Ask about requirements for attending

- Ask for written procedures for each type of testing

- Review user manuals of system to be tested

 - <http://www.bbvforums.org/forums/messages/2197/2994.html>

DURING THE TESTING

Here are some of the things to document during testing:

- Find out if all machines that will be used in the election will be included in the testing. This includes the DRE's, the precinct based opti-scans, and the high-speed central scanners. Some counties only test the polling place machines.

- Find out whether voting machines are placed in a "test mode." Ask if the machines are ever tested while in election mode.

Ask whether the testers will be using the voting machines in the same way that voters would be on Election Day?

On Election Day, DRE machines (touch-screens and roll-a-wheel systems) are sometimes networked together. Sometimes they are not networked, but daisy-chained together with a power cord. See if you can document differences between testing and election day.

Will the testing involve humans pressing the touchscreen on the DREs or will it involve "macro", "scripts" or automated logic and accuracy testing?

Will the testing include large numbers of votes? Document how many actual votes are tested on each machine. If an automated script is used, document that as well. (Obviously, testing with an automated script does not replicate casting real votes.)

Is testing done on every candidate and ballot question choice, or just a few of them? For locations with multiple languages on the ballot, are the foreign language ballots and audio ballots tested as well?

Will the Logic & Accuracy testing include vote tally checking? (On Election Day, votes from each machine are later fed into a central tabulator machine. Does the testing replicate this step or omit it?) If it omits testing the central tabulator, find out if/when they will test that system and see if you can observe that as well.

Will the testing include the use of an independent log comparing the system count with those selections made by the voter? Are testers allowed to choose any votes themselves, or is all testing done with a pre-set selection of votes?

Ask that the testers make themselves available for questioning prior to and after each testing session (remember to videotape their answers to your questions).

Verified Voting will have an online survey document and web form for pre-election Logic and Accuracy testing. Anyone who wants to participate should sign up at:

<http://www.verifiedvotingfoundation.org/downloads/Pre-electionLAQ.pdf>

See page 44 for relevant election codes.

OBSERVING ABSENTEE BALLOT PROCESSING

WHO CAN OBSERVE

General public

State Election code 15004 allows the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

BACKGROUND

Absentee ballots come into the RoV from many different routes and at different times:

Mailed in

Dropped off at the RoV's

Dropped off at the polling site

The general processing steps for absentee ballots in Alameda County, which is probably similar in most counties:

SIGNATURE VERIFICATION

1. Yellow absentee ballot envelopes are delivered to the RoV office.
2. Numbered trays packed with envelopes go to staffers at several scanning machines.
3. Envelopes enter the machine, the signature is scanned, and the envelope is stamped with a unique identifying number.
4. Envelopes return to the tray in numerical order.
5. Signature images are called up by staffers at a bank of computers.
6. A staffer pulls up an electronic image of the voter's signature from the voter registration form.
7. The two signatures are compared and accepted or rejected.
8. If the signature is rejected, the voter is sent a new registration form to get a current signature.

ENVELOPE OPENING

1. Trays of envelopes with approved signatures are labeled.
2. Batches of envelopes are vibrated to shake down the ballot in the envelope.
3. Batches of envelopes are put in a slitting machine.
4. Staffer takes out the ballot, discards the envelope, and stacks ballots in a tray.

UNFOLDING AND SORTING

1. Clerks unfold the ballots, remove stubs if voter has not, and clean the edge.
2. Clerks sort ballots into 3 trays - good, damaged, and write in.
3. Filled good trays are smoothed, flattened, and stacked into batches of 50 and combined into trays of 500.

SORTING BY PRECINCT OR BALLOT TYPE

One important step NOT done in Alameda County, but that is done in other counties such as Santa Clara, is physically sorting the ballots by precinct. Although results are tabulated by precinct, the ballots are not sorted that way. If SB1235 is signed into law, which has not happened at the time of the writing of this manual, it will change this for future elections. It requires that absentee ballots be sorted by precinct and counted in the 1% manual audit. This will force the issue of sorting the ballots.

OBSERVING

1. Does the county have a person look at every signature or is computerized signature verification used.
2. What is the process when a signature is rejected? How many were rejected and sent registration forms?
3. Is any record kept of what precincts have rejected ballots? Ask for machine-readable summaries of received, accepted, and rejected absentee ballots. This information should be broken down by precinct and by reason for rejection.
4. When does the counting of the absentee ballots begin? Is it totaled at any time prior to 8:00 pm election day? Who has access to those totals?

5. Are the piles of absentee ballots handled in a clear way that would not prevent trays of ballots from being misplaced or lost? Are there processes in place to perform a check and balance that the number of ballots received are all counted?

Verified Voting also suggests the following:

Monitors may be especially interested in observing the counting of absentee ballots, also typically conducted at the county election headquarters, and usually begun on Election Day. Finally, many jurisdictions now allow "early voting" sometimes called "early absentee" which is conducted in a limited number of locations within a county, parish or township. In many cases, counties use electronic voting machines for early voting even when they do **not** use them for Election Day. Early voting procedures therefore should also be monitored wherever possible.

Verified Voting will have an online survey document and web form for early voting end-of-day procedures. Anyone who wants to participate should sign up at

<http://www.verifiedvotingfoundation.org/downloads/EarlyVotingIntro-Instructions.pdf>

See page 44 for relevant election codes.

POLL WORKER TRAINING

WHO CAN BE A POLLWORKER

In Alameda County, and probably most other counties, here are the criteria:

Registered voters in Alameda County -or-

Alameda County employees -or-

High school seniors over 16 years of age in a school sponsored poll worker program

If you are going to be a pollworker, please sign up for the collaborative effort known as "Pollworkers for Democracy" at www.pollworkersfordemocracy.org. Included will be a conference call training and some materials to supplement what you learn at the county.

WHO CAN OBSERVE POLLWORKER TRAINING

Other than pollworkers, call your RoV's office and ask if you can attend.

BACKGROUND

The way to learn is to actually do a job. The best way to be involved in Election Integrity is to be a Pollworker. From that vantage point you get to...

Experience the training and comment on it

Experience the voting process

Experience dealing with the machines

Follow the chain of custody of the ballots

Get to know your county elections staff and officials

Gain credibility when speaking about elections issues

Gain some empathy for pollworkers and county elections staff

For people who are knowledgeable, you are in a perfect position to document incidents.

It is recommended that you become an inspector - then you are the responsible for running the polling place, setting up the machines, and delivering the ballots

at the end of the day. In other positions, you won't get this full breadth of experience and knowledge.

At pollworker training, you may be given some materials on how to run the machines. This is excellent material to keep and post so that others can learn how to use the machines.

OBSERVE

1. How much time is spent on the training in total?
2. How much time is spent on dealing with the machines?
3. What are you told to do if there is an incident with a machine? Is it in any of the written material you are given?
4. Were VVPATs explained? Did pollworkers understand their purpose?
5. What did the training say about checking/using security seals?

BBV suggests...

At the training session, take notes on each piece of equipment you will be using.

Ask questions about the chain of custody for each piece of apparatus and for portable devices like voter card encoders, electronic pollbooks, cartridges, memory cards and the like. Report "sleepovers" (equipment sent home with you or other workers) and take careful note of the instructions for handling the electronic ballot boxes (also called memory cards, PEBs, cartridges). Take pictures of the seals.

Make notes of any trucking firms, transportation companies or third-party vendors who will be bringing you equipment or taking it away.

Ask and make note of the specific procedures for any repairs or troubleshooting on the machines or the peripheral devices on Election Day.

OBSERVING POLL SETUP

WHO CAN OBSERVE

General public

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

THE RULES

Secretary of State News Release KS04:078 of November 1, 2004 has the best information on what the state allows pollwatchers to do (see page 44 for full press release):

Observers at polling places during the day are not allowed to film voters coming or leaving the voting site and may not film inside the polling place while the polls are open. There are exceptions, however, allowing for news media crews with consent of the county elections official.

Observers can be inside polling places, however, and may observe the roster of voters, watch the polling place being set up or closed at the end of the day, and they may see voting procedures throughout the day. They may not interfere with the work of the elections staff, nor may they touch any voting materials, station themselves near where voters are casting ballots or depositing their voted ballots, sit at the election board's table, or intimidate or impede the actions of board members or voters.

VERIFYING SECURITY

Understand all security measures put in place by the RoV. Verify that all such security measures have been followed.

Confirm that any physical security measure is in place and has NOT been tampered with prior to opening the polls/using the equipment. Confirm seals are unbroken, serial numbers match or confirm that pollworkers have checked this.

Confirm that zero tapes are printed out.

If there is a problem with any equipment, document RoV office actions.

Understand all security measures to be taken by the inspector and the clerks.

Verify that the security measures machines issued by the SoS for using AV-TSx and AV-OS are followed:

http://www.ss.ca.gov/elections/voting_systems/diebold_cert.pdf

These are good practices for all the vendors' machines.

1. Each memory card shall have a permanent serial number assigned to it.
2. On Election Day, prior to any ballots being cast on any unit, the integrity of the tamper-evident seal must be verified by the precinct officer before opening the compartment containing the memory card and unit power switch. The serial number of the seal must also be verified against the log provided the Precinct Inspector. This procedure must be witnessed by at least one other precinct officer or staff of the registrar of voters.
3. If it is detected that the seal has been broken prior to the unlocking of the compartment, or if there is a discrepancy between the log and the serial number, the discrepancy must be confirmed by one or more of the remaining members of the precinct board, documented, and immediately reported to the county elections official for the jurisdiction. The elections official shall immediately investigate and determine appropriate action. If this potential breach occurs in unit, the specific unit must undergo a full manual reconciliation of the electronic votes cast and captured on the memory card against the paper audit record for that unit. If being used to meet the accessibility provisions of federal or state law, or if for any reason only one such unit is being used at the precinct, once one vote is cast on a TSX unit, the poll workers shall ensure that at least two more ballots are cast on the machine, even if not by a voter needing its accessibility components, in order to protect the privacy of the voter.
4. Any issues that arise relating to voting equipment shall be reported to the Secretary of State's Office of Voting Systems Technology Assessment on Election Day, including a complete description of the problem and how it has been resolved. The Secretary of State will provide a telephone number for this purpose.

SPECIAL VVPAT on DRE NOTES

The Voter Verifiable Paper Audit Trail (VVPAT) has been poorly implemented by the vendors on the DRE machines. These are sometimes separate printers attached to the machine. These should all be affixed and functioning. There are little doors that cover the paper printout for privacy when a voter with disabilities is using the equipment. Make sure that for non-disabled voters that this door is open. Make sure this is open and that pollworkers understand that voters are to review their VVPAT prior to casting their vote. It's useful is highly dependent on its proper functioning and on voters actually verifying their votes.

DURING THE VOTING

OBSERVING VOTING AT THE POLLS

WHO CAN OBSERVE

Pollworkers

If you are going to be a pollworker, please sign up for the collaborative effort known as “Pollworkers for Democracy” at www.pollworkersfordemocracy.org. Included will be a conference call training and some materials to supplement what you learn at the county.

If you cannot become a pollworker, you can still observe everything that takes place inside your polling place while you are voting on Election Day.

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

THE RULES

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Observers can be inside polling places, however, and may observe the roster of voters, watch the polling place being set up or closed at the end of the day, and they may see voting procedures throughout the day. They may not interfere with the work of the elections staff, nor may they touch any voting materials, station themselves near where voters are casting ballots or depositing their voted ballots, sit at the election board’s table, or intimidate or impede the actions of board members or voters.

BEHAVIOR GUIDELINES

1. Make no contact with any voter inside the polling place.
2. Wear no political gear or buttons, nor partisan insignias of any kind. Do not wear candidate buttons, candidate t-shirts or candidate hats. Don’t carry or distribute materials, which may have partisan or candidate information.

3. Remember that the election judge or poll worker is in charge, and can decide where you are permitted to sit or stand, and how many observers or poll monitors can be in the location at a time. They also may decide whether you can be permitted to come and go, or switch off with another poll monitor.

OBSERVE

Here's what to look for with DRE machines if you are voting on one:

Your vote shows up on the wrong choice

You can't see the paper record of your vote (in states with a DRE voter verified paper trail, it may be hidden under a closed door or other obstruction)

Confusing machine: Hard to figure out how to use it

A candidate or question is missing from the screen

The screen automatically fills in votes the voter doesn't want

The screen fails to report that vote has been accepted. Usually it will say something like "vote cast" -- or the message can be more confusing, like "choices printed."

Voting machines aren't running

Error messages appear on the screen

Administrative or technician screen appears instead of the ballot choices

Voting machine crashes or freezes

Voting machine screen is dim, has lines through it, colors are distorted or is otherwise hard to read.

Voter card doesn't work

(For accessible machines) The accessibility function aren't working (headphones, large text, keypads, sip n puff)

Repairman is working on one of the voting machines

Here's what to look for with optical scan machines:

1. Repairman is working on one of the voting machines
2. Ballots are rejected, jam or ballot indicator doesn't advance after taking a ballot
3. Machine is replaced
4. Memory card is replaced on election day (before, during or after voting)

Verified Voting will have an online survey document and web form for end-of-day ballot accounting procedures. Anyone who wants to participate should sign up at

<https://www.verifiedvotingfoundation.org/article.php?id=6390>

INCIDENTS TO DOCUMENT FOR ELECTION INCIDENT REPORTS (EIRS)

EQUIPMENT FAILURES

For all of the below be sure to note: Serial Numbers, Time of Day, and Precinct Location

Machine failure

Blank screen, fails to power up, freezes, delays opening of polls, other. Include serial number, length of any delays, and how problem was handled.

Machine records voter preference incorrectly

Premarks choice, differs from paper trail printout, switches vote to another candidate on initial screen or in final summary screen - note the difference, voter cannot change vote displayed, calibration problems on touchscreens, other. Include serial#, and whether or not machine was taken out of service.

Voter access card problem

Times out, locks out voter, gets stuck or left in machine, other.

User interface issues

Screen has poor readability, flickering, dim, skipping, buttons stick, other. Include serial number.

Language issues

Voter language not available, switches languages, translation problems, other.

Disabled access issues Wheelchair inaccessibility, audio, braille, or magnification inadequate or unusable, accessibility attachments don't work, machine gives person unable to use hands no means to vote, other. Include serial number.

Security issues

Machines stored in unlocked location, memory cards not secured, machine connected to telephone line or wire during Election Day, machine uses wireless connection, seals broken or missing, other. Include serial number if possible.

Paper trail issues Printer jams, prints over previous entries, not visible, differs from vote, other. Include serial number.

Ballot display issues on touchscreens

One or more candidates or questions are missing from the ballot displayed, incorrect ballot is displayed, other. Include serial number.

Ballot issues on optiscans

Ballot is already marked, scanner rejects ballot though ballot is in good order; scanner mangles ballot, other. Include serial number.

Touchscreen fails to report that vote has been accepted

Error messages appear on the touchscreen

Machine has incorrect time of day

Technicians, repairpersons working on one of the voting machines
BBV suggests...

- Note the name of any "rovers" or technicians who visit during the day. Whether the procedures dictate this or not, request to see the identification of any technicians or rovers, even if they are just asking questions rather than servicing the equipment. (In 2004, fake technicians showed up in one Washington state jurisdiction; poll workers obtained the license plate numbers and phone numbers of each and submitted it to the elections office, where the information was retrieved by Black Box Voting.

Memory cards are replaced on Election Day (before, during or after voting)

Machine does not print precinct results

Power outages

Most machines have battery backup. Note how long the batteries operate before the machine shuts off.

PROCEDURAL FAILURES

Provisional ballot issues

Failure to offer provisional ballot to any voter not on voter lists, mishandling of provisional ballots, other.

Emergency paper ballot issues

In touchscreen precincts, emergency paper ballots not on hand in case of equipment breakdown, other.

Results tapes

You should be allowed to see the polling place results tapes at the precinct for the end of day precinct results. Note if you are not allowed.

VVPAT

Pollworkers understand VVPATs, urge voters to review their VVPATs, explain VVPATs and purpose of them. Make sure the VVPAT is visible to the voters.

Credits: Pollworkers for Democracy

OBSERVING POLL CLOSING

WHO CAN OBSERVE

General public

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

THE RULES

Secretary of State News Release KS04:078 of November 1, 2004 has the best information on what the state allows pollwatchers to do (see page 44 for full press release):

Observers at polling places during the day are not allowed to film voters coming or leaving the voting site and may not film inside the polling place while the polls are open. There are exceptions, however, allowing for news media crews with consent of the county elections official.

Observers can be inside polling places, however, and may observe the roster of voters, watch the polling place being set up or closed at the end of the day, and they may see voting procedures throughout the day. They may not interfere with the work of the elections staff, nor may they touch any voting materials, station themselves near where voters are casting ballots or depositing their voted ballots, sit at the election board's table, or intimidate or impede the actions of board members or voters.

BACKGROUND

At the close of the polls, the results are to be posted on the outside of the polling place. Although this is CA law, some of the voting machines have been state certified even though they can't print this out. An extra printer is required for each polling place for the Sequoia DREs to print out their results. Not every RoV has invested in this printer and the plans for how to comply with the law vary from asking the SoS to waive the requirement to asking pollworkers to hand copy down the results and post them.

These results are important. They show the results that are on the memory cards PRIOR to any transfer of the cards to other people in other places. Every transfer has a potential for the card to be tampered with or swapped out for a planted malicious alternate by a malicious pollworker. Thus, getting the results from the polling place is key.

POLL CLOSING RESULTS

One method to observe this final vote is to go around to every polling place and write down the numbers and/or take a digital picture of the results. There are pros and cons to this. While you will get the most accurate, unadulterated information, the chances of getting all the information is slim. Once these tapes are pasted anyone can just pull them off the doors. An option to avoid this is to organize a "last voter" group. This person waits to place the last vote at the polling place and then waits for the results to be posted so they can be recorded. If there are not enough people to be the last voter, people would have to be organized to go to multiple polling places and copy down the results.

Another option is that AFTER the election is to do a Public Records Request and ask for these polling place results tapes. Make sure to specify you want the original, otherwise they may generate a new tape because they had the memory cards may be close at hand, but the original tapes may be in an offsite location like a warehouse.

Each tape is supposed to be signed by four precinct workers, so it would be difficult, but not impossible, to manipulate. Seeing the original and asking for a copy would add some assurance that you are really getting the results from that polling place. The problem with this method is that it is expensive and time consuming. You don't get answers election night to check up on any manipulation. The Public Records Request law is that they have 10 days to acknowledge that you asked for information. There is no time limit on when they provide the information. It could be after the election is certified, and then you are out of luck.

Verified Voting will have an online survey document and web form for poll closing and ballot accounting procedures. Anyone who wants to participate should sign up at

<https://www.verifiedvotingfoundation.org/article.php?id=6390>

See page 45 for relevant election codes.

AFTER THE POLLS CLOSE

OBSERVING CHAIN OF CUSTODY

WHO CAN OBSERVE

General public

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

The following has been taken from the Blackboxvoting Toolkit

BACKGROUND

Goals: See if you can map out where each of the key parts of the voting system are during the life cycle of the election. Identify who has access at each point and what records are kept.

OBSERVING

Chain of custody applies to:

Ballots

Voting machines

Memory cards

Voting system peripherals, like voter cards and voter authentication devices

Election data (the path of the votes from the time they are cast until they are counted and printed)

Before the election: Ask questions and do public records requests. Here are some good things to find out:

Where is each key element of the election manufactured?

Who had custody when transporting it to your jurisdiction?

Who had access before it was stored?

Where was it stored and who had access to its storage and how was this recorded?

Who pulled it out of storage, and when, and was the public allowed to watch and document?

What accounting is there for purchases of ballots, memory cards, voting system peripherals, voting machines and computers?

What contractors have had access to parts of the system?

Forget about who has permission to access, *who has keys*? How are keys and access logged? Are there video cameras?

What company prints the ballots? Are there overages? Are the extra ballots at the printing house ever accounted for? Who has access to them?

Who mails the absentee ballots?

When absentee ballots are mailed back in, does the U.S. Post Office keep a count of those received? Where is the paperwork on that?

Where do the mailed-in absentee ballots go after the post office? Directly to the elections office or to a middleman?

What is the chain of custody at each stage of absentee ballot processing?

Is any voting equipment (or supplies) sent home for sleepovers with poll workers?

What transportation companies are in charge of delivering items to the polling place? From the polling place?

Special chain of custody events to watch:

Preparing voting machines for election and/or testing: Go to the warehouse and watch as they pull them off the shelves and put memory cards into them. Watch what's going on with the memory cards/cartridges and the machines.

Who are the people who are handling the machines and cards? Permanent employees? Temps? Have they been background-checked?

During the election:

Are any memory cards or voting machines swapped during the election?

Did technicians work on voting machines during the election?

After the polls close

Are the machine precinct counts posted at the polling place before putting them into the central counting machine?

On Election night, observe the handling of the ballots boxes (memory cards / cartridges). Could they be swapped? Watch to see if political party operatives or vendors ever handle them.

In many jurisdictions, election supplies and ballot boxes (memory cards / cartridges) are taken to a drop-off point, called by various names. You will find that almost no one watches what happens at the drop-off centers. Get a list of the drop-off sites and go observe on election night. Can you track chain of custody for memory cards, supplies, machines, and peripherals? (Here is a videotape taken at a drop-off point. Could you spot a memory card swap here? <http://www.bbvdocs.org/videos/inthedark.mpg>)

Yellow cabs, political observers or truck drivers transporting ballot boxes (memory cards / cartridges) from the polling place to the elections division on election night

Are observers allowed to see all of the rooms where ballot box (memory card, cartridge) processing is taking place?

Are observers allowed to watch check-in of cartridges; memory cards?

Did technicians work on the central tabulator during the vote count?

Were there any problems with modems or data transmission on election night?

During the week after the election:

Where are the ballots kept?

Who has access to the ballot vault, at what hours, and how is access logged or recorded?

During recounts, who has access to programming the machines for recount?

Who has access to ballots?

OBSERVING CENTRAL COUNTING

WHO CAN OBSERVE

General public

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

THE RULES

Secretary of State News Release KS04:078 of November 1, 2004 has the best information on what the state allows pollwatchers to do: (see page 44 for full press release)

Operations at the central vote counting centers in the counties are also open to public view under state law. Observers are prohibited from touching any ballot containers and access to the area where computer-processing equipment is operated may be restricted to persons authorized by the elections official. Often, that equipment is in a secured area with windows through which observers may oversee the counting activity. Persons wishing to observe the election operations should check in with the elections official and obtain whatever necessary clearances and badges are issued by the county.

BACKGROUND

If you expect to be able to actually see the votes being totaled, you will be very disappointed. All you will see is a room full of computers. Nevertheless, there are things to watch for and document.

WHAT TO DOCUMENT

Videotape, photograph or write down a detailed description of machines and peripherals.

Keep a written audit log. Jot down the time and notes every five minutes. After the election, ask for the official event logs of the night and see if they agree.

If there is a significant event, document and call reporters.

Names and positions of every person who enters the counting room.

Names and positions of every person who touches the counting machine.

Handling and processing of memory cards or cartridges.

Times and circumstances when you see conferences or huddles. Be alerted if someone attempts to distract you while this is happening.

Interim reports. Do the results for any candidate go down when more votes come in? Actions of official party observers. Log the names of the partisan observers.

As poll workers bring the reports and memory cards back to election center, notice and log:

LOADING THE POLLING PLACE RESULTS

Verified Voting suggests documenting the following

Do HQ Poll workers check the seals when they receive the envelopes containing the reports and the memory cards? What happens to the envelopes? Are they tracked?

Do HQ Poll workers register the number of cards indicated in handwriting on the envelope?

What happens to the Zero Total Reports and the End of Day Precinct Totals Report inside the envelopes? Are they removed, saved, logged? Are the totals tracked?

What happens to the memory cards after the HQ Poll worker breaks the seal? What recording does the HQ Poll Worker do? Are the cards counted (there should be one for every DRE)? By whom? How many times? What happens to the accumulator card containing the precinct totals?

Does the HQ poll worker check or verify the serial numbers or any other identifying information on the memory cards?

What happens if none of the cards in an envelope contains the accumulated totals? Is the accumulation process performed on a machine at HQ? Are all the cards from the precinct kept together?

Observe whether data from "accumulator" cards is uploaded to the central computer. Does someone track which precincts have been transmitted by modem and which are to be uploaded from the cards?

EQUIPMENT FAILURES

Vendor employees working with the equipment especially the tabulator.
Beware of technicians fixing "glitches" after 8 p.m.

Memory cards won't upload

Computer crashes

The tabulator computer is turned off or the screen is blanked

Technicians working on the voting system during the count

PROCEDURAL FAILURES

You are not allowed to have all of the results reports (typically run every 30 minutes)

ISSUES/IRREGULARITIES

Problems with observing: (Note if these happen)

You are not allowed to see the computer screen.

You cannot see who is in the counting room.

Some of the processing and tabulation takes place in rooms you cannot see.

You cannot find out if or observe other networked machines.

You can't see who is handling memory cards, cartridges or disks.

They won't tell you the names of the people who are tabulating and processing votes.

WHAT TO ASK ABOUT

If you see someone working on the machines, you can ask:

Who's that?

How come he's...?

What is he doing?

What did he just put in that machine?

Where is he taking that?

Where do those cables go?

Where are the vendor people?

Note any computers with Internet connections. The tabulator is NOT allowed to be connected to the Internet. It is best if no Internet connection is even near the tabulator.

Equipment may be connected to some kind of network. 15004 observers should verify what network they are connected to.

Interim reports during counting -

Do the results for any candidate go down when more votes come in?

Submit a written request for the audit logs and system event logs for the evening.
Compare the computer logs with your own "human audit logs"

Verified Voting suggests the following:

If possible, observe the entire day of operations at the central election office. If the law in your state allows this, insist on it. Log anything out of the ordinary, and log the names of the relevant people.

Ask if technicians have been required to take the same oath as poll workers to conduct a legal election.

Monitor and log calls for assistance the election office receives from the precincts:

1. Which precinct did the call come from?
2. What is the problem?
3. Was a technician dispatched?
4. How is the technician dispatched?
5. Did the technician take replacement machines to the precinct
6. How long did it take to resolve the problem?

Observe tabulator and room security. Take notes.

Ask where the modems are. (Not all counties use them.)

Use binoculars if needed, to observe the tabulator screen. Write any error messages down in your notebook, noting the time. If the program suddenly disappears (program crash) or the computer crashes, note the time and file a public records request for the audit log.

Carefully observe disk management.

1. If any pre-opened disk is put into the tabulator, ask first that the disk be brought out to demonstrate that it has nothing on it.
2. Use a notebook to record the procedures for transferring interim vote totals to the county Web site. Do election officials recycle disks between the central tabulator and other computers? If so make a note of the time and the person doing so.
3. Is the Web upload computer networked? If so, ask where the other networked computers are, observe who is sitting at them, and write down names and employers.
4. Write down the setup of the central tabulator. Where do the cables and wires lead? Ask about this. Are multiple tabulators networked together? If so, ask where the computer is that houses the final combined program.

Make sure you can see it, and make a note of who touches every tabulator on the network.

5. Watch to see if all polling places are uploaded into the central computer. Sometimes the trouble spots are held to the end, when observers are less vigilant. Sometimes they can't be uploaded at all.

[Thanks to Roxanne Jekot, Co-Founder of CountTheVote.org, Lillie Coney at the National Committee for Voting Integrity, the NAACP, and to the gang at BlackBoxVoting.org for contributions to this section.]

See page 49 for relevant election codes.

OBSERVING 1% MANUAL TALLY

WHO CAN OBSERVE

General public

State Election code 15004 allow the county central committee of each qualified political party to have present two specialists or engineers to be in attendance at any or all phase of the election.

BACKGROUND

Here is your chance to actually see votes counted.

The 1% Manual Tally, often called the 1% Manual Audit, is required by law in California. The election code does not detail how it should be performed. There is a wide variation between counties on how it is done ranging from auditing only results from the polling place to auditing those plus the absentee ballots. There is legislation pending that will change this but it will NOT be in effect for the November 2006 election.

What a 1% audit tells you statistically will NOT be discussed in this document.

In Alameda County, the Citizen Advisory Group subcommittee worked on the procedures for choosing the precincts to audit and the ballots to audit. The following is from this document.

<http://www.countedascast.com/docs/Principles-Criteria-For-Random-Audit.pdf>

RECOMMENDED PRINCIPLES & CRITERIA FOR 1% MANUAL TALLY FOR FUTURE ELECTIONS IN ALAMEDA COUNTY

- I. The purpose of the hand count of the 1% sample is "to verify the accuracy of the automated count." We understand this to mean that it should be a genuine and independent test or audit of the accuracy and completeness of the official Statement of the Vote.
- II. The 1% sample should be selected and the audit carried out only after all counting of ballots is complete and a preliminary Statement of Vote is completed. No changes should be made to the Statement of Vote until the 1% audit is completed; the SoV should be "frozen" before the random sample is selected and the audit is begun.
- III. The categories from which the 1% hand count are selected and counted should be exactly the same as the categories reported by the Registrar of Voters in the Election Summary Report and in the preliminary and official Final Reports and Statements of Vote.

In the future, we anticipate that the two distinct categories would be (i) votes cast at the polling place (on touch screens and/or scanned at the polling place) and sorted and stored by precinct; and (ii) paper ballots counted centrally (on central-count optical scan machines) and sorted and stored by batches. Then, each and every vote cast in the election would belong to one of two distinct categories, be reported as belonging to one of these categories and be available to be sampled as a member of one of the two categories.

IV. Every vote cast should have at least a 1% chance of being drawn and hand counted in the sample. Therefore, all ballots cast at the polls and all paper ballots should be sampled.

V. The method of selecting samples should be fair, open to public observation and inspection and easy to understand and verify. It should be random and understood to be so by the general public. This report proposes a process for sample selection based on a public throwing of special dice. The method is described in item 2 below.

NOTE: Subsequent to this report being published, it was determined that using ping pong balls would be preferred to dice so that no connotations of gambling would be involved.

IX. The Registrar of Votes should consider in advance how to handle any discrepancies that may be discovered during the 1% audit.

Some of the BRENNAN CENTER RECOMMENDATIONS

The Audit

Using a highly transparent random selection mechanism (*see* point ii, below), the voter-verified paper records for between a small percentage of all voting machines in the State are selected for auditing.

The audit would include a tally of spoiled ballots (in the case of VVPT, the number of cancellations recorded), overvotes, and undervotes.

Transparent Random Selection Process

If a selection process for auditing is to be trustworthy and trusted, ideally:

The whole process will be publicly observable or videotaped;

The random selection will be publicly verifiable, *i.e.*, anyone observing will be able to verify that the sample was chosen randomly (or at least that the number selected is not under the control of any small number of people); and

.OBSERVE CHOICE OF PRECINCTS TO AUDIT

1. What method was used to ensure the choice of precincts was random?
2. Were the precincts to audit chosen prior the close of polls or after the close of polls? Note date and time.
3. Was the choice done publicly and in a transparent fashion?

OBSERVE THE 1% TALLY IN GENERAL

1. Ask at the audit for the list of precincts being recounted and confirm that they appear to be a random spread across the county.
2. To what results are the manual tally compared? Do the counters know in advance what the machine count was? It should be a blind count.
3. As the audit is being performed, chose a race and ask to see the manual tally for that race for all the precincts that were audited for that race and the count that was to be compared to. Note down the results and check against the results coming out of the central tabulator.
4. Were the absentee ballots audited? Were they tied to the precincts or audited as a separate category?
- 5 How does the county staff handle a manual count that does not match the machine count? Ask for procedures. Watch to see if this is happening during the count and observe what is done.

OBSERVE THE 1% TALLY FOR DRE's

1. For DREs, the VVPAT paper roll must be used. In the June primary some counties tried and some actually did just use a 8.5 x 11 print out of the ballots. Was the VVPAT paper roll used?
2. Was special equipment used to go through the VVPAT paper roll? Were the ballots cut into individual ballots and then sorted and tallied?
3. How was the tally performed - did one person read the results and two people tallied? Was there a person watching that what was read out was read out correctly?
4. When was the audit performed - date and time?
5. Did the audit include a tally of spoiled ballots (in the case of VVPAT, the number of cancellations recorded), overvotes, and undervotes?

6. Was there a statistical examination of anomalies, such as higher than expected cancellations or undervotes and overvotes conducted?

From the Brennan Center Report: page 19

<http://www.brennancenter.org/programs/downloads/SecurityExecSum7-3.pdf>

The Security Report details countermeasures that should allow jurisdictions to catch this attack. Specifically, even if only a small percentage of voters notice that a machine has misrecorded their vote, there should be an unusually large number of “cancellations” on the paper trail. A jurisdiction that recorded and then reviewed the number of cancellations during a 2% audit would find enough evidence of problems to identify a problem and understand that further investigation was warranted.

See page 46 for relevant election codes.

WHAT CAN I RECONCILE - DETAIL

1. Number of registered voters per county vs. number of voters total

You need to get a report of the number of register voters by county and by precinct. 10/23/06 is the last day to register to vote in California. The RoV should have a report ready soon after.

- a) Compare the number of registered voters before the election and actually voted in total
- b) Were there more votes than people registered in the precinct?
- c) Did the number of registered voters by precinct and by party and county totals change from the 10/23 numbers to the actual Election Day?

2. Number of registered voters per precinct vs. number of voters

You need to get a report of the number of register voters by county and by precinct. 10/23/06 is the last day to register to vote in California. The RoV should have a report ready soon after.

- a) Compare the number of registered voters before the election and actually voted in total.
- b) Does the voter turnout make sense given what you know about past trends and the number of registered voters?
- c) Were there more votes than people registered in the precinct?
- d) Do some precincts have turnouts unusual given the statewide or countywide average turnout?
- e) Did the number of registered voters by precinct and by party and county totals change from the 10/23 numbers to the actual Election Day?

3. Results posted at polling site vs. published numbers per precinct

Compare the results and see if they agree. Follow-up with RoV if the numbers do not agree. The results posted at the polling place have not had a chance to be manipulated so they are the most accurate pictures you can get of the votes as cast.

4. Summation of results posted at polling site vs. summation of individual memory cards

This checks to see if the cards have been changed and if the tabulation works properly.

5. Summation of individual memory card results vs. central tabulator results

This checks that the central tabulator is working properly. If the database of results from each precinct has been changed, this should spot it.

6. Anomalies in number of spoiled votes on VVPAT machines, per machine

The number of rejected DRE votes from the VVPAT is number of times that a voter re-voted. Keep track by machine, by polling place. Look for some machines

or polling places with more errors than others. Ask to have these recounted - these are the machines most likely to be tampered with.

7. Anomalies in number of spoiled votes on VVPAT machines, per precinct

The number of rejected DRE votes from the VVPAT is number of times that a voter re-voted. Keep track by machine, by polling place. Look for some machines or polling places with more errors than others. Ask to have the whole precinct recounted. This precinct may have been tampered with.

8. Anomalies in spread of precincts chosen for 1% manual tally

Check that the precincts are spread out all around the county. In 2005, Alameda County randomly chose 8 precincts and 5 of them were in Berkeley. The statistical chance of that happening is very small.

9. 1% manual tally sheet errors

You will probably have to do a public records request to see the tally sheets. You don't need copies of everything - you can look over the material and decide what to copy. There could easily be 1000 sheets if you want to copy everything. Check that the tally marks equal the results written as a number and the results written out in words. For example: Precinct 12345 Governor ten xxxxxxxxxx 10. All should match.

10. 1% manual tally sheet vs. precinct results sheet vs. published precinct results sheet

Check that the results on the tally sheet actually match the statement of vote sheet.

RECORDS and REPORTS WE WOULD LIKE ROVS TO KEEP

1. While doing the audit of the DRE VVPAT, the RoV should keep count of the number of spoiled votes, by machine and by polling place
2. Number of unreadable paper ballots that require the RoV staff to fix or redo to make them machine-readable.
3. Individual machine and polling place results of votes cast at the polls FROM THE MEMORY CARDS - by optiscan, by DRE, total - posted on the internet in a format that can be used, such as Excel .xls or .csv.

See page 47 for relevant election codes on what RoVs are supposed to reconcile.

PRIORITIZING

There is so much to see and do. What is the most important and why? Here we need to go back to our original motivations for observing:

1. I want to make sure the count is accurate.
2. I want to catch the staff making a mistake so I can nail them.
3. I want the bad guys to know there are observers so they won't try anything.
4. I want to make sure the laws are followed.
5. To collect evidence

Prioritizing in a large part depends on the motivations. The following is a discussion of each of the main areas covered in this document and why it can be of high or low importance. Given your level of time commitment and knowledge, you can make an informed choice of where to best put your efforts.

Observing preparation and operation of tabulation devices programming, and testing.

High priority, high time commitment, very specialized person. All 5 reasons above can apply.

Observing logic and accuracy testing

Low to medium priority. The testing itself is superficial. It's a good way to look at the machines in advance, especially if you have not been a pollworker before and don't plan to be in November. The main reason for observing here is #3. Also data can be gathered here that might be useful for best practices discussions with RoVs in the future.

Observing absentee ballot processing

Medium priority. In Alameda County, 50% of the votes are absentee. But what you will really be able to observe is limited. The most important thing you can see here is the chain of custody of the ballots and see if it would be easy to misplace or lose trays of ballots.

Pollworker training

Medium to low priority. A few people should go, not a lot, just to see what is done and how much hands-on time a pollworker really has with the machines to learn how to handle them. It is also useful to see if there is a lot of propaganda in the training re. Paper vs. paperless voting and if there is anything taught that is an election code violation. This is a #4 and a #5 item.

Observing poll set up

Low to medium priority. You will most likely upset the pollworkers and make them very nervous. Must be able to get up very early in the morning. If your county is

using new equipment for the first time, this is a time when lots of problems happen that would be good to document.

Observing voting at the polls

High priority. All of the above reasons, especially #1. Best done as a pollworker.

Observing poll close

High priority. Here is your chance to get the fresh data on results, to see if there are reconcile problems between number of votes and number of people who signed into to vote, etc. All of the above reasons, especially #1 and very important for reconcile.

Observing chain of custody

Medium. This is definitely a #3 - let them know you are watching. There are areas you might not be allowed into to see what is going on.

Observing central counting

High. You need to be able to commit to stay up all night for this. Given that you sit around and watch computers, you can't do much about #1. But you can be on the alert for vendor technicians, anomalous interim results etc. Everyone thinks the main reason for this is #1, and when votes were handcounted, it was. Now it is more a #3. Keep them on their toes. Some people with highly specialized knowledge may know some things to look for.

Observe 1% manual tally

High. This takes several days so there should be many people to do this and show up randomly to check on activities. This is supposed to be our main safeguard and it is our only chance to really see people counting votes. The DREs are particularly hard to hand tally and #4 is an important reason for doing this. Clerks and officials may try to bypass the law and make it easier on themselves to count. With no one watching, there is nothing to stop them.

All reconciliation/anomaly activities

High. What is done by the elections officials and is mandatory under the law are two different things. Not enough attention is paid here, yet this is where the rubber hits the road. A dedicated team should be in place ready to do analysis and report results as soon as they can. Computers and people that can handle large files and quantities of data are needed. Also people who are good at nitpicking details.

CALIFORNIA ELECTION CODES

<http://www.election-reform.org/laws/Calif.html>

OBSERVING EQUIPMENT

15003. Elections officials shall adopt semifinal official and official canvass procedures to conform to the applicable voting system procedures that have been approved by the Secretary of State. These procedures shall be available for public inspection no later than 29 days before each election.

15004. The county central committee of each qualified political party may employ, and may have present at the central counting place or places, not more than two qualified data processing specialists or engineers to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the specialists or engineers in attendance at any or all phases of the election.

19320. Before preparing a voting machine for any general election, the elections official shall mail written notice to the chairperson of the county central committee of at least two of the principal political parties, stating the time and place where machines will be prepared. At the specified time one representative of each of the political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election. The party representatives shall be sworn to perform faithfully their duties but shall not interfere with the officials or assume any of their duties. When a machine has been so examined by the representatives, it shall be sealed with a numbered metal seal. The representatives shall certify to the number of the machines, whether all of the counters are set at zero (000), and the number registered on the protective counter and on the seal.

OBSERVING ABSENTEE BALLOT PROCESSING

15104. (a) The processing of absentee ballot return envelopes, and the processing and counting of absentee 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 absentee ballots are handled, from the processing of absentee ballot return envelopes through the counting and disposition of the ballots.

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

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

(1) Verifying signatures and addresses by comparing them to voter registration information.

(2) Duplicating accurately any damaged or defective ballots.

(3) Securing absentee ballots to prevent any tampering with them before they are counted on election day.

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

OBSERVING AT THE POLLING PLACE

http://www.ss.ca.gov/executive/press_releases/2004/04_078.pdf

Secretary of State News Release KS04:078 of November 1, 2004

Secretary of State Kevin Shelley Clarifies Election Observer Rules

Elections are Public, but Access May be Restricted to Allow Officials to do Jobs

SACRAMENTO -- Secretary of State Kevin Shelley today clarified what election observers are allowed to do and urged compliance with the state and county needs as ballots are cast, transported and returned for tallying on election night.

"State law provides that all steps of the election process be open to the public, and we would want it no other way," Shelley said. "However, there have to be reasonable compromises to allow for physical logistics and to prevent the interruption of the ballot casting or counting processes."

Observers at polling places during the day are not allowed to film voters coming or leaving the voting site and may not film inside the polling place while the polls are open. There are exceptions, however, allowing for news media crews with consent of the county elections official.

Observers can be inside polling places, however, and may observe the roster of voters, watch the polling place being set up or closed at the end of the day, and they may see voting procedures throughout the day. They may not interfere with the work of the elections staff, nor may they touch any voting materials, station themselves near where voters are casting ballots or depositing their voted ballots, sit at the election board's table, or intimidate or impede the actions of board members or voters. Electioneering rules apply to them as well.

Operations at the central vote counting centers in the counties are also open to public view under state law. Observers are prohibited from touching any ballot containers and access to the area where computer-processing equipment is operated may be restricted to persons authorized by the elections official. Often, that equipment is in a secured area with windows through which observers may oversee the counting activity. Persons wishing to observe the election operations should check in with the elections official and obtain whatever necessary clearances and badges are issued by the county.

OBSERVING THE COUNT

15204. All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official.

19380. During the reading of the result of votes cast, any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be distinctly announced by the precinct board who shall read the name of each candidate, or the designating number and letter of his or her counter, and the vote registered on the counter. The board shall also read the vote cast for and against each measure submitted. The board shall not count votes cast for write-in candidates, but shall have these counted by the elections official. During the proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the precinct board, after which the doors of the voting machine shall be closed and locked. If the machine is provided with a recording device, the alternate procedures in Section 19370 may be used.

POLL CLOSING

19370. As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and open the counting compartments, giving full view of all counter numbers. A board member shall in the order of the offices as their titles are arranged on the machine, read and distinctly announce the name or designating number and letter on each counter for each candidate's name and the result as shown by the counter numbers. He or she shall also in the same manner announce the vote on each measure. If the machine is provided with a recording device, in lieu of opening the counter compartment the precinct board shall proceed to operate the mechanism to produce the statement of return of votes cast record in a minimum of three copies, remove the irregular ballot, if any, record on the statement of return of votes cast record. The irregular ballot shall be attached to the statement of result record of votes cast for the machine and become a part thereof. One copy of the statement of return of votes cast for each machine shall be posted upon the outside wall of the precinct for all to see. The statement of return of votes cast for each machine for the precinct shall constitute the precinct statement of result of votes cast.

19384. The precinct board shall, before it adjourns, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the members of the precinct board. If the machine is provided with a recording device, the statement of result of votes cast produced by operating its mechanism may be considered the "result of the votes cast" at the polling place.

1% MANUAL TALLY

336.5 One percent manual tally" is the public process of manually tallying votes in 1 percent of the precincts, selected at random by the elections official, and in one precinct for each race not included in the randomly selected precincts. This procedure is conducted during the official canvass to verify the accuracy of the automated count.

15360. 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 cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts should be 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 count, 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.

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.

RECONCILE OF ELECTIONS

15302. The official canvass shall include, but not be limited to, the following tasks:

- (a) An inspection of all materials and supplies returned by poll workers.
- (b) A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement.
- (c) In the event of a discrepancy in the reconciliation required by subdivision (b), the number of ballots received from each polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement.
- (d) A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including absentee and provisional ballots, by the vote counting system.
- (e) Processing and counting any valid absentee and provisional ballots not included in the semifinal official canvass.
- (f) Counting any valid write-in votes.
- (g) Reproducing any damaged ballots, if necessary.
- (h) Reporting final results to the governing board and the Secretary of State, as required.

EXAMPLES OF PROBLEMS CAUGHT

JUNE 2006 PRIMARY

1% Manual Tally

1. Alameda county - clerks tried to not use the VVPAT and instead used 8.5 x 11 sheets with printout of the DRE ballots. Observer complained and they used the VVPAT.
2. Sonoma county - clerks did not use the VVPAT and instead used 8.5 x 11 sheets with printouts of the DRE ballots.
3. Alameda county - tally sheets done very sloppily- tick marks not matching reported sum, erasures
4. LA county - handcounts checked by election monitors and shown to change results of races but no one took action.
<http://www.bbvforums.org/cgi-bin/forums/show.cgi?2197/33059>

Security

1. San Joaquin - PBS Lehrer Newshour - pollworkers pulled off security tape because they couldn't get the machines to work and did not know what the tape was for.
http://www.pbs.org/newshour/bb/politics/jan-june06/voting_06-15.html
2. San Joaquin - PBS Lehrer Newshour - pollworkers instructed voters to NOT look at the VVPAT - that was for the "office people"
http://www.pbs.org/newshour/bb/politics/jan-june06/voting_06-15.html

Official canvas

1. Riverside County - almost 1500 less votes cast than registered voters who voted.
(Source: Black Box Voting Toolkit, section 7)

Absentee Voting Signature Verification

1. In Santa Clara in 2004, absentee ballots were deemed unusable due to the signature verification and the senders were not notified. The database of signatures they were verifying against had a problem. For example, the database said Joe Smith and the signature was Fred Talley. It was caught only because a voter went to check if her absentee ballot had been counted. The clerk was directed to fix her file but not the other file.

HOW DO I REPORT AN INCIDENT

You may want to write to or meet with elections officials to discuss any problems. Depending on the severity and/or consequence of the problem you may want to talk to the election official immediately vs. meeting afterwards to discuss potential problems and solutions.

Watchdog groups will want to know about any incidents.

Various Election Incident Reporting Systems (EIRS) were in place for 2004 and may be up for 2006.

If you have documented an election code violation or documented an incident...

1. Report it to the SoS, using their Voter Complaint form.

http://www.ss.ca.gov/elections/elections_fraud.htm

This is mostly geared towards individuals having difficulties when voting.

- 2 The Election Protection Coalition (EPC) hotline will be in use for 2006: 1-866-OUR-VOTE and is where the EIRS system will be recording incidents that are reported in. The EPC people will be taking action in real time on election day and potentially prevent further violations.

3. Report it to any candidates that might be affected.

4. Report it to the RoV of the county where you observed the incident

Even if your local elections officials are responsive, you should publish your findings on the Web or send them to local reporters. You can publish information at Black Box Voting in the Forums section, under your state or in the more general "Tech Central" area. You can also publish your findings on the One-on-One Consulting section and request individualized input about what to do next.

ELECTION MONITORING TEAM SUMMARY

ELECTION MONITORING TEAMS NEEDED PER COUNTY

Optimum scenario

BEFORE THE ELECTION

Event	Priority	Timing	Amount of time	Who	Qty people
Equipment Prep	High	Weekdays, possibly weekends in October and early November	Significant	Technical person	2/county
Logic and Accuracy Testing	Low to medium	Weekdays in late October, early November	A lot for a few days	Anyone	2/county
Absentee Ballot processing	Medium	Weekdays in late October, early November	Off and on for many days	Anyone	2/county
Pollworker training	Medium to low	Days or evening or weekend, mid October through early Nov	3 hours	Anyone	2/county

DURING THE VOTING

Event	Priority	Timing	Amount of time	Who	Qty people
Poll set up	Low to medium	6AM-8AM election day	2 hours	Anyone	1-2/precinct
Poll watching	High	7AM-8PM election day	Off and on all day	Anyone	1-2/precinct
Poll Closing	High	8PM-10PM election day	2 hours	Anyone	1-2/precinct

AFTER POLLS CLOSE

Event	Priority	Timing	Amount of time	Who	Qty people
Chain of Custody	Medium	8PM-11PM election day	3 hours	Anyone	2/accumulation site
Central Count	High	8PM - 8AM election day	12 hours	Anyone, technical	3, trade off for staying up all night
1% Tally	High	approx 1 week after election	Off and on 2 days	Anyone	2/day
Reconcile activities	High	Nov 7th until election is certified	1-2 hrs per day	Technical, accounting, audit	3+

SOURCES

CA Election Code

CA Secretary of State Website

Thank you to....

Black Box Voting Toolkit

Verified Voting

We're Counting the Vote in New Hampshire

Pollworkers for Democracy

California Voter Foundation

How our Votes are Counted: The league of Women Voters Observes the Election Process in Alameda County in 2005.

Input from:

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