

# The County Of Nevada



---

CLERK RECORDER-REGISTRAR OF VOTERS

---

GREGORY J. DIAZ

---

950 Maidu Ave Suite 210, Nevada City, CA 95959  
950 Maidu Ave Suite 210, Nevada City, CA 95959  
mynevadacounty.com/nc/recorder

• Recorder (530) 265-1221 • Fax (530) 265-9842  
• Elections (530) 265-1298 • Fax (530) 265-9829  
mynevadacounty.com/nc/elections

The mission of Nevada County Elections is to provide equitable access to voting-related services and to conduct elections that are free, fair, and functional. In carrying out its mission, the Department must comply with all applicable federal, state, and local laws, as well as any election-related regulations issued by the California Secretary of State.

Nevada County Elections makes a concerted effort to operate in an open and transparent manner in order to inspire public confidence in the integrity of elections in Nevada County. For every election cycle, the Department invites interested members of the local community to observe elections processes in the legal and logistical context of safeguarding voting system security and preserving voter privacy.

While feedback on these processes is always welcome, observers must recognize the need to protect voter rights, including the right to cast a secret ballot.

In this election cycle, the Department will also consider and incorporate current guidance from public health officials regarding ways to mitigate the spread of COVID-19. Accordingly, all in-person observers must remain at least six feet away from Department staff and other observers and wear facial coverings at all times.

Also, all in-person observers will be asked to complete and sign a questionnaire to confirm that they are not ill or COVID-19 symptomatic and are agreeing to temperature testing as a condition of entering the elections department.

In addition, Department staff may limit the number of people in any given area, both to protect public health and to prevent potentially crowded conditions from interfering with the efficiency and accuracy of vital operations.

Please note that the recent passage of California Assembly Bill 860 (AB 860) will permit the Department to begin processing vote-by-mail ballots 29 days before Election Day rather than the usual 10 days, and will require the Department to process any vote-by-mail ballots returned through 17 days following Election Day, rather than the usual 3 days.

## Observation Guidelines

While the guidelines below were drafted and published by the California Secretary of State, observers should be aware that the law provides county elections officials with some discretion with regard to how they are applied in the specific circumstances of different jurisdictions.

### Health and Safety Measures

In addition to the rights and responsibilities set forth below, election observers must adhere to health and safety provisions to help prevent the spread of COVID-19. In order to provide a safe and secure election for election workers, voters, and observers the Secretary of State's Office, in consultation

with California public health officials, developed the guidance document, Election Administration Guidance under COVID-19. The specific health and safety guidance presented here is based on and consistent with information provided in that document).

All election observers shall follow practices that help control and prevent the spread of COVID-19, including daily self-screening at home daily prior to arriving at their observation location. When performing daily self-screening, check for any of the following COVID-19 symptoms:

- Frequent cough
- Fever
- Difficulty breathing
- Chills
- Muscle pain
- Headache
- Sore throat
- Recent loss of taste or smell

Election observers should stay home if they are experiencing any of the above symptoms.

In addition, the observer should stay home if they:

- Feel sick
- Have tested positive for COVID-19
- Live with someone who has tested positive for COVID-19

Election observers shall adhere to the following COVID-19 guidelines while observing in Nevada County during the November 3, 2020, General Election:

- Cover coughs and sneezes with a tissue, then throw the tissue in the trash.
- Wash hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing nose, coughing, or sneezing. If soap and water are not available, use a hand -sanitizer that is at least 60% ethyl alcohol.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Clean frequently touched surfaces and objects.
- Avoid shaking hands.
- Wear face coverings. Face coverings shall:
  - Fully cover the nose and mouth and be secure under the chin
  - Fit snugly but comfortably against the side of the face
  - Be kept clean
- Maintain physical distancing of six feet. Observers may be asked to observe from a designated area to ensure health and safety guidelines are being met.

## **Rights and Duties of Observers**

**Observers have the right to:**

1. Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote by-mail ballot processing.
2. Observe the proceedings at polling places, including the opening and closing procedures.

3. Obtain information from the voter list that is posted or otherwise available at of the polling place.
4. Take notes and watch election procedures.
5. View election-related activities at the central counting site on Election Day.
6. View the canvass of the vote activities following the election.
7. View vote-by-mail and provisional ballot processing.
8. Ask questions of poll workers, as long as they do not interfere with the conduct of any part of the voting process.
9. Ask questions of supervisors at the central counting site, as long as they do not interfere with the conduct of the election procedures.
10. Use an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of any other provision of the Elections Code.

**Observers are responsible for:**

1. Checking in at each site, whether the polling place or central counting site.
2. Wearing an identification badge.
3. Maintaining a professional manner while observing the election process.
4. Ensuring they do not interfere with the election process.
5. Following established county observation rules/policies.

**Observers must not:**

1. Interfere with the conduct of the election. The elections official is entitled to determine whether a person is interfering with the conduct of the election.
2. Physically handle any voting materials or equipment without the express permission of the elections official.
3. Move or rearrange tables, chairs, or voting booths at the polling place or central counting facility.
4. Sit at the official worktables or view confidential voter information on any computer terminal or document.
5. Communicate with voters within 100 feet of the entrance to, or inside of, a polling place, a vote center, an elections official's office, or a satellite location by encouraging them to vote for or against a person or a measure or regarding the voter's qualifications to vote. Exit polling of voters is permitted, provided it is conducted at least 25 feet away from the entrance to the polling place.
6. Directly challenge a voter. Only a member of a precinct board may do so, based on evidence presented.
7. Display any campaign material or wear campaign badges, buttons or apparel.
8. Wear the uniform of a peace officer, a private guard, or security personnel.
9. Use cellular phones, pagers, or two-way radios inside the polling place and/or within 100 feet of the entrance to the polling place.
10. Talk to or attempt to stop poll workers or the central counting site workers while they are processing ballots.
11. Use the telephones, computers, or other polling place facilities at polling places or the central counting site.
12. Touch election personnel.
13. Eat or drink in a polling place or the central counting site.
14. Assist in operations at any polling place or the central counting site.
15. Prevent other observers from observing materials or a process.
16. Enter secure areas without express permission of the elections official.

17. Delay or interrupt scheduled operations and processes solely because an observer is present.

## **Rights and Duties of Elections Officials**

### **Elections officials have the right to:**

1. Use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.
2. Require observers to be quiet inside the observation area.
3. Use discretion to determine how (e.g., written or verbal) and to whom observers may pose questions and challenges during the observation process.
4. Ask an observer who does not follow observation rules to leave the premises.
5. Restrict the number of observers permitted in a room to prevent interference with the observed process.
6. 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 are responsible for:**

1. Maintaining the integrity of the administration of the election and determining observer misconduct or interference.
2. 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.
3. 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.

## **Media Guidelines**

The California Secretary of State has historically taken the position that cameras and video equipment are not allowed at polling places with some exemptions. For instance, if a credentialed media organization wants to photograph or film candidates casting their ballots, the elections official may permit it, provided there is no interference with voting activities, intimidation of voters or poll workers, or compromise of any voter's privacy.

In general, the media is required to follow the guidelines noted above. The Department suggests that media organizations inform the Department prior to photographing or filming a voting center or polling place. In all instances, the media organization must obtain the consent of the voters present prior to filming or photographing voting activity.

A voter may now take a photograph of their ballot (a "ballot selfie") and share it on social media. While "ballot selfies" are now allowed under California law, elections officials and vote center workers will still need to exercise their discretion as to whether "ballot selfies" cause disruptions requiring a response.

For additional information, please refer to the County Clerk/Registrars of Voters Memorandum #20223.