



ELECTION OBSERVER FREQUENTLY ASKED QUESTIONS

June 7, 2022 Statewide Direct Primary Election

**County of Santa Clara
Registrar of Voters**

FAQ for Observers

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I. CONDITIONAL VOTER REGISTRATION AND PROVISIONAL BALLOT VOTING FAQs

Who casts a Provisional?

Provisional ballots are ballots cast by voters who:

- Reside out of the county but insist on voting.
- Record reflects Voting Participation History for the Election.
- Flagged as ID required and does not provide ID.
- Eligibility cannot be determined for other reason.

What is the PV process?

Voters who believe they are registered to vote even though their names are not on the official voter registration list (electronic poll book) may vote provisionally:

- Upon completion of the PV envelope, the voter is then issued a ballot.
- The ballot is to be placed into the envelope after it's been voted on.
- The PV envelope will then make its way back to the Registrar of Voters for verification.
- If it's determined that the voter is eligible to vote, the ballot will be counted. If the voter is not eligible the ballot will not be counted.

What makes a PV eligible to count?

Provisional ballots will be counted if the voter is registered to vote in Santa Clara County and the voter does not show voting participation history for the election. Also, that the signature on the provisional envelope matches a reference signature in the voter registration record and that the voter meets all other eligibility requirements.

Who casts a CVR?

Eligible Santa Clara County residents who miss an election's registration deadline and want to vote in the election.

What is the CVR process?

An eligible voter can go to any Vote Center in the County or the Registrar of Voters Office during the CVR period.

- The eligible voter will complete the CVR application/envelope.
- The voter is then issued a CVR ballot.
- As soon as the CVR application is accepted as valid, their ballot will be counted, and the registration will become active.

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How do you verify the signature?

Upon receiving the envelope, the Election Official will compare the signature on the envelope with the signature appearing on the voter's current affidavit, previous affidavit, or other supporting documents that are a part of the voter registration record.

An exact match is not required to determine that a voter's signature is valid. Signatures that share similar characteristics is sufficient to determine that a signature is valid.

Characteristics considered but are not limited to include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.

How do you verify the voter is a citizen?

When voters register to vote, they sign a form attesting under penalty of perjury that they are a citizen and eligible to vote. More information can be found in the National Voter Registration Act (NVRA) Manual Chapter 4.

What if someone votes under my name, and I appear at the Vote Center only to be given a PV ballot? If you already counted my ballot under my voter's name, will my PV count?

Provisionals will not be counted if the voters voting record reflects Voting Participation History for that election. If a voter believes there was an error in attributing voting history, such as a family or household member accidentally returning the voter's ballot, they should contact the Registrar of Voters before the close of the canvass period to see if it can be resolved.

A voter who believes someone else has voted on their behalf may report voter fraud to the District Attorney's Office (DAO).

When is it permissible for a challenger to challenge a voter?

A challenger has the right to challenge a voter if the challenger has good reason to believe that a person who offers to vote 1) is not a true resident of the City or County 2) has not yet attained 18 years of age or 3) is not a United States citizen. Supporting information must be provided at the time the challenge is being made. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made. Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.

Can an observer challenge the signature on a provisional envelope?

An observer may challenge that an Election Official is not correctly following established procedures when verifying signatures on ballot envelopes. The observer may cite specific signatures and/or ballots as evidence. Registrar of Voters management makes the final determination as to whether staff have been performing their duties correctly and whether a signature or ballot is deemed valid or challenged.

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II. BALLOT ADJUDICATION FAQS

OBSERVING BALLOT ADJUDICATION FAQS

What can I observe?

Observers are permitted to observe the ballot adjudication process to confirm the Election Officials are following the procedures for ballot adjudication and are properly accounting for the voter's intent.

The adjudication process can be observed from the windows outside of the adjudication room. The adjudication room is a secured room monitored by surveillance cameras 24/7. The access to this room is limited to authorized staff. A minimum of two adjudication staff can enter the adjudication room. Observers may request to enter the room accompanied by the assigned Registrar of Voters attendant. A maximum of two observers at a time can enter the room for brief periods when doing so will not interfere with the processes in progress. Observers entering the adjudication room must be escorted by the designated Registrar of Voters staff.

Observers must remain a least 3 feet from the staff working on the adjudication process. Please do not communicate with the staff working on adjudication as they need to concentrate on their work. Do not lean over and avoid any physical contact with the adjudicator. Questions can be addressed directly to the attendant. If the question cannot be answered, the attendant will escalate the question to the manager/supervisor overseeing the adjudication process. If a manager/supervisor is not available at that moment, the attendant will forward the question and an answer will be provided afterwards.

What procedures can I read?

- Adjudicator's Guide to Adjudication procedure.
- Secretary of State's Uniform Vote Counting Standards.
- Pertinent Laws.
- Chapter 2, Division 3 of the California Elections Code.
- Chapter 2 of Division 15 of the California Elections Code.
- Article 2, Chapter 3 of Division 15 of the California Elections Code.
- Section 19005 of the California Elections Code.

What is the difference between duplication and adjudication?

Ballot duplication is the process for reviewing and remaking a damaged ballot that cannot be scanned and read by the ballot tabulator onto a duplicate ballot in order to be tabulated. Duplication takes place to ensure that all votes cast in a damaged ballot can be replicated and counted by scanning the duplicated ballot through the tabulator. A duplicated ballot may end up moving through the adjudication process if a voter clearly overvoted or left a contest blank.

Ballot adjudication is the process of digitally reviewing ballots, cast by mail or at Vote Centers, that require a clarification or resolution of the voter's intent.

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What are the reasons a ballot might need adjudication?

The ballots that appear in the adjudication application have all been scanned at either the central counting scanners or at a vote center tabulator to be tallied towards the elections results. The Results, Tally, and Reporting software is responsible for tallying all results and inspects all ballot images to see if the voting targets (small ovals next to the candidates' names or measure questions) within each contest have been filled and to what extent. Then it determines which ballots need user clarification or adjudication.

The adjudication stations are set to review images of ballots as part of the adjudication process for the following reasons:

- Ambiguous (marginal) marks – partial or unclear marks in any of the voting targets (oval/bubble).
- Overvotes – voter marked more choices than permitted for the contest (contest is “vote for no more than two” and voter marks more than two choices).
- Undervotes – voter marked fewer choices than permitted for the contest (contest is “vote for no more than two” and voter marks fewer than two choices).
- Blank Ballot – voter did not mark any contest(s) on a ballot card.
- Blank Contest – voter did not mark any choices within a given contest.
- Write-in Choices – voter completed the vote target for the Write-in position which must be reviewed.

Can I challenge the interpretation of the voter's intent on the adjudicated ballot?

The law permits observers to be sufficiently close enough to observe that staff are following procedures and processing ballots according to the Uniform Vote Counting Standards. An observer may challenge that staff are not correctly following established procedures when adjudicating ballots and may cite specific marks and/or ballots as evidence. Registrar of Voters management makes the final determination as to whether staff have been performing their duties correctly and how a vote or ballot is adjudicated.

Will the use of a Sharpie or thick black marker cause the ballot to be rejected?

No. The use of a Sharpie pen will not cause the ballot to be rejected or require adjudication or not voided and not counted. It is the opposite. The voting system works well with a Sharpie type of marker and is the recommended type of ballot marking pen to mark the ballots voted at Vote Centers as the ink dries fast and is easily detected by the ballot tabulators at vote centers. The ballot is designed in a way that target areas (red ovals) used to mark the choices do NOT align or overlap with the voting target (red ovals) on the other side of the ballot card. If pen bleed-through does occur, it will not affect the contests on the other side.

Are there specific guidelines that all the counties follow when adjudicating a ballot?

Yes. Counties follow the Uniform Vote Counting Standards from the California Secretary of State. This document is available to download on the Secretary of State's website at

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<https://www.sos.ca.gov/elections/uniform-vote-counting-standards> or ask for a copy to the Registrar of Voters.

Do election workers ever work alone on ballot duplication or adjudication?

No. All staff is required to work in teams of two people at all steps where voted ballots are under review and tabulation. This is commonly known as the “two-person rule.”

How do the adjudication team work together?

A team of two people view the same ballot image at the same time, each person controls their own tools to inspect the ballot markings and work interactively to adjudicate. One staff uses the keyboard, the other staff uses the mouse to interact and agree on decision before moving on to the next ballot image.

How fast are the ballots adjudicated?

It takes an average of 7 seconds per ballot, depending on the number of contests, type of contests (yes/no or candidate contest, vote for two or three or one), candidate names on the ballot, and the number of contests necessary to review. The majority of contests reviewed in the adjudication process are contests left intentionally blank by voters. The adjudication team confirms that there are no votes in the areas and proceed with the next contest.

What happens when the two-person team working on ballot adjudication do not agree on the final resolution of the voter’s ballot?

If the voter’s intent is not clear and the team does not agree with the resolution, the team may raise their hand to get clarification from the adjudication supervisor, if the intention is not clear, the team sends the ballot to “quarantine” for additional review.

Ballots sent to quarantine are reviewed by two supervisorial staff and adjudicated based on the California Uniform Counting Standards. If there is no resolution, the ballots are escalated and reviewed by the Executive team.

Are the votes from the adjudicated ballots included in the election results report? Do all contests EXCEPT for the contests needing adjudication already included?

No, the ballots are tallied in batches. None of the ballots within a particular batch are part of the results until the ballots that need adjudication within the batch are reviewed and adjudicated.

Does anyone review the work of the ballot adjudication teams?

Yes, supervisors randomly select batches for additional review throughout the adjudication process.

Are there specific guidelines that all of the counties follow when processing the write-in votes?

Yes. The Write-in candidates are processed during the adjudication process. Write-in processing instructions are included in the Adjudication Procedures. California County Election Officials are

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provided guidelines from the Secretary of State, referred to as the Uniform Vote Counting Standards (UVCS). The document is available for download from the Secretary of State, or you may request a copy be provided to you if you are here to observe the adjudication process. Pursuant to Section 301 (a)(6) of the Help America Vote Act (HAVA) of 2002, the Secretary of State developed these standards to define the circumstances under which "marking" of a ballot constitutes a vote and when a vote will or will not count for each category of voting system certified and in use in California.

Does voter get notified if their ballot was adjudicated, or how their vote was counted by the tabulator?

No. The voter can find out whether their ballot has been received but not how the marks on the ballot were interpreted. All California's ballots are secret and get separated from the voters' envelopes after the signature verification process to ensure all ballots cast remain secret. Ballot images are kept for review/audit. The manual tally during the canvass process validates the results.

Where and when does adjudication happen? Does this occur daily?

The adjudication process can begin after the certified list of qualified write-in ballots is received from the Secretary of State on E-11. The process occurs in the secured adjudication rooms at the Registrar of Voters in an area separate from where ballots are being tabulated. The process may or may not occur daily and depends upon workload.

How many people can perform adjudication?

The total number of election workers will depend upon workload needs. The total number of election workers is no less than two, following the two-person rule.

Is the adjudication room left unsupervised?

The adjudication rooms are secured rooms equipped with 24-hour surveillance by cameras. These rooms are locked, and only authorized staff have access to these areas.

Can I observe the adjudication process inside the adjudication rooms?

Yes. You may request to enter the adjudication room with a Registrar of Voters attendant. A maximum of two observers at a time can enter the room for brief periods when doing so will not interfere with the processes in progress. Note that Adjudication can be observed by the windows outside of the rooms.

Why is there music playing in the adjudication room?

Music is often played throughout the adjudication process. The adjudication work is a repetitive process and music helps to keep everyone alert, especially when the staff has to review thousands of images for long periods of time. According to various studies found on the web, music may assist in improving productivity. Studies show that 90% of workers perform better when listening to music, and 88% of employees produce more accurate work.

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III. ELVS RELATED OBSERVER FAQs

What the County is Doing to Protect Elections FAQs

Does the County of Santa Clara partner with other agencies to learn about threats and increase security?

Yes. The County of Santa Clara has joined the [Multi-State Information Sharing and Analysis Center](#), or MS-ISAC, founded by the Center for Internet Security (CIS). The Center's mission is to improve the overall cybersecurity of the nation through prevention, protection, response and recovery. To further expand efforts, MS-ISAC partners with other agencies and networks, such as the United States Department of Homeland Security, the Global Cyber Alliance, the Public Technology Institute, and organizations such as "[Stop, Think, Connect](#)," that teach people how to increase their own online safety.

Outside of MS-ISAC, the Registrar of Voters has joined the [Election Infrastructure Information Sharing and Analysis Center](#) (EI-ISAC) and also partners with larger state and federal agencies such as Homeland Security, the Federal Bureau of Investigation, the California Office of Emergency Services and the Secretary of State to receive and share information to improve election security. Locally, the County Board of Supervisors, the County Sheriff, City Clerks and City Managers, and local fire and police departments also work together to further protect our elections infrastructure.

Click [HERE](#) to watch a short video presentation by a member of MS-ISAC about the type of information distributed to Election Officials by the Center and samples of best practices that Election Officials use to increase security of our nations elections.

How will the Registrar of Voters protect the voting equipment for multiple days at Vote Centers?

The Registrar of Voters has developed an Election Administration Plan describing an overview of how the County will conduct elections under the new Voter's Choice Act model. Under the new model, Vote Centers must be open for voting up to 10-days before Election Day. New Election worker procedures detail the chain-of-custody documentation. Also, there are newly designed security carts that are used to transport and store voting equipment. These are a few examples of how the Registrar of Voters secures and protects voting equipment assets while in the field. Vote Center facilities are secure and only the Registrar of Voters staff have access to the room or area where the equipment is located. Back up secure locations are provided if necessary.

Click [HERE](#) for more information on the Registrar of Voters' Election Administration Plan Preventative Measures (see Appendix N).

Security and Access to Data Maintained by the Registrar of Voters FAQs

How does the County of Santa Clara protect my voter information against cyber-attacks?

In recent years, the County of Santa Clara conducted a study of security measures for all its systems, including evaluating potential threats and vulnerabilities, locating security gaps, and reviewing how

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access is allowed. The study was based on the latest security and privacy controls issued by the National Institute of Standards and Technology (NIST).

After this project, the County upgraded firewalls and servers, improved system controls, and increased staff education and awareness on how to monitor and report unauthorized access and suspicious activity. Using Advanced Encryption Standards (AES) adopted by NIST, limiting access to data for both staff and approved applicants, requiring two-factor authentication and routine password changes, and conducting routine database backups to protect against and prevent data loss are a few of the important steps the County is taking.

How secure are the new electronic poll books?

Electronic poll books must be tested and approved by the California Secretary of State (SOS) before they can be used in any election. The SOS has regulations that electronic poll book vendors and county Election Officials must follow, including maintaining uninterrupted chain-of-custody for each poll book and having an emergency action plan that outlines the steps to be followed in the event of a failure.

The list below shows some of the important design features of electronic poll books:

- Cannot be connected to a voting system at any time.
- Must have back-up power for at least two hours.
- Stores a separate version of the list of voters to serve as a backup.
- Allows election workers to easily verify it is working correctly, to qualify voters and indicate they have voted, and that it is shut down correctly.
- Securely encrypts and transmits all information generated by the system back to the county's voter registration election information management system (EIMS) when a ballot is issued, including the date and time.
- Encrypts all data using a minimum of Advanced Encryption Standard (AES) 256-bit data encryption.
- Produces an audit of all actions that is readable by human eyes.
- Reformats after each election so no voter data stays on the equipment, unless needed for a recount or other legal purposes.
- Ability to clear out all equipment before sale or disposal. So that no software, firmware or voter data remains, and the equipment is non-functioning.

For more information or to read the State's complete electronic poll book [Regulations](#), select the Helpful Resources link found on the Secretary of State's Elections Division.

Voting Systems Testing and Security Measures FAQs

Where can I find more information on how voting systems are tested and approved for use in California?

For general information on California's voting systems visit the Secretary of State's [Office of Voting Systems Technology Assessment](#) (OVSTA). There you can select links for how systems are tested and approved, or certified, and the laws and standards that must be followed.

Click [HERE](#) for more information on the certification process used for California's voting systems.

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For more detailed information about each of California's vendors and equipment, you can visit the OVSTA's page on [Voting Technology Vendors](#). Select the link for *Dominion Voting Systems* to read about the County's new system, and *KNOWiNK* to read about the new electronic poll books.

What election systems are required to be approved before they can be used in California?

Both federal and state law require voting systems be thoroughly tested and approved before they can be used to cast ballots and count votes in any election. California also requires testing and approval of ballot marking systems, ballot printing systems, and electronic poll books before they can be used. You can find the requirements in [Division 19](#) of the California Elections Code and in [Chapter 6.1](#) of Division 7, under Title 2 of the California Code of Regulations.

Does my county Election Official test the voting equipment to be sure it works before I vote?

Yes. California Election Laws are strict when it comes to voting systems. Election Officials and voting system vendors must follow testing procedures at both the time it is first delivered to the county, and every time it is used. For example, the Registrar of Voters must keep evidence of the chain-of-custody through initial delivery and testing, and each time it leaves the storage warehouse. The Registrar of Voters must conduct both pre- and post-election testing of each piece of equipment before and after it is used, and certify to the Secretary of State that the systems are accurate and functioning properly.

Below are additional key things the Registrar of Voters must do when purchasing and using voting technology:

- Perform a complete test of the whole system after delivery from the vendor to the county.
- Perform a series of tests (also known as, "pre-election logic and accuracy testing" and/or "Pre-LAT") on all voting hardware and software before each election to confirm that every device used to count ballots and record votes does so accurately.
- Confirm to the Secretary of State that the software used in the election functions correctly and is the same software delivered by the Secretary of State.
- Follow the Secretary of State's approved procedures for setting up, delivering and securing the system during every election, including "air-gapping" and attaching both permanent and removable tamper-evident security seals on all devices that will be checked throughout the voting period.
- Prohibit internet connection on all devices and prohibit devices from receiving or transmitting voting data via an exterior computer system of any type.
- Use "two-factor authentication" for all users, requiring a minimum of two pieces of correct information be entered by the user to gain access.
- Follow the [Uniform Vote Counting Standards](#) adopted by the Secretary of State and used throughout California.

What is "air-gapping" voting systems and why is it important?

In general, an air gap is a physical separation, isolation, or disconnection from any other device or network, including the internet, and requires data to be physically moved by some external, humanly

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controlled manual procedure. Election systems often use air gaps intentionally to prevent or control who has access to a system.

In California's Use Procedures, Election Officials must make a backup of the election database from the original installation server onto write-once media, such as a CD-R or DVD-R, and physically carry it to a second server, and install the copy election database onto this back-up server. After this point, the original permanent database cannot be used for the remainder of the election. This process physically separates two computer databases, establishing the air gap and helping to protect against the introduction and spread of viruses to the original database.

Can the new voting system indicate irregular activity or show suspicious attempts at tampering or "hacking"?

Yes. California's voting systems require a physical evidence of tampering and clear and complete auditing capabilities. Every appropriate or suspicious action is recorded for review, including tracking of external tamper-evident seals and internal audit trails.

Other protections and detections include:

- Access to operational features, such as daily election worker opening and closing processes, require a minimum of two-factor authentication.
- Every action taken on the tabulator and in the Election Management System (EMS) is recorded in a permanent, unalterable digital audit log.
- All tabulators must have tamper-evident security seals placed over each access point that are verified by election workers each day.
- The ballot counting machines will reject any ballot that does not meet official standards, including paper weight, thickness, and unique ballot codes indicating official ballot typing accepted by the tabulator.
- Each digital ballot image has information appended at the bottom, showing a record of how that ballot was interpreted by the machine, to allow for more efficient processing of ballots that must be determined by human eyes.
- The system always preserves the voter's original intent allowing reviewers to see how the ballot was marked, how it was interpreted by the machine and how it was settled, if necessary.

How is the voting system kept secure while stored overnight at Vote Centers?

With the change to the Voter's Choice Act in 2020 establishing multiple days of voting at over 100 different voting locations, equipment and data security in the field are key factors in the voter's confidence in a secure election.

The Registrar of Voters uses security carts to transport and store important Vote Center items such as voting machines, ballot marking devices, ballot card activators, electronic poll books, unused ballots and ballot containers. All equipment has both permanent and removable tamper-evident security seals covering specified points on each voting machine, card activator, and ballot on-demand printer and must be checked by the election officers before opening and closing the polls, and at times throughout the day. Election officers training includes how to detect and report suspicious tampering with any part

FAQ for Observers

of the election system, and if the voting equipment has been compromised, how to immediately remove the voting equipment from use.

What other advancements does the newer voting technology have?

Since first using the County's older voting system in 2003, advancements in technology and new laws have improved how we vote. In 2019, the Secretary of State issued a new requirement that more advanced and secure voting systems be used in California beginning in 2020.

Now, California's voting systems are:

- Certified to the federal Election Assistance Commission's Voluntary [Voting Systems Standards](#), featuring the highest security principles while preserving transparency, including both symmetric and asymmetric encryption features.
- Using dual and removable commercially made memory cards, to enable additional duplicate copies of all election data be maintained.
- Capable of dual-installation, or allowing the use of one or more permanent server(s) and set of central-office voting devices known to be running unaltered, certified software and firmware to create memory cards before each election, and to use another physically separate "sacrificial" server and set of voting devices after the election to tabulate results and generate reports.
- Systems are secured with "air-gapping" measures, to ensure no cross-connections. See above question, *What is air-gapping and why is it important?*
- Using paper ballots that can be verified by the voter before it is counted by the system.
- Using commercially available virus and malware protection, which must be continually maintained and can only be updated via secure and approved portable media (disc, flash drive, and external hard drives are examples).
- Prohibited from being connected to the Internet. [Section 19205](#) of the California Elections Code mandates that no part of a voting system can be connected to the internet at any time, nor shall any voting system electronically receive or transmit data through an exterior network of any type.

How are the election results from ballots cast at each Vote Center sent to the Registrar of Voters?

Election results from each Vote Center are physically transported back to the Registrar of Voters. Removable memory devices containing results from each ballot scanner/tabulator will be brought to the central location where data can be extracted and uploaded into the Election Management System (EMS) for reporting. No less than two election workers will document the chain-of-custody and secure transport of ballots and devices back to the Registrar of Voters's central location on Berger Drive, including date and time from each Vote Center to the Registrar of Voters.

How are the election results added to the Registrar of Voter's website? Is the voting system connected to the Registrar of Voter's election results page?

No. The County's voting system is not connected to the election results reporting application nor is it connected to the Internet. Under both state and federal law, *no part of a voting system may be connected to the Internet or to any other device that is directly connected to the Internet*. This includes the part of the system that accumulates and reports results.

FAQ for Observers

The Registrar of Voters's Election Night Reporting Application, or ENRA, that you see on the Internet is separate from the County's new voting system. Election staff must physically transfer vote data from the voting system to the election results reporting application for displaying on the Internet. This is done by copying the election results from the central accumulation system to a CD or USB drive and walking it over to a different computer to upload to the Registrar of Voters' website. This process creates an "air gap" between the vote counting and accumulation system and the vote reporting application. This security layer restricts results displayed on the Internet to only those most recently uploaded from the memory device. All memory devices are used only once during the election, cleaned and reformatted before they can be used again.

Does the new ballot marking screen store any votes?

No. It is simply a marking device that is used to "mark" votes onto a ballot card that is then printed so it can be counted. The marking device does not have the capabilities to store user actions or any votes the user made.

Is the electronic poll book connected to the voting system?

No.

Voting and Determining Election Results FAQs

How do you prevent someone from voting twice?

All voters in Santa Clara County are issued a Vote by Mail ballot. At the time this happens, their voter registration record is marked. A voter who has lost or destroyed their initial ballot and who request a replacement ballot will have their first issued ballot cancelled. Once a voter has returned their Vote by Mail ballot or is provided a ballot at a Vote Center, their name is marked in the database as having already voted. Should the voter attempt to vote another ballot, either by mail or in person, the election management system both at the Registrar of Voters main office and contained within the electronic poll books use at the County's Vote Centers will prevent an election worker from issuing the voter another ballot.

Voting twice in an election is against the law and a voter who does so may be prosecuted.

What do you do if someone voted twice?

After careful research, if it has been confirmed that the voter in question did vote twice by casting more than one ballot, the voter will be referred to the District Attorney's Office for further investigation and possible prosecution.

What is the difference between the unofficial and official results, and which one is the final result?

Unofficial just means the Registrar of Voters has not finished verifying all steps of canvass. Official is final and certified.

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What is the difference between the election results on your website and the certified election results printed in the Statement of Votes?

The results shown on the Registrar of Voters website contain only the total number of votes cast in the election and in each contest, and do not contain a breakdown of results by voting method (Vote by Mail or in-person at a Vote Center) or precinct. The Statement of the Vote contains the complete election results, reflecting the breakdown of each contest on the ballot for each candidate and ballot measure and reflects results cast by mail and in person and presented by neighborhood precinct number.

Voting Systems FAQs

What is the computer hardware on the lower right side of the tabulating machines?

Dell Client workstation.

Is it standard PC hardware?

Yes.

Does the hardware include Bluetooth, WiFi, cellular connection, Ethernet? (Even if the capability is disabled in BIOS)

The system would have come with a standard configuration from the manufacturer that includes WiFi, Bluetooth, and Ethernet, but those functionalities could be disabled depending on the usage of the device and security requirements.

What is the name of the equipment maker?

Dell

What kind of network connection is used between the tabulating rooms and the servers?

Dedicated ethernet connection via switch purchased as part of entire voting system.

How are the network connections between the tabulating room and the “server” room secured?

Santa Clara County use industry best practices, Secretary of State recommendations and requirements, and defense in depth security strategy to protect all systems in the County.

What is the speed of the connection?

Standard Ethernet speed that is sufficient to handle any data transfers needed for ROV’s needs.

Is encryption, SSL or some other technology used to secure the communication?

Yes.

FAQ for Observers

How are the tabulated votes secured in the server room once transmitted from the tabulating room?

All tabulated votes are secured within the air-gapped voting system and only authorized staff are allowed access to the server with limited access to the server room.

Who has access to the early tabulation information?

Only authorized Registrar of Voters personnel.

Who has access to the server room and server equipment?

Only authorized Registrar of Voters personnel.

There is an issue of transparency and observability for the tabulating process. Could daily reports on votes tabulated, machines used, tabulating teams, etc. be shared?

There are no reports available with the mentioned details prior to Election Day. Limited information reports can be made available after Election Day. Such as Unofficial/Official Election Results and Statement of Votes Reports. Also, the names of those handling tabulation results and the procedures and safeguards for the tabulation process. These processes are conducted by Registrar of Voters authorized personnel.

The flattened ballots are moved around and stored before tabulation. Are there records of how they are moved, by whom, and is this data video recorded?

There are no records of how they are moved and by whom. All activities are conducted within Registrar of Voters controlled environment and secured areas.

Where are the Vote Center SD Card tabulating results added to the totals? How is this process tracked and is it observable? Is it video recorded?

The Vote Center tabulator SD Cards are tallied in the Results Cartridge Reading room. The SD cards are assigned to specific tabulator assigned to specific Vote Center. The process is observable with limited persons from the entrance of this room.

Who manufactures the server computers? What operating system is used on the servers? What tabulating software is used? Is the tabulating process on the server observed by any 3rd party?

We use standard Dell servers and only authorized software is installed and used for Registrar of Voters purposes.

Are the servers used for any purpose other than election tabulation?

No.

FAQ for Observers

Please explain how the servers are backed up and how the data is stored. Is it offsite? Is it encrypted? Who is responsible for backup? How long are backups stored? What format is the backup? Can it be read by non-Dominion equipment? (Is it in a standardized format?)

An Election Project (also serves as backup) for each election is created within the server by each responsible division for their component. A copy of this election project is placed on an external drive and stored at a secured location for emergency recovery situation. After election certification, a final copy of the election project will be saved as archive and stored at a secured location. The Election Project consists of various format files for each system component and reports. Only commonly referenced files and reports are readable by their respective formats. All other file formats are specifically designed for the voting system.

How old is the server and tabulation equipment?

The server and tabulation equipment are 2 years old.

Who was responsible for installing the private network between the tabulating room and the server room?

The County of Santa Clara Technology Solutions and Services Department.

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IV. VOTE-BY-MAIL BALLOT PROCESSING

OBSERVING VOTE-BY-MAIL BALLOT PROCESSING FAQ (See also Provisional and Conditional Voter Ballot Processing)

What can I observe?

California Elections law allows sufficient access for observers to **view the processing** of returned voted ballots, including:

- The verification of the voter signature on the envelope to the voter registration database.
- The opening of envelopes, removal and unfolding/flattening of ballots and preparation for tabulation.
- The duplication/adjudication of any damaged ballots to capture voter intent.
- The processing of write-in votes.
- The storage and security of ballots.

What written procedures may I review?

- Vote-by-Mail Ballot Processing, including scanning, validating, opening, flattening and storage.
- Secretary of State's Uniform Vote Counting Standards.
- Canvass Procedure Manual.
- Pertinent Laws:
 - Division 3 of the California Elections Code.
 - Division 15 of the California Elections Code relating to processing ballots.
 - Standards for Valid and Invalid Vote-by-Mail Ballots (Section 20991 of Article 9, Chapter 8.3 Division 7 of Title 2 the California Administrative Code)

Verification of Vote-by-Mail ballot envelopes

Observers are permitted to be sufficiently close enough to the process being observed and to see that staff are following the law and comparing the information on the return envelope to the voter's record. Please see Elections Code Section 15104.

How can I observe?

The Registrar of Voters has specific areas where each function will occur. A staff attendant will be provided, and observers are not permitted to move freely throughout the Registrar of Voters. This is a secure facility. The protection of the election process is of the utmost importance and will come before any requests to observe. Observers are asked to stand behind the stanchions, or at least 3 feet away, and refrain from touching materials and speaking to staff who are doing the work.

If you would like to ask questions about the process or procedures, please review these FAQs below and if your answer is not provided, you can request your staff attendant find a subject matter expert to assist.

FAQ for Observers

Can I use binoculars?

The Registrar of Voters does not permit the use of devices that could have a camera, which includes binoculars, in areas where voter confidential information is visible. The ROV allows observers to be sufficiently and physically close enough to the staff and computer screens to observe that the staff is following procedures. The screens are large and bright for observers to see that the voter's signature is displayed adjacent to the image of the signature on the envelope. If you need a reasonable accommodation, please speak to your staff attendant.

The Registrar of Voters will provide a list of voters in the County who have returned a Vote-by-Mail ballot from which the challenge requests can be made to the residence address or voter's eligibility to receive and cast a ballot. See Elections Code Section 15105.

The Vote-by-Mail Ballot Envelope Design

Why are there two holes on the outside of the return Vote-by-Mail ballot envelope? Can someone see the marks on the ballot?

The two holes do not reveal any marks on a ballot, and serve two purposes:

- An impaired voter can use holes to assist them in finding the signature line.
- To assist Registrar of Voters staff to immediately determine if the envelope is empty and does not contain a ballot.

What information does the barcode that appears on the side of the envelope contain?

That barcode is placed there for use by the vendor and is used for both quality control and mailing, containing USPS address and zip code delivery information. The Registrar of Voters does not include data in or use the barcode for any reason.

Ballot Retrieval

When and how does the Registrar of Voters retrieve voted Vote-by-Mail ballots?

Under the Voter's Choice Act, the Registrar of Voters must create a schedule for ballot retrieval. Please ask the Registrar of Voters for the latest copy. Ballots are retrieved from the USPS daily, and from Vote Centers and Drop-Boxes according to the schedule. Following the two-person rule and the chain-of-custody procedure, no less than two staff work together in a team to retrieve voted ballots from a Vote Center or official Ballot Drop-Box and return them to the Registrar of Voters. Each team must complete a chain-of-custody form indicating the date, time, location, and the security seal used to secure the ballots in transport. Once the secured blue ballot bag is received at the Registrar of Voters, the chain-of-custody form is verified to ensure the seal has remained in-tact during transport. Then the seal is broken, and the ballots are removed and processed.

FAQ for Observers

Do the Registrar of Voters ballot retrievers write down the count of the number of Vote-by-Mail ballots they are transporting from the Vote Center or Ballot Drop location to the Registrar of Voters?

When the ballot retrievers pick up at Vote Centers, the blue bags are prepared and sealed by the Vote Center staff. The ballot retrievers verify the chain-of-custody and security seal, and upon arrival to the Registrar of Voters, must complete the rest of the chain-of-custody form, including breaking the seal and counting the contents. When picking up at ballot drop-boxes, the two-person rule is used, and they follow the chain-of-custody procedure. The staff break the seal on the ballot box, retrieve the ballots, place the ballots in a secure blue bag, seal the bag, and complete the chain-of-custody form. At the Registrar of Voters, staff receiving and processing blue bags will verify the chain-of-custody is intact and break seal to retrieve and count ballots.

Sorting

Why are the envelopes scanned through the large machine more than once?

The initial scan, or “first pass,” is to capture an image of the signature area for verification purposes. The second pass is to organize and separate out all envelopes that have been flagged in the system as “challenged” and needing further review due to missing signature or signature mismatch. The voter is then sent either a, Unsigned Ballot Statement form or a Signature Verification form.

Why are some envelopes hand sorted?

There are a few reasons why some envelopes are hand sorted and not processed through the scanner:

- Some Vote-by-Mail ballot envelopes are received through the mail damaged (torn, bent, dirt, etc.) and cannot be scanned without further damaging the envelope or the machine.
- The envelope is in the challenged category and should not be resorted through the scanner a second time.
- The envelope is a larger Provisional or Conditional Voter Ballot and does not fit through the scanner.

Envelope and Signature Verification

Does California have guidelines for how signatures are verified?

Yes. Chapter 8.3 of Division 7 of Title 2 of the California Code of Regulations contains rules for verifying signatures and standards for validating and invalidating a Vote-by-Mail ballot. You can access the current [Regulations](#) contained in the **Uniform Vote Counting Standards** on the Secretary of State’s website under Popular Services.

Doesn’t the voter’s signature have to match the most current voter registration form they completed? Doesn’t the voter’s signature change?

Under the Code of Regulations (see above), the voter’s signature on the Vote-by-Mail ballot envelope does not have to perfectly match their most recent voter registration form, and prior paper or electronic voter registration forms, such as those imaged while registering to vote at the DMV or online through

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the Secretary of State's website, or other notifications and letters received from the voter can be used for signature comparison. Signature verification shall begin with the basic presumption that the signature under review is the voter's signature. Similar characteristics between signatures are sufficient to determine a signature is valid. Election Officials may consider possible explanations for discrepancies in signatures. The signature reviewer may use broad characteristics to evaluate an entire signature or may narrow the examination to specific letters within a signature.

What is the average speed of the election staff who verify signatures? They are moving so quickly, how can you be sure they have thoroughly verified the signature?

The Registrar of Voters creates small batches of envelopes, each containing 100 envelopes or signatures. On average, each batch of 100 envelopes and signatures takes an average of 5 minutes to review. On average, each signature may appear on the screen for an average of 3 seconds or more while being compared.

Some of the Registrar of Voters staff have only been working for months, while some of the Registrar of Voters staff have been employed for years, covering multiple elections of experience in signature comparison. Over time, the staff's speed will increase as they get familiar with the screens and the signature comparison process.

Why is there a gray box on the voter's registration record where the latest signature should be shown?

This occurrence may happen during the initial scan/capture of the latest paper voter registration card received from the voter. The voter's record may contain multiple versions of their signature over time (multiple registration forms, change of address forms, letters, etc.). When this happens, the signature verification staff will next attempt to view any other signature on the voter's record to compare and accept the ballot. If you wish to see this process, please ask the Election official assisting you who can request help.

What is the red pushpin/thumbtack mean on a voter's record?

This is a flag to tell the election worker that the voter has already voted a ballot and to segregate the second voted ballot for further investigation. If the result of the Registrar of Voters's research reflects the voter may have attempted to vote more than once in the same election, information is gathered and presented to the County's District Attorney for further investigation. It may be important to recognize that a mere return of more than one voted ballot may not be a direct attempt to intend vote twice. This determination is up to the District Attorney as the investigating authority.

Challenging a Vote-by-Mail Ballot

What are the reasons the Registrar of Voters might challenge a Vote-by-Mail ballot?

Generally, a Vote-by-mail ballot is challenged:

- If the signature on the envelope does not match the signature's ballot on record.
- The signature on the envelope is missing.
- The ballot was received too late.
- The voter has already had another ballot accepted for the same election.

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Refer to Section 20991(c) of the California Code of Regulations for a full list of reason a Vote-by-Mail ballot is considered challenged and invalid.

How can I challenge a signature?

The law permits observers to be sufficiently close enough to observe that staff are following procedures and processing ballots according to the Uniform Vote Counting Standards. An observer may challenge that an Election Official is not correctly following established procedures when verifying signatures on ballot envelopes. The observer may cite specific signatures and/or ballots as evidence. The Registrar of Voters management makes the final determination as to whether staff have been performing their duties correctly and whether a signature or ballot is deemed valid or is challenged.

The Election Official must consider when reviewing signatures:

- The signature comparison begins with the presumption that the signature is the actual signature of the voter.
- Exact matches are not required for the Election Official to confirm a valid signature.
- Similar characteristics between a signature being compared and **any** signature on the voter's record are sufficient to determine a signature is valid.
- **Only a signature possessing multiple, significant, and obvious differing characteristics with all signatures in the voter's registration record will be subject to additional review by the Election Official.**

Please see Article 6, Chapter 8.3, of Division 7, under Title 2 of the California Administrative Code (a.k.a. Code of Regulations) for more information on the adopted state regulations relating to signature verification.

California's Elections Law charges the Election Official with the important duty to uphold the election law and count valid ballots. Because the voter by mail is not present to respond to challenges, the process is to be "...liberally construed in favor of the voter" in order to count the ballot. Please see Elections Code Section 3000.

If the signature is challenged by the Election Official, the voter shall be mailed a "Signature Does Not Match" statement and be provided the opportunity to correct their signature and have their ballot be counted.

Why are Vote-by-Mail ballot envelopes being placed into the blue mail tray with the red tape?

Staff are instructed to place ballot envelopes in the blue tray with the red tape if it is being challenged. This keeps the challenged ballot envelopes separate from the envelopes that will continue through processing.

Can I/anyone challenge a Vote-by-Mail ballot and stop it from being counted?

A challenge that prevents a ballot from being cast or counted can only be determined by the Election Official/Registrar of Voters.

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Observers can challenge a Vote-by-Mail voter's eligibility upon the same grounds as a challenge can be made to a voter who chooses to vote in person per Elections Code 14240. The Registrar of Voters will provide a list of voters who have returned a voted ballot from which your challenge can be made. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made. Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter. Registrar of Voters management will make the final determination of whether a ballot is counted or challenged.

General Questions

In what situations might a voter be issued more than one Vote-by-Mail ballot?

The deadline to register to vote (E-15) occurs AFTER the commencement of mailing Vote-by-Mail ballots. The County of Santa Clara Registrar of Voters continues to receive new and updated voter registration forms well after the initial preparation and mailing of materials. In large general elections, such as for Governor or President, it can be in the tens of thousands. Vote-by-Mail ballots are non-forwardable; voters on the move may not receive the first ballot the Registrar of Voters mailed to them.

The following are instances where the voter may be issued more than one Vote-by-Mail ballot:

- A voter submitted a new registration form or made a change to their record, such as a change of address, party affiliation, or language preference.
- A voter visited the DMV and was automatically registered/re-registered under the New Motor Voter law.
- The County received an update to the voter's record from the Secretary of State through the statewide voter registration database, called VoteCal.
- A voter has misplaced their original ballot and requests a replacement; the voter subsequently locates their original ballot.
- A voter requests a ballot be mailed to a temporary address that is not permanently listed in their voter registration record (vacation, out of state for work, or temporarily hospitalized for example).
- A voter requests a replacement ballot before receiving their first ballot.

The County's Election Information Management System (EIMS) is programmed to automatically re-issue a new ballot when there is a change to a voter's registration record. As a result, it is normal for voters to receive more than one ballot. This is a part of the Registrar of Voters's normal operating procedures and is not indicative of an error, a malfunction or a bug. The process of automatic reissue of a Vote-by-Mail ballot has been longstanding practice of the County. Because the Registrar of Voters and EIMS have safeguards to prevent more than one ballot from the same voter from being counted, the County's process leans in favor of providing the voters with timely reissued ballots.

This process is likely experiencing a higher awareness because more voters are being affected this election compared to previous years. This is due largely to two main factors:

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- All active registered voters now are issued a Vote-by-Mail ballot, even those who previously never requested to Vote-by-Mail. This is due to both the Voter's Choice Act, which the County implemented in 2020 and now a change in law to mail every voter a ballot.
- Voter's registration records are being updated more frequently due to the implementation of automatic registration through the DMV under the New Motor Voter law as well as implementation of the statewide voter registration database, VoteCal.

Can the system accept more than one ballot from a voter?

No. The Election Information Management System (EIMS) keeps record of each ballot issued to the voter and the County has safeguards in place to prevent more than one ballot being accepted and counted per voter. The EIMS recognizes that a voter may have been issued more than one ballot and will VOID a previously issued ballot in the system. When a voter's ballot is marked as received to be counted, the system will automatically mark any subsequent ballot as invalid and prevent it from being accepted/processed. Recent implementation of the electronic roster/poll book provides the Registrar of Voters with more immediate and accurate information relating to ballots cast in person in order to invalidate a possible Vote-by-Mail ballot received after the in-person vote is cast.

Will the use of a Sharpie or thick black marker cause the ballot to be rejected?

No. The use of a Sharpie pen will not cause the ballot to be rejected and require adjudication or duplication nor to be voided and not counted. It is the opposite. The voting system works well with a Sharpie type of marker and is the recommended type of ballot marking pen to mark the ballot as the ink dries fast and is easily detected by the ballot tabulators. The system reads only one side of the ballot at a time and the ovals target areas used to mark the choices do NOT align with the ovals on the other side of the ballot card. If pen bleed-through does occur, it will not affect the contests on the other side.

Is the ballot extraction desk the only single operator function?

Yes. The function of the operator is to simply watch as the envelope passes through the system, see that the envelope is expanded and to retrieve the ballot and any other materials placed inside the envelope, and to quality check to ensure no ballots are missed. Each machine tracks how many envelopes were processed for auditing purposes.

How are ballots secured and stored before and after they are counted?

- *Before envelope is verified:* The Registrar of Voters stores all unprocessed Vote-by-Mail ballot returns inside the Registrar of Voters's main office, within the Vote-by-Mail division operation area and behind a locked cage. Security cameras within the area monitor activity.
- *After envelope is verified/opened/ballot extracted:* Empty Vote-by-Mail envelopes are organized and stored by the voter's precinct number. The Registrar of Voters checks the envelopes for any missed ballots before the boxes are sealed.
- *After Ballots are Tabulated:* The ballots are stored with header cards, separately from envelopes by precinct and date. The boxes are labeled to be found easily.

FAQ for Observers

V. DUPLICATION FAQs

What can I observe?

Observers are permitted to observe the ballot duplication process to confirm the Election Officials are following the procedures for ballot duplication and are accurately replicating the voter's original ballot.

What procedures can I read?

- Damaged Ballot Duplication Procedures.
- Secretary of State's **Uniform Vote Counting Standards**.
- Pertinent Laws:
 - Chapter 2, Division 3 of the California Elections Code.
 - Chapter 2 of Division 15 of the California Elections Code.
 - Article 2, Chapter 3 of Division 15 of the California Elections Code.
 - Section 19005 of the California Elections Code.

What is the difference between duplication and adjudication?

Ballot duplication is the process for reviewing and remaking a damaged ballot that cannot be scanned and read by the ballot tabulator onto a duplicate ballot in order to be tabulated. Duplication takes place to ensure that all votes cast in a damaged ballot can be replicated and counted by scanning the duplicated ballot through the tabulator. A duplicated ballot may end up moving through the adjudication process if a voter clearly overvoted a contest.

Ballot adjudication is the process of digitally reviewing ballots, cast by mail or at Vote Centers, that require a clarification or resolution of the voter's intent.

What are the reasons a ballot might need duplication?

Ballots that cannot be scanned through the tabulator are duplicated for the following reasons:

- The ballot is received through the U.S. Mail bent, torn, or otherwise damaged and cannot be scanned by the tabulator without jamming the system.
- There is liquid or food spill damage on ballot paper that interferes with ability of tabulator to clearly read voter's marks.
- A voter uses a colored marking device other than black or blue that cannot be read by the tabulator. Use of red, light green, silver, reflective inks, or highlighters to mark your ballot is not recommended.
- A voter uses a pen to "punch holes" in the vote target area, leaving holes in ballot that will jam the tabulator.
- A voter uses excessive heavy marks to complete the target, causing ink or impressions on ballot paper and making it difficult to read through the tabulator.
- A voter includes identifying information on the ballot – name, signature, initials, DL number, etc.
- A voter returns their sample ballot, or military and overseas voter uses federal absentee write in, RAVBM.
- A paper defect from the manufacture.

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Also, and only under special circumstances and during emergencies, emergency workers may be permitted to cast a ballot outside of their home precinct and have their ballot duplicated onto the correct precinct ballot and be counted. For example, during the 2021 Caldor Fire, emergency workers may have cast their ballot outside of their home precinct, or even their county, and may need their ballot duplicated onto the correct county precinct ballot to be counted. (See Elections Code Section 14313/Provisional Voting)

Can I challenge the interpretation of voter's intent on the duplicated ballot?

The law permits observers to be sufficiently close enough to observe that staff are following procedures and processing ballots according to the Uniform Vote Counting Standards. An observer may challenge that staff are not correctly following established procedures when adjudicating ballots and may cite specific marks and/or ballots as evidence. Registrar of Voters management makes the final determination as to whether staff have been performing their duties correctly and how a vote or ballot is adjudicated.

Will the use of a Sharpie or thick black marker cause the ballot to be rejected?

No. The use of a Sharpie pen will not cause the ballot to be rejected or duplicated nor to be voided and not counted. It is the opposite. The voting system works well with a Sharpie type of marker and is the recommended type of ballot marking pen to mark the ballot as the ink dries fast and is easily detected by the ballot tabulators at Vote Centers. The ballot is designed in a way that the target areas (red ovals) that are used to mark the choices do NOT align or overlap with the voting target (red ovals) on the other side of the ballot card. If pen bleed-through does occur, it will not affect the contests on the other side.

Are there specific guidelines that all the counties follow when duplicating a ballot?

Yes. Ballot Duplicating Procedures as well as the Uniform Vote Counting Standards from the California Secretary of State. It is available to download on SOS web site or ask the Registrar of Voters for a copy.

Do election workers ever work alone on ballot duplication?

No. All staff is required to work in teams of two people anywhere a voted ballot is under review and tabulation. This is commonly known as the "two-person rule."

Are there specific guidelines that all the counties follow when processing the write-in votes?

Yes. The Write-in candidates are processed during the adjudication process. Write-in processing instructions are included in the Adjudication Procedures. California County Election Officials are provided guidelines from the Secretary of State, referred to as the **Uniform Vote Counting Standards (UVCS)**. The document is available for download from the Secretary of State, or you may request a copy be provided to you if you are here to observe the duplication process. Pursuant to Section 301 (a)(6) of the Help America Vote Act (HAVA) of 2002, the Secretary of State developed these standards to define the circumstances under which "marking" of a ballot constitutes a vote and when a vote will or will not count for each category of voting system certified and in use in California.

The UVCS are available to download on the Secretary of State's website or a copy can be provided upon request.

FAQ for Observers

How does the duplication team deal with write-in votes?

The duplication team copies the exact write-in named entered by the voter. Whether the write-in name is qualified or not.

Does voter get notified if their ballot is duplicated, or how their vote was counted by the tabulator?

No. The voter can find out whether their ballot has been received but not how the marks on the ballot were interpreted. All California's ballots are secret and get separated from the voters' envelopes after the signature verification process to ensure all ballots cast remain secret. Ballot images are kept for review/audit and the 1% manual tally and canvass process are there to validate the results.

Where and when does duplication happen? Does this occur daily?

Starting E-29 or as soon as the Registrar of Voters has the capability to open ballots for processing after the signature verification is completed. The process takes place at the Registrar of Voters in a secured area separate from where ballots are being tabulated. The process may or may not occur daily and depends upon workload.

Is there a record of how the ballot was duplicated?

Yes. The original ballot and duplicated ballot have a matching serial number. They are initialed by the team completing the work. The original ballot is not altered.

How are ballots separated and secured from other ballots?

Once a ballot is determined to be duplicated, it is set aside and grouped with other ballots to be duplicated. Those ballots are then stored in a secured location waiting to be duplicated. Once the ballot is duplicated, the new duplicated ballot is stamped "Duplicate" and is put together with a header card that is marked DUP and sent to tabulation. The original ballot is stamped "VOID" and filed with a header card that has VOID and sent to the warehouse for secured storage.

How many people performs the duplication process?

The total number of election workers will depend upon workload needs. The total number of election workers on each duplication board is no less than two, following the two-person rule.

Are ballots and materials ever left unsupervised?

No ballots or materials are left out over night, they are secured. If staff are taking a scheduled break, no members are left alone with the ballots. The ballots are always stored in a secured room.