

# Poll Worker Training Guidelines 2006

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Secretary of State • Bruce McPherson



## **FOREWORD**

**Senate Bill 610 (Chapter 530, Statutes of 2003) required the Secretary of State to establish a Poll Worker Training Task Force to make recommendations for “uniform guidelines for the training” of poll workers.**

**The following guidelines are adopted pursuant to the requirements of SB 610, and reflect the work of the Task Force.**

**The subject of poll worker training is not so much a science as it is an art. These guidelines are intended to provide a starting point for county poll worker training programs. These guidelines will be adapted, improved and supplemented in the future as lessons are learned from field experience and voting systems change in this constantly evolving field.**

**These guidelines are not intended to take the place of county poll worker training materials or resources. They are meant to establish a minimum set of requirements which poll worker training sessions and materials must meet and to set a standard by which local programs should be measured.**

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## **SECTION 1: ENSURING THE RIGHTS OF THOSE SEEKING TO VOTE**

Poll worker training must include an overview of the mission or role of the poll worker, which is to assist every qualified voter to cast a ballot and to ensure that each ballot is safely secured until it can be counted. A large part of that role is to provide a positive voting experience for all, and to ensure that the rights of everyone seeking to vote are protected and ensured. Poll workers should be trained to process and assist all voters with a customer service mentality in order to make their experience as positive as possible. To fulfill that role, poll workers should be familiar with the rights of voters, be trained in cultural sensitivity, know how and when to assist voters with disabilities or other specific needs, and know their responsibilities and the limits relating to them. These four areas of knowledge are discussed independently below, but are inter-related components that must be integrated in the overall mandate of ensuring that the rights of voters are protected, respected and valued.

### **A. Poll Workers Must Know the Rights of Voters**

All poll worker training should start with a review of the rights of voters. Poll workers should be familiar with the following rights of voters:

#### **A1. General Rights**

##### **Right to Cast a Ballot**

- Every valid registered voter has a right to cast a ballot. A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and is not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address. (EC §2300(a)(1).)
- Voters have the right to cast a secret ballot free from intimidation. Poll workers must be trained to watch for and address any intimidation – even subtle intimidation or electioneering. They must also be sure to provide voters with disabilities, or any voter requiring assistance, the same opportunity for privacy when marking their ballots as all other voters are provided. (EC §2300(a)(4).)
- Poll workers must be trained about the rights of voters to cast a ballot if they are present and in line at the polling place prior to the close of the polls. Voters who are in line at the polling place at the time polls are set to close are entitled to vote and must be entitled to exercise that right. (EC §2300(a)(3).)

##### **Right to a Provisional Ballot**

- If a voter requests a provisional ballot, or believes he or she should be listed on the voter roll but whose name does not appear thereon, the voter has a right to cast a provisional ballot and to be told how to determine whether that vote was ultimately counted, and if not, why not. (EC §§2300(a)(2), 14310(d).)
- Poll workers must be trained to give voters the benefit of the doubt when voters claim they are properly registered and are at their correct polling place. (EC §14312.) Because a legally registered voter who is denied the right to vote may later contest the election outcome, poll workers must be reminded of their duty to offer a provisional ballot to voters whose names do not appear on the voter rolls. It is ultimately the duty of the elections official to determine the eligibility of voters and appropriateness to count provisional ballots. (EC §14310(c).)

- Voters who are listed as absentee voters, but who do not bring their absentee ballot with them to the polls to surrender on Election Day, have a right to cast a provisional ballot. (EC §3016.)

### **Right to Replace a Spoiled Ballot**

- Voters may not be aware that they have the right to receive a new ballot if, prior to casting their ballot, they make a mistake marking their votes. Absentee voters may also request and receive a new ballot if they return their spoiled absentee ballot to an elections official prior to the closing of the polls on Election Day. However, the law restricts voters to receiving a maximum of two replacement ballots, so poll workers should alert voters who spoil their first ballot that they are only entitled to a total of three ballots, so to exercise caution when casting a replacement ballot. Poll workers should tactfully offer training in how to properly cast a vote when a voter has spoiled their first ballot. (EC §14288.)

### **No Identification Unless Designated on the Roster**

- There are only very limited conditions under which voters may be asked to provide identification. Poll workers may only require a voter to provide their identification if the roster explicitly states that ID is required because the voter is a new voter who mailed in a voter registration form. When asking for ID, the poll workers must know which forms of ID are acceptable – and that a photo ID is not required, but is simply one of several acceptable forms of identification. Poll workers should also be instructed that a photo ID need not contain the voter’s address and need not be issued by a government agency to be adequate for purposes of establishing identity for voting purposes. Poll workers must be provided a clear list of what identification can be used to verify identity. (2 CCR 20107.)
- It must be clearly explained that if a voter designated as being required to provide identification either does not have any qualified identification documents with them, or does not wish to provide identification for any reason, the voter is still eligible to cast a provisional ballot and should be politely offered one. (2 CCR 20107.)

### **Instruction on the Use of Voting Equipment**

- A voter has the right to receive instruction on how to cast his or her ballot using the voting equipment specific to the voter’s jurisdiction. Poll workers should be adequately trained to use the equipment and be available to help voters understand its proper use. Furthermore, poll workers must understand the proper procedures and tools available for their use in demonstrating the voting system, including the use of specially marked demonstrator ballots. (EC §14272.)

### **Election Day Posting Requirements**

- Poll workers must be informed what materials are to be posted at the polls on Election Day, and where each item must be posted. This includes flags (and how to properly hang them), Voter Bill of Rights posters (which the law requires to be “conspicuously posted both inside and outside every polling place”), rosters of voters who have voted (including update procedures required throughout the day), and other related materials. (EC §§14105, 14105.3, 14200-14202.)

### **Voter's Right to Report Fraud or Illegal Activity**

- Voters have the right to report any illegal or fraudulent activity at or near the polls to a local elections official or to the Secretary of State's Office. (EC §2300.) If a poll worker is asked how to report such activity, he or she should provide the voter with contact information for doing so. A poll worker should further inform a voter that he or she may also file a written complaint based on a violation of either federal or state election laws. Note that complaints alleging violations of the Help America Vote Act of 2002 (HAVA) must be notarized, while there is no such requirement for complaints based on state law violations. (42 U.S.C.S. §15512(a)(2)(C).)

### **Materials in the Voting Booth**

- State and federal law do not prohibit voters from bringing into the voting booth a sample ballot, the Voter Information Guide, a copy of the Voter's Bill of Rights, or other similar explanatory materials to assist them in casting their votes.

## **A2. Other Rights**

### **Rights of All Voters to Receive Assistance at Polls**

- Voters who are unable for any reason to vote without assistance have the right to receive assistance in casting their ballots. This means that voters can bring one or two persons to assist them, or they may request assistance from a poll worker. Poll workers must be trained in what to do (and what not to do) if they are asked to assist. It is a violation of state and federal law to disclose how another person votes. More details about offering assistance in an appropriate manner are contained in Sections B and C, and below. (EC §§2300, 14282-14283.)

### **Rights of Voters with Disabilities**

- Voters with disabilities have a right to an accessible polling place and every effort must be made to provide disabled voters with a way to independently and privately cast a ballot. Poll workers must be trained on how to use the voting system provided for accessible voting by voters with disabilities and on procedures to facilitate curbside voting if the system provided at the polling place cannot accommodate the voter. (EC §§12280, 14282.)
- Federal law provides that at least one accessible voting system must be available in each polling place where a federal election is being conducted (President, US Senator, Congressperson). Voters with disabilities have the right to vote privately and independently, and to reasonable modifications or removal of barriers to the voting process and provision of auxiliary aids and services.
- All eligible citizens have the right to register to vote unless judicially determined to be incompetent or otherwise ineligible because of felony conviction. It is not up to poll workers to determine a person's registration qualification or competence to vote. Sometimes poll workers, upon seeing a voter who is disabled, may question the person's competence to vote. If the individual is properly registered, the voter must be treated in the same way as are all other voters. No voter, including a voter with psychiatric disabilities, is required to show any identification (unless they are a first-time voter who registered to vote by mail and are so noted in the roster), or to prove their competence to receive or cast a ballot.

- Voters with disabilities should not be asked to fill out their ballots at the table where poll workers are checking in voters, even if the voters have requested assistance in filling out their ballots.

### **Rights of Voters with Limited English Proficiency**

- Voters who are not proficient English speakers or who are voting in a jurisdiction where their primary language is designated by federal law (the Voting Rights Act) as one in which election materials must be provided are entitled to a ballot and other materials in that language. Poll workers should have a verbal script for appropriately offering alternate-language ballots, including bringing to the voters' attention the availability of these alternate-language materials. [Simply posting a sign is often not noticed or is simply ignored.] Poll workers must not make any comments or references regarding voters who ask to use non-English materials. (EC §12303.)
- Voters who are unable to vote without assistance have the right to receive assistance in casting their ballots. This means that voters who are not proficient in English may seek assistance from a bilingual poll worker or may choose to bring someone with them to assist them in voting. How these voters cast their ballots must also, by law, be kept confidential. Bilingual poll workers are not the only individuals who can assist voters with limited English skills, and all poll workers should be trained in how best to communicate with voters who do not speak or who have limited proficiency in speaking English. (EC § 12303.)
- Poll workers should also be instructed to respect people from backgrounds different from their own or who do not speak English fluently. These workers must understand that all voters must be treated with the same level of respect and courtesy. (See Section B on cultural sensitivity.)
- Voters will generally understand if poll workers are busy, but they do not understand, nor must they tolerate, when they are treated rudely or disrespectfully, particularly if the inappropriate treatment is aimed at them due to a disability or their limited English skills. Voters needing language assistance must not be asked to step aside while other voters are serviced first; all voters must be processed in the order in which they appear to vote.

### **Rights of Parents with Children**

- If a child below the age of 18 is under a parent's care, that voting parent has a right to take their child(ren) with them into the voting booth. (EC §14222.)

### **Rights of Absentee Voters**

- Every voter has a right to vote absentee if they are a permanent absent voter or if they applied for an absentee ballot by the statutory deadline. (EC §3003.)
- To be counted, an absentee ballot must be received by the county elections office or deposited at any polling place in the county by the close of polls on Election Day. The ballot must be deposited by the voter or a designated third party. (EC §3017(a).) Mailed-in ballots received after that time may not be counted. (EC §3020.)

- If a voter is listed as an absentee voter, but wishes to vote at the polling place and did not bring their absentee ballot with them to surrender it, they have a right to vote using a provisional ballot. (EC §§3015-3016.)

### **Rights of Poll Watchers and the Media**

- Only poll workers and voters engaged in voting may be within the voting booth area during the time the polls are open. (EC §14221.) Others may be in the polling place observing the process as long as they do not interfere with the voter's right to a secret ballot or the poll worker's ability to perform their duties. Poll workers should be instructed about how to treat poll watchers and how to expect poll watchers to treat them – both what poll watchers are allowed to do, and what they are not allowed to do.
- Poll workers must be made aware that voters and others who may be observing have the right to ask questions and to observe the elections process. Observers have the right to ask poll workers questions regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the poll workers can stop responding and direct the observers to the county elections official for all further answers.
- There are often people who visit polling places on Election Day to check the voter street index. These “checkers” commonly are people working for campaigns who want to determine if the voters they have identified as supporting their candidate or measure have voted yet. Poll workers should be provided with instruction in how to deal with these individuals and what such individuals may and may not do, ask or have. Poll workers must also be trained in their responsibilities relating to the timing and procedures for updating the voter indexes and posting such information in an accessible location. (EC § 14294.)
- Media and public opinion pollsters have different rules than poll watchers do. Clearly identified members of the news media and pollsters may be within 25 feet of a polling place, and may speak to voters leaving the site as long as they do not interrupt voting. However, voters may not be photographed, videotaped or filmed entering or exiting a polling place, and may not be filmed inside the polling place, without the voter's permission. (EC §18541.)

### **Rights of New Citizens and New Residents**

- Any new citizen or new resident who appears at the polls and asks to cast a ballot should be directed to the county elections office and told what documentation may be required of them prior to being allowed to vote. In the alternative, a provisional ballot may be offered, but the voter should be informed that without visiting the elections headquarters to establish their eligibility, the provisional ballot will not be counted.
- Any person who has been sworn in as a new citizen of the United States after the close of the regular registration period (15 days before an election) may still register to vote and cast a ballot at the county elections office up to, and including, the seventh day before an election. (EC §331, 3500.)

- A person may prove he or she is a citizen by his or her certification under penalty of perjury on the affidavit of registration. (EC §2111.) However, the fact that a person certifies as to his or her United States citizenship by signing his or her affidavit of registration shall be deemed evidence of citizenship for voting purposes only. (EC §2112.)
- Any person who is a new resident of the state may still register to vote and cast a ballot at the county elections office up to, and including, the seventh day before an election. (EC §332, 3400.)
- The registration affidavit for a new resident is the same as the regular affidavit of registration, except that it includes a removable portion with the caption "new resident." (EC §3402.)
- When voting, a new resident marks the ballot, and places the voted ballot into an envelope upon which is printed the name and official title of the county elections official and an affidavit declaring his or her residency. (EC §3403-3404.)
- The ballots of new residents are received and canvassed at the same time and under the same procedure as absent voter ballots. (EC §3405.)

### **Rights of Voters Who Are Required to Provide Identification**

- Under federal law, first-time voters in a jurisdiction who registered by mail may be required to show identification to vote, unless they qualify for an exception under the law. The roster of voters should clearly identify who should be asked to provide identification. (HAVA §303.)
- Poll workers should understand this law, what forms of identification are accepted, and that if a first-time voter does not have identification with them, or chooses not to provide it, they have the right to vote using a provisional ballot without having to show identification.
- Poll workers must also be able to explain to voters why they, and not other voters, are being asked to show identification.

### **B. Poll Workers Must Be Trained in Cultural Sensitivity**

Given the great diversity of the population in California, poll workers must be instructed to treat all voters with respect and to respond to each individual's needs to ensure that voters of all backgrounds are comfortably and respectfully able to participate in the voting process. Poll workers must be trained on "cultural competency" – the ability to recognize and to respond to cultural concerns or sensitivities of various groups.

Poll workers must be instructed that all U.S. citizens have the right to vote, regardless of what primary language the voter speaks. Many U.S. citizens speak languages other than English, and in many California counties, federal law requires that ballots be available in one or more languages other than English. When multilingual ballots are available, voters who do not comfortably or fluently speak or read English are to be offered a ballot in their language of choice from among the multiple languages available in the jurisdiction. In addition, any voter, including non-English speaking voters and voters with limited literacy skills, is allowed to bring with them up to two persons to assist them at the polls.

To ensure that each poll worker is skilled in cultural competency, the training of poll workers should include instruction on the following:

### **Respect for Differences**

Poll workers must be trained to understand the importance of cultural sensitivity. They must be instructed to treat all voters with the same respect, courtesy and level of service, regardless of how they look or what language they speak. They must be encouraged to be considerate and patient, anticipate voters' needs, and offer assistance when possible. For example, when checking in a voter, the poll worker must politely determine how to spell the voter's name. Train poll workers to politely ask voters how to spell their names, provide paper and pen for voters to write it down, or accept for spelling purposes if a voter **offers** to show his or her name in print on an identification card or other document. Poll workers may not require proof of identify except under the circumstances outlined previously (first-time voter who mailed in a voter registration card).

### **Don't Treat Specific Needs Groups as Special Populations**

Poll workers must be instructed to assess the needs of the individual voter who might need assistance and meet that need in the course of their work, rather than treating voters as parts of specific population groups (such as 'physically disabled' or 'second language').

### **Offering Assistance and Communicating with a Voter Who Has an Assistant**

Admittedly, it can sometimes be difficult to be sensitive to a voter's needs. Some individuals may be much more independent than they appear to be. However, poll workers should be trained to not be afraid to ask a voter if he or she needs assistance. A script should be developed for poll workers to appropriately ask the voter if assistance is needed. The poll worker should also be trained to ask the voter directly if assistance is needed, regardless of whether the voter has brought an interpreter, companion, or assistant to the polls with them. All communication with the voter should be directed to the voter rather than to any interpreter, companion, or assistant. Eye contact is a sign of respect.

### **Use Three Tools of "Wait – Recognize – Listen."**

Poll workers should be instructed to use three tools on Election Day:

- Wait - Slow down the instinctive reaction to launch into a quick response. Wait first to process the question, then formulate a reasoned, respectful response.
- Recognize – Poll workers must focus on how to recognize other people's feelings and anticipate their needs and be sensitive, accommodating and courteous in assisting them.
- Listen – Poll workers must listen before speaking in order to understand exactly what the voter is feeling, seeing, needing, and trying to say/communicate. It is most important to remember to put automatic assumptions aside in order not to stereotype and to better enable the worker to hear and understand a voter's responses.

### **Voter Privacy**

Poll workers must be trained to respect the voter's privacy. This is not only a courtesy, it is a legal requirement. Training must emphasize the importance of voter confidentiality and clearly detail procedures for handling each ballot, no matter which language it contains.

### **How and When Poll Workers Should Ask for Help**

If poll workers find a language barrier interfering with their ability to communicate with a voter, they must be instructed to ask a bilingual poll worker for help or to contact a hotline at the county elections office for assistance. County officials must provide such assistance and must provide poll workers with appropriate contact information and capability to make such contact.

### **Cultural Competency Training**

Training poll workers on cultural competency must include information about citizens who speak a language other than English; citizens from a racial or ethnic minority; citizens who have physical or mental disabilities, citizens with low literacy skills; and citizens who are elderly.

### **Display Materials**

Poll workers must be trained to set up instructional materials, including multilingual materials, in plain view, and also should be given a script about how best to draw voters' attention to those materials.

### **Removing Insensitive Poll Workers**

If a poll worker is identified on Election Day as being culturally insensitive, or otherwise unsuitable for a particular polling place, that poll worker should be reported to the election official and immediately relieved of their precinct duties.

### **C. Poll Workers Must Be Trained in How and When to Assist Voters with Disabilities or Any Specific Need**

In addition to understanding how to respectfully treat people from different cultures, poll workers in California must be trained to assist voters with disabilities. Poll workers must understand that all eligible citizens have the right to vote privately and independently unless judicially deemed incompetent or otherwise ineligible. It is not up to a poll worker to determine a person's qualification to register or to vote. Poll workers must be trained to provide the same respectful and courteous level of service to a properly registered voter with a disability as they would to any other voter.

To ensure that each poll worker understands how to properly assist voters with disabilities, the training of poll workers must include instruction on the following:

#### **Access**

Poll workers must be instructed how to ensure that physical access to the polling site is available for voters with a disability. They must be trained to temporarily modify the polling place arrangement (of tables, chairs, voting booths, etc.) to make it accessible and still retain the secrecy of the ballot.

#### **Provisional Ballots**

Poll workers must be instructed that their polling site may be accessible while other adjoining sites may not be. While federal law requires each polling place to have at least one accessible voting system if federal contests are on the ballot, it is possible that some sites may need to direct voters with disabilities to a nearby accessible site. Poll workers, therefore, must be prepared to provide voters with disabilities from other precincts the opportunity to cast provisional ballots.

## **Curbside Voting**

If the polling place is not, and cannot be made, accessible, poll workers must understand that the voter has the option to go to an alternative accessible polling place to vote a provisional ballot, or may request to vote via curbside voting. Poll workers must be familiar with the procedures for conducting curbside voting. (EC § 14282.)

## **Polling Place Set-up**

Poll workers must be familiar with the proper arrangement of furniture and equipment in polling sites to ensure that materials are accessible to all voters and to ensure that voters with disabilities are able to use equipment independently and privately. Set-up procedures must provide instructions of how to construct voting booths for use by voters who use wheelchairs, as an example.

## **Voting System Access**

As of January 1, 2006, each polling place is required to have at least one accessible voting machine. Poll workers must ensure that voting systems are set up in an accessible manner, and that if a system has auxiliary aids that provide or improve access, they must be familiar with their availability and their proper set-up and use (e.g. magnifying glasses, audio headsets, etc.). Poll workers must be trained on the various ways that a voting system can be modified, moved or set up to accommodate individual disability related access needs. In addition, poll workers should be instructed to test and practice, before the polls open, quickly connecting and removing equipment that provides accessibility for voters with disabilities.

## **Appropriate Etiquette**

Poll workers should be provided instruction for appropriate etiquette for working with voters with disabilities, and in particular focus on not treating voters with disabilities as a special group of less-capable voters.

## **D. Poll Workers Must Know Exactly What Their Responsibilities and Authority Are and the Appropriate Limits Relating to Them**

Poll workers must observe complex rules regarding their authority and responsibilities. They are charged with managing a complex operation on an infrequent basis and must provide customer service to equally inexperienced voters.

The multitude of rules and details of election laws and procedures can have the effect of either intimidating or empowering poll workers. Either of these reactions can be problematic. Poll workers with insufficient courage may allow themselves to be bullied in ways that jeopardize the integrity of an election; for instance, they may issue an official ballot to a voter who demands one instead of the provisional ballot that they should properly receive. Alternatively, a poll worker may feel empowered to exercise inappropriate authority; for example, the worker might refuse to issue a provisional ballot when it is appropriate, thereby discouraging, intimidating and ultimately disenfranchising, the voter.

Given the variations in human character, these problems cannot be eliminated. However, election officials can try to control this behavior through effective poll worker training and education that emphasizes the *mission* of the poll worker, which is to assist every voter to cast a ballot and to ensure that each ballot is safely secured until it can be counted. After training, poll workers can be coached and reminded on Election Day by “roving” inspectors who visit polling places throughout the day and emphasize these job requirements and goals.

To ensure poll workers have the necessary tools to handle problems and to respond to various voter situations (i.e. voters whose names cannot be found on the index), training should include the following:

- Poll workers must be confident that they have easily accessible written resources that will help them review procedures and make speedy decisions.
- Poll workers must be trained to contact the elections office and be given the proper tools to gain priority access to county officials. They must be made aware that all poll workers should feel comfortable calling for assistance if they feel they need help. If a poll worker has a question, they should not let another poll worker dissuade them from calling for clarification, particularly if there is a possibility of disenfranchising a voter by taking another course of action.
- Poll workers must know how to instruct voters to contact the county elections office themselves if they need further assistance. Contact information must be readily available in a format that can easily be provided to voters.
- Poll workers must understand that roving inspectors will visit them frequently during the day to troubleshoot and respond to questions, problems or needs. Poll workers should feel comfortable calling on their roving inspectors at any time.
- Poll workers must receive clear instruction regarding how to handle electioneering, exit pollsters and poll watchers, and the most common situations where poll workers could face any type of confrontation.
- Poll workers must be instructed to call the police and the elections office if they feel uncomfortable or intimidated, if voters feel uncomfortable or intimidated by the behavior of any individuals, or if a disturbance of any kind occurs.
- Poll workers must be given clear, unambiguous instruction regarding the limits of their authority. They should understand that they do not have the discretionary authority to determine who may vote, but are required to consult with a supervisor or issue a provisional ballot when a question arises.
- Poll workers must understand that they will either be asked to leave or not be asked to work in the next election if they take any actions that threaten the voting process or infringe on the rights of voters.

## **SECTION 2: ELECTION CHALLENGE PROCEDURES**

Poll workers must be informed how to properly handle challenges that come before them. They should also be aware that voters may contest an election based on misconduct by a poll worker, thus reinforcing the importance of properly performing their duties on Election Day. Such misconduct includes discriminating against voters based on race, ethnicity, party affiliation, literacy, or disability; denying eligible voters the right to cast a ballot; intentionally misinforming voters of their status; and coercing or intimidating voters.

Poll workers must immediately report all disruptive behavior to their county elections office, contact law enforcement if there is any disruption of polling place operations, and try to separate the disruptive behavior from the operation of the polling place should a disruption occur. If the disruption continues, poll workers should contact their county elections office and local law enforcement and allow them to handle the situation. Poll workers are not expected to put themselves in physical jeopardy.

A member of the precinct board may orally challenge a voter within the polling place on any of the following grounds:

- (1) That the voter is not the person whose name appears on the index.
  - (2) That the voter is not a resident of the precinct.
  - (3) That the voter is not a citizen of the United States.
  - (4) That the voter has voted that day.
  - (5) That the voter is presently on parole for the conviction of a felony. (EC § 14240.)
- If a member of the precinct board challenges the voter on the ground that he or she is not the person whose name appears on the index, that member shall then tender the following oath to the voter: "You do swear (or affirm) that you are the person whose name is entered on the index." (EC §14243.) If the challenge is made on the ground that the voter has already cast a ballot for this election, a member of the precinct board shall tender this oath: "You do swear (or affirm) that you have not previously voted in this election, either by absentee ballot or at a polling place." (EC §14245.) If the challenge is on either of these two grounds, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth above. (EC §14246.)
  - If the voter is challenged on the ground that he or she is not a resident of the precinct, the voter shall be sworn and a member of the precinct board shall ask that voter: "Are you a resident of this precinct?" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked. (EC §14244.) Challenges of voters that they are not residents of the precinct or citizens of the United States are tried and determined by the precinct board at the time of the challenge. The precinct board also may request any other person present in the polling place be sworn and answer questions, if the board believes that person may have knowledge or information concerning the facts of the challenge. (EC §14247.)
  - Any doubt in the interpretation of the law is to be resolved in favor of the challenged voter. (EC § 14251.)

The precinct board shall compile a list that includes the name and address of each voter challenged, the grounds of the challenge, and the outcome. (EC §14252.) Also, if the precinct board determines that persistent challenges are resulting in a delay of voting which is causing voters to forego voting because of insufficient time or fear of intimidation, the board can discontinue all challenges. (EC §14253.)

### **SECTION 3: OPERATION OF VOTING SYSTEMS**

To conduct each election properly and efficiently, poll workers must be instructed in the basic operation of their county's voting system. With ever-evolving new technology, equipment may change from one election to the next, so special attention must be paid to this aspect of training poll workers. This training includes the following:

#### **Standard Operating Procedures and Troubleshooting**

As part of the certification process, manufacturers of each voting system are required to create standard operating procedures for the system's use. These are the instructions county elections officials and poll workers must follow when using the system.

Poll workers must be educated to know how to assemble, operate and dismantle a voting system and each component of that system.

#### **Hands-On Training**

Hands-on experience is critical to ensure minimal problems on Election Day. For counties using DRE/touch screen and polling place optical scan systems, each poll worker must be trained to perform a hands-on poll opening initialization of the system, normal operation procedures, procedures for attaching or activating any special features for voters with disabilities, and complete closing procedures, including ballot tabulation. Poll workers must become familiar with common errors and receive hands-on training in how to correct those errors. Each poll worker should also understand the voter's perspective by walking through the process that a voter would encounter at the polling place and be prepared to respond to common questions about the system's use.

If appropriate, each prospective poll worker should receive up to one hour of hands-on training (or even more if possible and necessary, depending on the system's complexities and length of time in use in the jurisdiction) with the voting system they will use on Election Day. If a system has more than one piece of equipment, poll workers must have hands-on training on each piece of equipment. Some systems may not require significant training time, and many returning poll workers may already be proficient in the operation of the system; others, such as poll workers overseeing polling places using systems for the first time, must be given hands-on training. Role playing is often an effective way to teach methods for correcting common errors.

#### **Written Guides**

Training must include discussion of all written materials, procedures and hand-outs that will be available for poll workers to reference on Election Day. There should be additional materials available for troubleshooting as part of the overall polling place documentation. Relevant sections of the voting systems' adopted use procedures are often useful references to provide to poll workers.

#### **Handling Problems**

Poll workers must be provided written instructions on how to troubleshoot common problems that might occur on Election Day. These must also be covered in hands-on training and in the written materials provided to poll workers.

Poll workers cannot be expected to be troubleshooters for the more technical or unusual problems that may occur, especially with mechanical voting systems. Training sessions must therefore reinforce clear protocols to follow and tools available for poll workers to use in requesting help from the elections office. It must be made clear to poll workers that they should immediately inform the elections office of any unusual problems, particularly with electronic voting systems. On occasion, trying to resolve a problem or malfunction without guidance or expertise provided by the elections official can create more serious problems or consequences.

## **SECTION 4: PREVENTING, DETECTING AND ADDRESSING PROBLEMS WITH VOTING SYSTEMS**

To ensure the security of each voting system, training of poll workers must include instruction on the following:

### **Pre-Election Day Security**

If poll workers pick up ballots, voting equipment or other sensitive materials prior to Election Day, training must include how to ensure those materials are kept secure, and how to record an accurate chain of custody of all materials and equipment from the time it leaves the elections office until it is returned at the close of Election Day.

### **Set-Up**

Training must include clear descriptions of security mechanisms used to ensure that materials and equipment at the polling place are in proper condition. Training must also include hands-on initializing of a voting system, stressing the importance of using all required security measures for a given system.

### **Detecting Tampering**

Poll workers must have the opportunity to handle a voting system and gain instruction about the ways someone could attempt to tamper with or disable it. They must be educated about possible ways a system might be tampered with, how to recognize tampering, and how to address the situation if they discover a machine has been, or is being, tampered with or modified in any way. Poll workers must also be instructed to inspect voting machines and booths periodically through the day to ensure nothing has been altered in the voting booth or the voting equipment itself.

### **Authorized Personnel Only**

Poll workers must be instructed not to allow anyone to “troubleshoot” voting machinery without clear authorization from the elections office and proper identification. They must also be instructed to not allow anyone to linger near the poll workers or the polling booths or otherwise hinder the continuous observation of the polling booths.

### **Shutting Down a Voting System or Component**

Training must include hands-on instruction demonstrating the shutdown of a system, including how poll workers must secure and account for all ballots, paper record copies and/or electronically recorded votes. There are numerous forms for completion by poll workers that govern all aspects of accountability, and a review of these forms and their requirements must be provided to poll workers. The chain of custody rules must be reinforced at this time.

### **Safe Transport of Systems and Ballots**

Instruction must include the rules for returning to the elections office all voted and unvoted ballots and other voting equipment and materials. Instruction must include the requirements that at least two poll workers accompany the ballots at all times, and that a clearly documented chain of custody be maintained for all ballots and electronic media relating to vote totals and ballots cast.

## **Breakdowns**

Training must provide instruction with clear procedures for addressing common voting equipment breakdowns and malfunctions that a poll worker could easily remedy (e.g., dead battery, jammed paper, unplugged machine, etc.).

For all other breakdowns that are not easily remedied and for which they have not had training, poll workers should be instructed to **immediately** call for help. If poll workers haven't been trained to fix a problem, they must promptly call someone who has such training. A log should be maintained at each polling place to record all incidents and how they were resolved.

## **Other Anomalies**

Training must repeatedly reinforce the predictability of properly running machines. If there is anything unusual happening, workers should immediately log the problem and call the county elections office. Poll workers must be trained to understand that their primary job is to witness the accuracy of the process; if they question something, they must record it and obtain official direction in how to proceed or resolve it.

## **SECTION 5: POLL HOURS**

Poll workers must be instructed about the procedures for the opening and closing of the polls on Election Day, including:

### **Opening the Polls**

On the day of any election, the polls must open at exactly 7 a.m. and continuously remain open until closing time at 8 p.m. (These times may differ for unconsolidated municipal elections). When the polls are opened, poll workers should announce loudly, "The polls are open," before allowing any ballots to be cast. Voting shall begin as soon as the polls are opened and continue during the time the polls remain open. (EC §§14212-14214.)

### **Closing the Polls**

When the polls are closed, poll workers should proclaim loudly, "The polls are closed." No voters who arrive after the polls close may cast votes. (EC §§14401-14402.)

Any voter who is in line at 8 p.m. when the polls are scheduled to close is allowed to vote. If there is a line when the polls close, a poll worker should stand at the back of the line to let others know the polls have closed. Any voter who arrives after the polls have closed may not be allowed to vote, even if voting is still ongoing when they arrive because of voters who were in line to vote before the polls closed. (EC §§14401-14402.)

### **Extended Poll Hours (by Court Order)**

Poll workers must be informed that, under unusual and rare circumstances, there could be a court order to extend the voting hours. If this occurs, poll workers should be told how they will be informed to keep their polling places open. Generally, poll workers will be notified of extended hours by phone, text message, or a visit from a roving inspector. Rumors and reports of such a court order are not sufficient to trigger the poll workers to keep the polls open; they will be officially notified by an elections official.

If a court order extends the time that the polls are open, poll workers must understand that the law requires all voters to cast provisional ballots during the extended time period. The provisional ballots cast during the extended time period must be kept separate from other provisional ballots cast throughout the day, in the event a legal determination is made that the polls should not have been kept open. (EC §14402.5.)

## **SECTION 6: RELEVANT ELECTION LAWS AND PROCEDURES**

There are many election laws with which poll workers must be familiar in order to properly and effectively carry out their responsibilities on Election Day.

The primary state election laws that poll workers will need to learn are those in Divisions 14, 18 and 19 of the California Elections Code. These sections explain the procedures that poll workers must follow on Election Day, including their duties, rules relating to issuing ballots and poll closing procedures.

Poll worker education and the accompanying materials should provide poll workers instruction on and familiarity with the following state laws:

### **Election Day Duties**

- EC §14200 Posting of Instruction Cards:
  - a. Sample ballot
  - b. The date of election and hours during which polling places will be open
  - c. Instructions on how to vote and how to cast a provisional vote
  - d. Instructions for mail-in registrants and first-time voters
  - e. Voter's Bill of Rights
  - f. General information on federal and state laws
- EC §14202 Posting of the Index:
  - a. Post in separate, convenient places, at or near polling place and in easy access to voters, at least two copies of the voter index posted by street address in numerical order.
- EC §14210 Distributing duties among members of precinct board.
- EC §14211 Set up polling place room so that neither the ballot container, voting booths nor compartments are hidden from the view of those present.
- EC §14213 Proclaim polls are now open.
- EC §14215 Exhibit Ballot Containers
  - a. In presence of any voters at the polling place, precinct board shall open and exhibit and close the ballot container. Container shall not be removed from the polling place or presence of bystanders until all the ballots are counted, nor may the container be opened until after the close of the polls.
- EC §14216 Combined Roster Index
  - a. Poll worker locates name of voter in Combined Roster Index
  - b. Poll worker has voter sign roster with name and address
- EC §14217 Inability to find voter name on index
  - a. Inspector reiterates procedures on provisional ballot voting (see also EC §14310-14312)
- EC §14220 Majority of precinct board must be present at all times.
- EC §14240 Challenges

Designated poll workers should mark the roster before Election Day to reflect which voters have applied for an absentee ballot (and, where applicable, also designating those who have already voted in person during any early voting period).

### **Procedures for Voting Machines**

- EC §19360 Checking machine
- EC §19361 Handling keys
- EC §19362 Everything in plain view of precinct board
- EC §19363 No loitering in voting booths
- EC §19370 Locking the machine in full view of poll watchers
- EC §19371 Sealing the machine

Instruction must include guidance on the procedures for issuing and receiving ballots, and when and how to issue and handle provisional ballots. Instruction must also address how to properly process and count provisional ballots:

### **Issuing Ballots**

- EC §14272 Instruction on operating voting device
- EC §14273 Providing marking devices to voters
- EC §14274 Using marking device
- EC §14275 Folding and returning ballot
- EC §14277 Removing ballot stub and depositing ballot
- EC §14282 Providing assistance to voters in need
- EC §14283 List of assisted voters
- EC §14288 Replacing spoiled ballots
- EC §14290 Canceling spoiled ballots
- EC §14296 Canceling unused ballots
- EC §14294 Updating posted copy of Index every hour up until 6:00 pm

### **Provisional Voting**

- EC §14310 Issuing and handling provisional ballots
- EC §14311 Voters who moved since last election
- EC §14312 Construing these sections liberally in favor of provisional voter

### **Closing Procedures**

- EC §14400 All board members shall be present at the closing of the polls
- EC §14401 Proclaim polls closed
  - a. Place one poll worker at the end of the voter line at 8:00 pm
- EC §14402 Any voter arriving after 8:00 pm cannot vote
- EC §14403 Deface or seal unused ballots
- EC §14405 Reconciliation of Ballots
  - a. Complete Ballot Statement
  - b. Account for all ballots—voted, unvoted and spoiled ballots
  - c. Reconciliation
- EC §14420 Processing of voted ballots
- EC §14421 Placement of Ballots in container

### **Transferring Ballots and Materials**

- EC §14430 Prepare supplies for delivery
- EC §14431 All ballots to be sealed
- EC §14432 Materials to be sealed
- EC §14434 Delivery of supplies

Poll workers must also be aware of state election laws whose violation is a crime. These primarily relate to interfering with voters or their votes.

**Intimidation of Voters**

- EC §18370 No electioneering
  - a. No soliciting votes or placing campaign signs within 100 feet of polls
  - b. No photographing or videotaping voters entering or exiting a polling place
- EC §18540 No voter intimidation
- EC §18543 False voter challenge
- EC §18544 No firearms in a polling place

**Corruption of Voting**

- EC §18562 Secrecy of ballots
- EC §18563 Secrecy of votes
- EC §18564 No tampering with voting machines
- EC §18567 Altering vote tallies
- EC §18568 No changing or destroying ballots or poll lists
- EC §18570 Delaying delivery of results

## **SECTION 7: PROCEDURES FOR CERTAIN FIRST-TIME VOTERS, PROVISIONAL VOTING, ABSENTEE VOTING, AND OTHER MISCELLANEOUS SITUATIONS**

Poll workers will face a variety of situations on Election Day. Therefore, they need to be familiar with the procedures involved in handling them. The most frequent situations may involve provisional voting, proof of identification for first-time voters, absentee voting, electioneering, and working at a multiple-precinct polling site. To address these common situations, poll workers should be educated on the following items:

### **Certain First-Time Voters**

Poll workers must know the requirements and limited conditions under which they need to see a voter's identification. (See, e.g., HAVA §303(b).)

Poll workers must also be instructed that if a voter who is designated as needing to show identification cannot or does not provide identification, the voter may still be offered and allowed to cast a provisional ballot.

Poll workers must also be taught which forms of identification are acceptable, and the proper procedure for accepting and recording identification from voters.

### **Provisional Voting**

Poll workers must be trained about the procedures for voters to request and cast a provisional ballot in case the voter's registration or voting status is not able to be confirmed at the polling place. (EC §14310.)

A voter needs to vote a provisional ballot if:

1. The voter is not voting in his or her assigned precinct and the voter does not want to leave and go to his or her assigned precinct to vote.
2. A poll worker cannot locate the voter's name on the roster of voters.
3. The voter is listed as an absentee voter and did not bring his or her absentee ballot to surrender at the polling place.
4. In a primary election, the roster of voters shows that the voter is registered to vote in a different party than the party for which the voter claims he or she is registered.
5. The voter is voting for the first time after mailing in a voter registration form, but did not bring or does not want to show the required identification.
6. The voter arrives after 8 p.m. and the polling place is still open because of a court order.
7. The voter moved within the county but did not re-register to vote.
8. Any other reason that the voter's eligibility to vote cannot be determined by the poll worker.

If voters are in the wrong polling place, poll workers should inform them that they can either go to their assigned polling location to vote a regular ballot or they can stay and cast a provisional ballot. The poll workers should also explain the benefits and disadvantages of each option. If this type of situation occurs later in the day, and it may be difficult for the voter to travel to their assigned polling place before the polls are scheduled to close, the poll worker should recommend the voter stay and cast a provisional ballot instead of risking the possibility of arriving too late to vote at their assigned polling place.

Poll workers must be informed how to handle provisional ballots, require voters to sign the envelope, and segregate provisional ballots so they can be counted separately later.

Poll workers must be trained to allow a voter who has moved from one address to another within the same county but who has not re-registered to vote at his or her new address to vote a provisional ballot. (EC §14311)

Poll workers should be informed how to request and obtain completed voter registration forms from provisional voters, and the process and timing by which provisional voters can contact the county's free access system to determine if the voter's provisional ballot was counted or, if not, why not. (EC § 14310(d).)

### **Absentee Voting**

Voters often receive an absentee ballot in the mail, but either forget to drop it in the mail before Election Day or decide that they want to deliver the absentee ballot in person or by an authorized third party. Poll workers must be informed that on Election Day, they may accept any absentee ballot issued by their county from the voter to whom it was issued or by an authorized third party. Authorized third parties include a relative or a person residing in the same household as the voter. Sometimes voters change their mind and want to vote at the polls instead. Poll workers must also be informed how to handle surrendered absentee ballots brought in by those wishing to vote at the polling place (that they will not be counted). Poll workers must be trained on how to record and handle voted and surrendered absentee ballots, where to place them, and how they should be handled during transport after the polls close. (EC §§3015, 3017.)

Poll workers must also be advised that sometimes an absentee voter registered in one county will seek to hand in his or her absentee ballot at a polling place in another county. The voter should be advised that the ballot will not be able to be counted since a ballot may only be accepted before the polls close in the county that issued the ballot. (EC §3017.)

### **Provisional Voting for Absentee Voters**

Poll workers must be informed about the process of providing a provisional ballot to absentee voters who did not bring their absentee ballot with them to the polling place but who still wish to cast a ballot. Poll workers must also be told how and when to request identification of absentee voters who drop off their absentee ballots but are listed on the rolls as voters who need to show identification before being allowed to vote. (EC §3016.)

### **Multiple-Precinct Polling Sites**

Polling sites where voters from multiple precincts share one polling place location can be confusing for both poll workers and voters. Poll workers need to understand the dynamics of a multiple-precinct polling site so that they can minimize confusion and maximize efficiency for voters in such a site. Poll workers must pay especially close attention when issuing ballots in order to avoid giving voters the wrong ones. Some poll workers have found assigning one person to serve as a greeter and direct voter traffic helps eliminate much of the confusion.

## **Electioneering**

Poll workers must learn exactly what constitutes electioneering. They need to understand how to calculate 100 feet from a polling place, what activities are prohibited within that perimeter, and how to address the situation if they either observe or receive a report that electioneering is occurring in or near their polling place. Poll workers also need to be aware what types of materials are not allowed in the polling place, and how to remedy the situation if there is the potential for passive electioneering (e.g., a voter enters a polling place wearing a t-shirt or conspicuous button promoting a candidate or ballot measure). Instruction must also be provided on the difference between electioneering and exit polling (which is allowed beyond 25 feet of the polls) and how to handle public opinion pollsters or news media who violate these restrictions.  
(EC §18370)

## **SECTION 8: POLL WORKER TRAINING METHODS AND MATERIALS**

The goal of training is to ensure that poll workers are prepared to perform their duties correctly. Training sessions help them retain as much information as possible on Election Day. Studies have shown that poll workers, like all adult learners, learn best by short, interactive training sessions and hands-on instruction.

### **Length and Timing of Training**

Training sessions about Election Day processes and procedures should, as a general rule, last no more than 60-90 minutes. If more time is needed, the training should be broken into discrete sections with 10-15 minute breaks in between sessions. In addition to training poll workers on content, there should also be a training session specific to the voting equipment that will be used on Election Day. Training should occur as close to Election Day as possible for maximum retention of information. Ideally, training should not happen more than six weeks before the election.

Training should be offered during evenings and weekends in order to recruit the most diverse poll worker workforce.

### **Conducting Training**

The most effective training for adult learners maximizes interaction between the trainers and the trainees. Interactive training includes role playing, setting up mock polling places, hands-on exercises with voting equipment (see Section 3), and the identification of objects, team exercises and questions posed to members in the audience. Guest speakers who have special circumstances can also be effective for sensitizing poll workers to the needs of certain voters. Videos that demonstrate various situations (such as accommodating different disabilities) can provide good visual information in a short period of time. Studies indicate that lecture formats and multiple-choice tests are the least effective methods for training adults, and lectures, if provided, must be supplemented with hands-on exercises or role-playing in order to have much value.

Trainers should start each session by providing an overview of what will be covered in the training. The goal and purpose of each lesson should be clearly stated both before it is taught and at the end of the lesson as a summary refresher. Adult learners tend to retain information when they understand why it is being taught to them, so trainers should attempt to offer explanations whenever possible.

In addition, soliciting comments from the audience during exercises can help reinforce the material being taught. Trainers should use positive feedback when responding to audience questions. Rather than saying that an answer is wrong, it is best to try to find a portion of the answer that is accurate and form the right answer from there.

It may be worth considering forming a partnership with local continuing education professionals to train the trainers, since these professionals are familiar with the most effective adult learning techniques.

Roving inspectors should also receive ongoing training to enhance their skills. The training sessions should be designed to be interactive therefore engaging the roving inspectors beyond what any lecture style could accomplish.

### **Use Materials That Will Be Used on Election Day**

Election Day materials should be used during training sessions. Poll workers should be asked to find a certain section in the documents or conduct an exercise using them. This will help reinforce the content of the materials. These hand-outs should be easy to read, as short as possible, and presented in chronological order; they should include graphics and have the most important information in the most visible places. Poll workers should receive these materials at the training sessions, and then be allowed to take them home to study. They should be directed to bring the same materials to the polls when they report to work on Election Day.

### **Additional Workshops or Clinics**

Counties may also wish to consider providing poll worker training workshops or clinics in the days leading up to Election Day. The clinic can be housed at the county elections office and include the availability of operating voting machinery. Clinics allow poll workers to test their ability to use the machinery and test their knowledge of common issues they could face on Election Day. Counties might even consider offering an additional small stipend for workers attending for refresher training or interested persons who are willing to be available as back-up poll workers in case scheduled workers have to cancel at the last minute.

### **Measuring Success**

Finally, it is important to measure the success of training programs to determine their effectiveness. After each training session, poll workers should be asked to fill out an assessment form to gauge their opinions of the training. Additionally, the trainers should complete an assessment form, which can be used as a self-evaluation tool. Counties can track weaknesses in training by having poll workers complete a post-election response form evaluating their complete experience as a poll worker and comparing the problems that occurred on Election Day with the initial assessment forms completed by poll workers and trainers and materials provided in training.

### **Resources County Must Provide So that Poll Workers Can Function Effectively**

#### **Hotlines - for Assistance to Poll Workers and for Language Assistance to Voters**

Counties should provide one hotline dedicated for poll workers to contact them and one hotline designed for each language in which voters may need to receive assistance. Each polling place needs access to a telephone so that poll workers and minority-language voters have a means of making these calls. It is the county's responsibility to ensure poll workers have some form of communication link to them on Election Day.

#### **Printed Cards with Contact Information for Voters Who Need More Information**

Poll workers must have printed cards with phone numbers and other contact information to give to voters, including providing this contact information in the languages covered by the jurisdiction under the Voting Rights Act.

#### **Customer Feedback Form**

Provide a customer feedback form for voters to comment on the experience at the polling place. Allow voters to turn it in at the polling place or mail it back to the county elections office.

**Diverse Poll Worker Workforce**

Counties should broaden their poll worker recruitment efforts to ensure a representative group diverse in age, ethnicity, disabilities, and language fluency.

**Evaluation Tool for Polling Place Compliance**

Roving inspectors should have an evaluation tool, such as a checklist, to ensure that every polling place is following the rules regarding voting, including but not limited to, providing assistance to voters with disabilities or language challenges, and properly using provisional ballots.

**Performance Review of Poll Workers**

Counties should review each poll worker's performance by use of a post-election survey of their fellow poll workers. Poll workers should be evaluated based on key areas so that they can improve in noted areas, and so counties can remove the less effective workers and reallocate the best workers to serve in the busiest precincts or to become troubleshooters.