



CBJ Elections: Observer Handbook

City & Borough of Juneau Clerks/Elections Website:

<https://juneau.org/clerk/elections>

Municipal Clerk/Election Office

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CBJ Code 29.07.380 - Observers.

(a) All observers must be registered with the election official, in accordance with election policies, in advance of showing up to observe at a polling place, vote center, and/or ballot processing center.

(b) An observer must be designated by a candidate on the ballot in the election, or by an organization or organized group that sponsors or opposes an initiative, referendum, or recall measure on the ballot in the election. A candidate may be an observer. A candidate or an organization may have no more than one observer at each vote center, ballot drop box location, United States Postal Service (USPS) sites, polling location, in a poll-based election, or ballot processing center.

(c) A write-in candidate may register observers if, at the time of registering observers, the write-in candidate has met the requirements in subsection [29.07.050\(f\)](#).

(d) Due to limited space at the ballot processing center, one registered observer for each candidate or group will be allowed at the ballot processing center unless the number of registered observers exceeds capacity at the ballot processing center and the election official provides reasonable alternative means of observation. The election official may permit additional observers on a space available basis provided each candidate and group is allocated an opportunity for an equal share of the total number of observers permitted. Candidates and groups may share an observer.

(e) Observer registration. Each candidate or organization shall register by submitting the following forms to the election official and in accordance with election policies as follows:

- (1) An observer registration form; and
- (2) A signed confidentiality agreement; and
- (3) A training and tour agreement; and
- (4) A certificate of training.

Once the above forms are submitted, the election official shall provide credentials available for pick-up within 72 hours, in the form of an observer identification badge stating the observer's name, who they represent, and the date. The badge must be signed by the candidate, campaign manager, or the chairperson of the group before the observer may begin to observe at an election location.

For purposes of this handbook, the "Election Official" will be the CBJ Municipal Clerk or their designee. All other election specific term definitions are as provided in CBJ Code 29.07.390.

Introduction:

The right to vote is a cornerstone to our democracy. Election officials and observers work together to protect this democratic right. Although an observer may represent a particular candidate, organization, or organized group, their principal interest is in the conduct of a fair and honest election.

The Municipal Clerk's Office has developed this Handbook to help people understand the basic responsibilities and limitations of an observer. This is not a complete summary of election law – in the event of a conflict between the handbook and law, the law takes precedence.

If there are any questions, please contact the Municipal Clerk's Office at 907-586-5278 option 4 or send an email to cbj.elections@juneau.gov

Becoming an Observer:

A candidate or an organization or organized group that sponsors or opposes an initiative, referendum or recall measure on the ballot in the election (called organization from here on out) has the right to appoint observers.

One person must become the **Primary Contact Person (PCP)**, which may be a candidate. Each candidate or organization must provide, in writing to the Election Official, the primary contact person's name, telephone number(s), mailing address, and email address. **The Election Official is only required to contact the primary contact person with schedules and information.** The preferred method of communication is email. The Primary Contact Person must provide, in writing, a list of all their observers to the Election Official at least 72 hours prior to any observer at a location. Since only one observer from each organization is allowed to observe at a single election location, preferably, the PCP will also let the Election Official know which observer will be deployed to a specific election location. This will help the election workers know who to expect from a particular organization.

One observer may be assigned to each of the following locations:

- Each Vote Center
- Each ballot drop box location
- The Ballot Processing Center (BPC)

All observers **MUST be registered** with the Election Official **at least 72 hours in advance** of going to a location. Observers register by attending a training session as certified by the Election Official and submitting the registration and confidentiality agreement which is signed by both the observer and the PCP for that candidate or organization.

Confidentiality Agreement: During the election process observers may see or hear information that is confidential by state law. This includes voter number, social security number, last four digits of the social security number, date of birth, Alaska driver's license or state

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identification number, place of birth, some residence addresses and other personal information. When registering, observers **MUST** sign a confidentiality oath stating they will not reveal confidential information to a third party or use it for any purpose other than for an election contest.

Observer training: The Primary Contact Person shall coordinate and schedule with the Election Official training of any observers under their authority and the PCP is responsible for the conduct of observers. Observers who do not comply with applicable municipal law or this Handbook may be immediately removed from an election location at the direction of the Election Official, without prior notification to the candidate or organized group, and be subject to such further action as may be authorized by law.

Number of Allowed Observers:

Candidates and organizations are allowed to assign one observer at each vote center, ballot drop box location, and the Ballot Processing Center (BPC). In the event of space constraints, the Election Official may request multiple candidates or organizations to designate a single observer to work on their collective behalf. The Election Official may also employ technologies, such as closed-circuit video, in lieu of allowing observers to crowd and impede the election process. In the event of overcrowding and in the absence of voluntary agreement, the Election Official shall use a random selection to reduce overcrowding.

Requests for information:

The PCP must present any requests for public information in writing. CBJ Code 01.70 governs the response to requests for public information. All requests for public information will be shared with all parties who have submitted a PCP for a particular race or issue.

Observer Guidelines

Observers MAY:

Observers may watch the set-up procedures before the vote center opens. They may observe election officials as official ballots are prepared for distribution. They may watch the general conduct of the election. They may remain in the vote center, ballot drop box location, or Ballot Processing Center (BPC) until all procedures are complete. They may watch ballot processing at the BPC, which is the only place where tabulation of ballots occurs. They may request that the election officials print an additional copy of the results, if available. Observers may request to be present during a specific type of work. Once a scheduled time has been established, the election official will conduct that work no earlier than at the scheduled time unless mutually agreed upon. Election officials will not wait for the arrival of observers if they are late.

Observers may be present at a position inside the location that affords a full view of all actions of the election officials.

Observers may ask brief questions of election officials regarding information in the computer system or on the ballot envelope, or ballot, providing they are not disrupting the voting process with active voters. If possible, questions should be directed to the Election Official or designated person.

Candidates may serve as observers. However, they must have proper observer credentials as outlined in the “Becoming an Observer” section.

At a vote center, observers may be in close enough proximity to voters to hear and record the name of the person who is voting. Any confidential information provided by the voter to the election official may not be recorded or disclosed by the observer.

Any present observer may submit a challenge.

Observers MUST:

All persons present in the vote center, ballot processing center, ballot drop boxes, or within 200 feet of any entrances or proximity to those sites must obey the lawful orders of the Election Officials.

Each time observers participate in the election process, they must sign-in with the Election Officials at the vote center or Ballot Processing Center (BPC) and show their signed observer badge. Observers must sign their name, who they represent, and the date and time. An observer may be requested to provide identification by an Election Official.

Observers must wear an official identification badge made available for pickup in advance by the Election Official. Observers must wear this badge while observing at a vote center, ballot drop box location, or the BPC. They must always wear the badge in a noticeable location. If an observer does not wear their official badge, they will be asked to leave the election location.

To be valid, the **front** of the identification badge must have:

- The name of the observer
- The title “Observer”

To be valid, the **back** of the identification badge must have:

- The date of the election
- The name of the candidate, organization, or organized group represented.
- The signature of the candidate, campaign manager, or the chairperson of the group.

If the back of the badge is visible to the public it is a violation of the state statute prohibiting campaigning within 200 feet of a vote center, ballot drop box location, or the BPC (see below).

Observers CANNOT:

Observers cannot campaign while inside or within 200 feet of any entrance of a vote center, ballot drop box location, United States Postal Service (USPS) site, or the Ballot Processing Center (BPC). [AS 15.15.170] Any type of campaigning by an observer or member of the public should be reported immediately to the election officials and/or the Municipal Clerk's Office.

Campaigning includes, but is not limited to, the following:

- Discussion of an issue or candidate
- Displaying a campaign sign or vehicle bumper sticker
- Wearing campaign buttons, pins, stickers, shirts, etc
- Displaying marked sample ballots or candidate pamphlets

Electronic devices, including cell phones, tablets, and laptops, may not be allowed in certain areas. Computers are not provided for use.

Coats and large bags are not allowed in the election locations, except in designated areas established by the Election Official for those items.

Observers may not take pictures or videos or otherwise record confidential voter information.

Observers may not distract or impede election workers. Any discussions among observers must be conducted in a quiet tone and lengthy discussions must be in an area outside where election officials are working. Observers must maintain a reasonable distance from election officials and may not sit in-between election officials at tables.

Observers may not be disruptive or impolite to election officials or voters. Any observer who creates a public disturbance may be asked to leave.

Observers are not allowed to touch or handle ballot envelopes, ballots, election materials, or computers in the election locations.

Observers in the vote centers or the BPC may not carry any device capable of marking a ballot (example: blue or black pen) but may carry a red pen for taking notes.

Observers may not interfere in any way with a person's ability to vote.

Designated Locations

At vote centers, designated observer locations shall not be located behind election officials, and shall be a minimum of six feet away from the voter booths and ballot box to ensure the privacy of the voter.

At drop boxes, designated observer locations shall be a minimum of ten feet away from the drop box.

Election Official Conduct

In vote centers, two or more election officials are appointed to conduct the election. One or more of these election officials is appointed lead election worker for that day and is primarily responsible for the administration of the election in that location, on each day. All election workers answer to the Municipal Clerk as the Election Official.

If an observer witnesses an administrative error or irregularity by an election official, the observer should courteously call it to the election official's attention. If the election official fails to correct the error or refuses to follow legal procedures, then the observer should contact the lead election worker of the vote center (if applicable) or the Municipal Clerk's Office. Election officials may be removed from the election location for misbehavior or neglect of duty. Observers may be asked to submit a written complaint signed by the candidate or primary contact person.

Voting Process at Vote Centers

The following is the process for voters who prefer to vote in person, did not receive a ballot in the mail, or chooses to use an ADA accommodation to vote.

The election worker will ask for the voter's name and a piece of identification. **The ID requirement may be waived if an election worker personally knows the voter, except when the voter has a condition code of "ID" in the voter database.** In these cases, the voter must present identification.

Valid identification includes:

- Official voter registration card,
- Driver's license or state ID card,
- Passport,
- Hunting or fishing license,
- Tribal ID; or
- Other identification recognized by the state for its elections (AS 15.15.225), including:
 - Current and valid photo identification (employer ID card, for example)
 - Birth certificate
 - Original or copy of utility bill, bank statement, paycheck, government check or other government document. An item exhibited under this paragraph must show the name and current address of the voter.

If a voter does not have identification and is not personally known by an election official at the location, the voter is asked to vote a questioned ballot.

For those voters who are voting a ballot issued by the vote center (either regular or questioned ballot), the election official will follow the applicable election procedures and issue a ballot, secrecy sleeve, and return ballot envelope to the voter. The voter then proceeds to the voting booth, votes their ballot, places it in the secrecy sleeve, and seals the ballot packet into the return ballot envelope. Once the ballot, inside the secrecy sleeve is placed inside the return

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envelope, the voter adds a personal identifier to the envelope, reads, and signs the voter certification portion the envelope and seals the envelope.

Alternatively, voters may request to vote using the accessible electronic marking device.

A voter may bring to the vote center notes and reminders such as a pre-marked sample ballot or an official election pamphlet, for personal use only. A voter may take these items into a voting booth and is expected to take the materials with them when they leave. Materials left behind will be disposed of immediately.

Providing Assistance to Voters: Qualified voters who cannot read, mark the ballot, sign their names or speak English may request one or two people of their choice, including election officials, to assist them. If an election official is requested, they shall assist the voter. If any other person is requested, that person shall state under oath before the election official, that they will not divulge the vote cast by the assisted voter. This help may be provided by anyone who is not a candidate, the voter's employer, agent of the employer, or officer or agent of the voter's union, if prohibited by Section 208, voting rights act, (52 U.S.C. 10508; formerly 42 U.S.C. 1073aa-6).

The Oath is: "I solemnly swear (affirm) that I will not divulge the votes cast by the person who I assist in voting."

The person providing assistance may accompany the voter into the voting booth.

The person providing assistance may read the ballot to the voter and may mark the voter's ballot. The person may complete any form for the voter except that the person **CANNOT SIGN** forms requiring the voter's signature.

Voters having difficulty in signing their name on the ballot return envelope may make a mark or an "X" in the signature space. In this instance, a witness signature is required.

It may be necessary for an election official to explain to the voter, in full view of everyone in the vote center, how to properly cast a ballot. To the extent possible, instructions to the voter are given by posting informative and pictorial signs in the vote center and in each voting booth. Any instructions necessary should be given before the voter enters the voting booth.

Ballot Processing Center (BPC) Return Envelope Review

Under the direction of the Municipal Clerk/Election Official, election workers shall review the ballot return envelopes (including questioned ballot envelopes). The review of ballot return envelopes may commence upon receipt, provided that no ballot shall be tabulated such that it would generate any election results until after 8:00 p.m. on Election Day. The review of ballot return envelopes shall continue daily until completed.

Review Requirements

- The Municipal Clerk is responsible for ensuring all return ballot envelopes and ballots are stored in a secured location with limited access.

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- The designated election officials shall review each return ballot envelope and determine whether the voter is qualified to vote in the election.
- When reviewing return ballot envelopes, the designated election officials must compare the signature on the ballot return envelope to the voter's signature as contained in election files. The election official must also confirm the personal identifiers provided on the envelope.

Challenges

Registered observers may challenge:

1. Voter eligibility
2. Ballot not properly cast or ballot improperly rejected
3. Signature verification
4. Adjudication of vote

Challenge of Voter Eligibility:

Reasons for questioning a voter's qualifications to vote in the election are:

- a) The voter is not a citizen of the United States
- b) The voter is not 18 years of age or older
- c) The voter is not a resident in the City and Borough of Juneau at least 30 days prior to Election Day
- d) The voter is registered to vote in another jurisdiction

The observer making the challenge must specify the basis of the challenge in writing, ***on the form provided by the Election Official***. The challenge form must be signed by the candidate or primary contact person.

Upon receipt of a written challenge request regarding a voter's eligibility, the challenged ballot envelope will be separated from the group of ballot envelopes and placed in a secure location.

The Municipal Clerk or designee will respond to the challenge in writing prior to the final ballot count. The candidate or primary contact person may appeal the Municipal Clerk's response to the Canvass Review Board by refiling a validated challenge within 24 hours of receiving the Municipal Clerk's response.

All copies of challenges and their responses will be shared with all registered Primary Contact Persons.

Challenge that a ballot was improperly rejected or improperly accepted:

Background information: Voters who incorrectly cast ballots can "cure" their ballot in the following cases:

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- a) Voter's signature is missing
- b) The voter's signature does not match our records (dealt with in a separate challenge procedure)
- c) The voter did not have a reference signature on file with the State and we were unable to verify a match
- d) The voter did not provide a personal identifier
- e) The voter's personal identifier did not match our records
- f) The voter was required to include a copy of their ID in their return envelope and did not

Please note that CBJ Code allows the Election Official or the Canvass Review Board to approve the counting of a ballot if it meets the following "fuzzy match" criteria for the personal identifier (CBJ Code 29.07.150(c)2(C)):

- (i) "Date of Birth" fuzzy match includes ONE of the following:
 - a. Two dates with the maximum of one digit in difference "03/27/1945" and "03/27/1946";
 - b. Transposition of month and day portion of the Date of Birth: "05/11/1935" and "11/05/1935."
- (ii) A "Social Security Number", or Alaska Driver's license, or State ID, or Voter ID fuzzy match includes ONE of the following:
 - a. Two numbers with a maximum of two digits in difference, any number position; or
 - b. Two numbers are transposed.

Cure responses are due back to Election Officials by noon of the second day the Canvass Review Board meets. If an Election Official deems the cure is acceptable, the ballot is returned to processing. If no cure is received or an Election Official deems the cure is unacceptable, the ballot is reviewed by the Canvass Review Board for a final determination of count/no count.

Other reasons a voter's ballot may be rejected are:

- g) The voter's ballot envelope was received after the date of the election and was not postmarked on or before the date of the election, has no postmark, or the postmark is unreadable
- h) The ballot was received after 8:00pm on the date of the election, if not returned through USPS with the required postmark.
- i) The voter already voted in the election

All ballots in this category are reviewed by the Canvass Review Board who, in consultation with the Election Official, make the final determination of count/no count.

The observer making the challenge must specify the basis of the challenge one of the above listed reasons in writing, **on the form provided by the Election Official**. The challenge form must be signed by the candidate or primary contact person.

Upon receipt of the written challenge regarding whether a ballot was improperly rejected or improperly accepted, the challenged ballot envelope will be separated from the group of ballot envelopes and placed in a secure location.

The Municipal Clerk, or their designee, will respond to the challenge in writing prior to the final ballot count. The candidate or Primary Contact Person may appeal the Municipal Clerk's

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response to the Canvass Review Board by refiling a validated challenge within 24 hours of receiving the Municipal Clerk's response.

All copies of challenges and their responses will be shared with all registered Primary Contact Persons.

Challenge to Signature Verification:

Observers may challenge a signature if:

- a) The signature was improperly determined to be an invalid signature
- b) The signature was improperly determined to be a valid signature

The observer making the challenge must specify the basis of the challenge in writing, ***on the form provided by the Election Official***. The challenge form must be signed by the candidate or primary contact person.

Upon receipt of the written challenge regarding whether a ballot envelope had a matching signature, the challenged ballot envelope will be separated from the group of ballot envelopes and placed in a secure location.

The Municipal Clerk, or their designee, will respond to the challenge in writing prior to the final ballot count. The candidate or Primary Contact Person may appeal the Municipal Clerk's response to the Canvass Review Board by refiling a validated challenge within 24 hours of receiving the Municipal Clerk's response.

All copies of challenges and their responses will be shared with all registered Primary Contact Persons.

Challenge of Adjudication of Vote:

Reasons for challenging the adjudication of a vote:

- a) Improper interpretation of the oval being wholly or partially filled in
- b) Improper interpretation of voter's correction
- c) Improper interpretation of markings or handwritten notes
- d) Improper interpretation of write-in vote

The observer may request a brief pause in ballot adjudication to document the ballot number on the form.

The observer making the challenge must specify the basis of the challenge in writing, ***on the form provided by the Election Official***. The challenge form must be signed by the candidate or primary contact person.

Upon receipt of the written challenge regarding the adjudication of a vote, the challenged ballot will be separated from the group of ballots and placed in a secure location.

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The Municipal Clerk, or their designee, will respond to the challenge in writing prior to the final ballot count. The candidate or Primary Contact Person may appeal the Municipal Clerk's response to the Canvass Review Board by refiling a validated challenge within 24 hours of receiving the Municipal Clerk's response.

All copies of challenges and their responses will be shared with all registered Primary Contact Persons.