

December 20, 2023

The Honorable Shirley N. Weber, Ph.D.
California Secretary of State
1500 11th Street
Sacramento, CA 95814

Via email to aanderso@sos.ca.gov, rdelucch@sos.ca.gov

Dear Secretary Weber:

RE: “California's proposed rules for election observers”

The people signing below have these joint comments on California's proposed rules for election observers. <https://www.sos.ca.gov/application/files/8717/0180/1694/amended-proposed-regulation-text-12-5-23.pdf>

The December 5 revision made major improvements. Thank you for your work. We believe the rules still fall short of the all-embracing access provided in state law, EC **“2300(a)(9)(A)”** “You have the right to ... observe the election process.”

As well as Election Code 15104 [Law section \(ca.gov\)](#) or

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=ELEC§ionNum=15104) (a) The processing of vote by mail ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election and section (b)-(d)- 1,2,3, - (e).

OBSERVERS' ACCESS TO THE ELECTION PROCESS

Election Law 2300(a)(9)(A) “You have the right to ask questions about election procedures and observe the election process.”

Comments:

- The revised rules have been clarified to provide:
“m) “Sufficiently close” shall mean the distance determined by the elections official that enables an observer to observe and see the vote-by-mail identification envelopes and the signatures and dates, date stamps, or postmarks thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, which includes all of the following: (1) Verifying signatures on the vote by mail ballot return envelopes by comparing them to voter registration information. (2) Duplicating accurately damaged or defective ballots. (3) Securing vote by mail ballots to prevent tampering with them before they are counted on election day.~~to observe the complete processing of vote by mail ballots and vote-~~

~~by-mail identification envelopes, except that confidential voter registration information identified in Elections Code section 2194 shall not be disclosed.~~“

*Copy from the California Secretary of State – Proposed Regulatory Action Page 2 of 14 Election Observations Rights and Responsibilities: Amended Proposed Regulation Text

- Sufficiently close is too vague. Sufficiently close needs a specific definition. A 20/20 vision means that an observer with normal vision can read the envelope and/or the ballot. So, then the chart below shows that a person with 20/20 vision can read a 43 point (font) at 20 feet.

Table 3: Font sizes used in Snellen chart when viewed at 20 feet and adapted font sizes for viewing underwater display at 40 cm.

Row	Snellen Chart - 20 ft. Courier			Underwater display - 40 cm: Arial		
	Snellen Fraction	Font size points	Font height points	Font height mm	font size points	Font height mm
1	20/70	152	88	31	30	6.9
2	20/60	130	76	27	26	6.0
3	20/50	108	63	22	22	5.1
4	20/40	87	50	18	17	3.9
5	20/30	65	38	13	13	3.0
6	20/20	43	25	9	9	2.1
7	15/20	33	19	7		
8	10/20	21	13	4		
9	7/20	15	9	3		
10	4/20	9	5	2		

Source: https://www.researchgate.net/publication/253433795_Determining_the_appropriate_font_size_and_use_of_colour_and_contrast_for_underwater_displays/figures?lo=1
(https://www.researchgate.net/publication/253433795_Determining_the_appropriate_font_size_and_use_of_colour_and_contrast_for_underwater_displays/figures?lo=1)

- Our ballots and envelopes font is about ¼ of 43 which equals 11 points (font).
- Observers need to be a ¼ **of the 20-foot distance** so it would be mean a **5-foot distance to observe** properly the function of an election division worker using the ballot or an envelope.
- Please define sufficiently close as 5 feet.
- Currently in Ventura County elections division the use of designed blue boxes made of blue tape are 12-35 feet away for observation purposes. **Blue boxes should be eliminated and provide 5-foot distance from the election worker for observation. These would allow effective challenges be made in the observation process.**
- That way it would provide effective observation of ballot processing events, audits and recounts, observers need to be able to see voters’ marks, signatures tally marks, and the aggregation of tally sheets, and 1% tally. Display screens of election equipment, including scanners and computers, must be projected to be readable by observers in each of the counties.

- Watching someone at a computer screen, where the head and shoulders block the screen, is not a meaningful way to “observe the election process.” Proposed rule **20874(a)(13)** mentions “*video displays to magnify voting materials and closed-circuit video displays of election processes or activities.*” This is a valuable step. More steps needed are to be clear that webcams are allowed, not just closed-circuit, and that computer screens also need to be magnified for observers.

Dr. Weber it is our best intention to have the proper tools to observe our election and if the observers have good access, definitely observers would and can be your working allies. This will establish a set of citizens observers that will know and will share true information about how well elections run in each of the counties that they observe. Observers that have poor access and a lot of restrictions often doubt what they are not able to see and will have multiple doubts of the election process. We sincerely would appreciate your establishment of this request.

Sincerely,

Note: All affiliations are for reference only and do not constitute an endorsement.

- **Mrs. Gloria Massey Chinae**, California Voter in Ventura County since 1979, Ventura County Election Integrity Project California (EIPCa) County Coordinator, Board of Director for Election Integrity Project California (EIPCa), Election Observer since 2018 for EIPCa, 30-year in Administration services in healthcare industry in local medical center hospital management, owner and administrator for small business as a Ca Licensed Residential Care Facility for the Elderly
- **Mr. Rolando Chinae**, California voter in VC since 1979, Assistant County Coordinator for Election Integrity Project California (EIPCa), Board of Director for Election Integrity Project California (EIPCa), Election Observer since 2018 for EIPCa, Electrical Electronic Engineer, RF sub-specialty Program Manager for USA Government Programs, 38+ years experienced in government systems and acquisitions services, Design and Specialty Systems Engineer.
- **Mr. Paul Burke**, California voter, poll worker in California, West Virginia, and Bosnia
- **Mrs. Mary Gallegos**, California Voter in LA County since 1972, EIPCa VC leadership. Election observer since 2018 for EIPCa, Leadership for training and observer for Washoe County, Nevada for 2022 elections. Software Systems Engineer, Masters in Computer Science. Director of Engineering in Aerospace Intelligence Surveillance and Reconnaissance (ISR) Systems.
- **Mrs. Cynthia Godinez**, California Voter since 1975 in Ventura County since 1976, Ventura County Election Integrity Project Assistant Coordinator, Election Observer since 2021 for EIPCa, Professional Educator/Teacher in California Public School System.
- **Mrs. Gloria J. Kerbaugh**, California voter since 1963 in Ventura County since 2012, Election observer since 2018 for EIPCa, Retired from Aircraft Company / Satellite Systems, Government Programs. 35 years in aerospace, Information

systems security Representative (ISSR) Program Security Officer (PSO) IS Security plans procedures, Personnel Security Investigations, document audits, physical security and program briefings.

- **Mr. Brian Kane**, California voter since 1980 in San Diego County, 1982 – 1988 in LA county and 1989 to present time in Ventura County, Program Manager, Space Satellite Components. EIPCa observer and corporate volunteer.
- **Mr. David Shecter, PhD**, California voter in Ventura County, EIPCa observer and BOD of the Election Integrity Project California, Executive in world’s leading biotechnology company that strives and is rooted in science and innovation to transform new ideas and discoveries into medicines for patients with serious illnesses.
- **Mr. David Assael**, California voter since 1975, EIPCa observer, Masters in Electrical Engineer, Program Manager for Aircraft Company and Spacecraft Company.