

FILED

JUN 23 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 15

Thomas J. Fox
P.O. Box 2595
501 Masonic Lane
Weaverville, Calif. [96093-2595]

UNITES STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Thomas Fox,

Case No.

Plaintiff

v.

In re Fox
Petition for
Writ of Mandamus

County of Trinity,
Shanna S. White,
County Clerk/Recorder/Assessor,
Deanna Bradford,
Margaret E. Long, County Counsel
And does 1-99,

2:16 - CV . 1 4 2 2 KJM CMK PS

Defendants.

Introduction

1. I Thomas Fox one of the people and at common law the Plaintiff and a candidate in the current Election process hereby moves the court to order the Defendants to follow California Election Code and as mandated by that code .

Jurisdiction

2. This Court has Jurisdiction because the federal district court is the starting point for any case arising under federal statutes, the Constitution, or treaties. This type of jurisdiction is called "original jurisdiction." Sometimes, the jurisdiction of state courts will overlap with that of federal courts, meaning that some cases can be brought in both courts. The plaintiff has the initial choice of bringing the case in state or federal court. However, if the plaintiff chooses state court, the defendant may sometimes choose to "remove" to federal court.

3. Notice to agent is notice to principal and notice to principal is notice to agent

4. Request for relief for the "Violation of Rights Under Color of law" The appointed Elections Officer Shanna S. White and Deanna Bradford her appointed assistant for this election have violated the Constitutional rights of the Plaintiff's under color of law and the Plaintiffs seek relief under Title 42 U.S.C. § 1983, Rev. Stat. § 1979, derived from § 1 of the Civil Rights Act of 1871, 17 Stat. 13, provides: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

The legislative history of § 1983, elsewhere detailed, e.g., *Monroe v. Pape*, 365 U. S. 167, 365 U. S. 172-183 (1961); *id.* at 365 U. S. 225-234 (Frankfurter, J., dissenting in part); *Mitchum v. Foster*, 407 U. S. 225, 407 U. S. 238-242 (1972), demonstrates that it was intended to "[create] a species of tort liability" in favor of persons who are deprived of "rights, privileges, or immunities secured" to them by the Constitution. *Imbler v. Pachtman*, 424 U. S. 409, 424 U. S. 417 (1976).

5. The relief sought is the duty of the Defendants to immediately correct the blatant disregard for the Rights of the Voters being exhibited by the actions of Shanna S. White and Deanna Bradford and the actions of the employees under their instruction and control during the election and the election canvas of the Presidential Primary Election of June 7th, 2016 and

6. as witnessed by candidate representatives and Election Integrity Projects Election Observers and the duty to abide by the laws of the State of California and the United States have been breached and have caused injury to the candidates and the people of Trinity County we seek relief from this court by order for

1
2 7. And grant relief to the Plaintiffs and Voters of Trinity County By ordering and
3 immediate cease and desist order to stop the canvas in order to correct the failures to
4 follow the law and for this Honorable Court to order a hand count of all ballots based
5 on California Elections Code to ensure a complete and accurate count of all ballots.

6 8. The Plaintiffs also asks the Court to grant relief to the all voter's whose ballots
7 have been denied to be counted. And the Plaintiff's ask that the plaintiffs be awarded
8 costs and any other relief the court may deem just and proper in addition to any
9 compensation from Title 18 Sec 241and Sec. 242 and or Title 42 Sec. 1983 as
10 applicable to each of the County Officers appointed or elected and employees
11 involved.

12 9. The issues presented are described and presented in the attached Poll Observer
13 Summaries of Kay Graves, John Hamilton and David Gooding (see Exhibits A, B,
14 and C respectively Attached) detail the violations of the State and Federal Laws
15 being perpetrated under California Elections Code 15104, 15105, 15106 and 3203,
16 and

17 10. Shanna S. White and Deanna Bradford have continuously failed to allow
18 observers and representatives of candidates and organizations to adequately observe
19 both the actions of the appointed County Elections Officer Shanna S. White and
20 personnel hired during this election cycle by insisting that the Poll Observers stay
21 away from personnel, the ballots and tabulating devise at a distance of 25 feet.

22 11. This is in effect, no observation afforded at all.

23 12. The County of Trinity and each of the Defendants have violated their individual
24 Oath of Office to protect and defend the constitutions of the United States and the
25 State of California as mandated by the Constitution of the State of California and
26

1 have failed under California Elections Code 3019 to comply with the procedures to
2 check absentee, vote-by-mail and provisional ballots.

3 13. The Defendants have failed to enforce precinct challenges to voter eligibility
4 under Elections Code Section 14240 through 14253 (see **Attached Exhibit F**) and
5 took it upon themselves to challenge as an after the fact action.

6 14. The Defendants have failed to provide for the right of the public, observers, and
7 members of organizations and representatives of candidates to challenge the
8 disqualification of absentee voter ballots, vote-by-mail ballots and provisional ballots.

9 15. The Defendants refused to provide the requested list of disqualified ballot voters
10 to several parties.

11 16. The Defendants have failed to provide a five-day public notice posting of the date,
12 time and place of the 1% precinct hand count tally as well as which precinct will be
13 the subject of this manual count as prescribed under California Elections Code 15360
14 (a) (d) (**attached as Exhibit D**) page 2 and page 17 of the May 13, 2016 County
15 Clerk/Registrars (CC/VOR) Memorandum # 16140 provided to you by Jana M. Lean
16 of the Secretary of State, Chief Election Division(**attached as Exhibit E**).

17 17. The Defendants have violated the Voters Bill of Rights to wit:

- 18 1. The Defendants did not provide a secret ballot process
19 2. The Defendants did not provide election materials in another language when
20 there are sufficient residents in a precinct.

21 18. The Voting Rights Act; the National Voter Registration Act; the Uniformed and
22 Overseas Citizens Absentee Voting Act; and the Help America Vote Act are laws that
23 prohibit discrimination based on race or membership in a minority language group;
24 prohibit intimidation of voters; provide that voters who need assistance in voting
25 because of disability or illiteracy can obtain assistance from a person of their choice;
26 require minority language election materials and assistance in certain jurisdictions;
provide for accessible election machines for voters with disabilities; require

1 provisional ballots for voters who assert they are eligible but whose names do not
2 appear on poll books; provide for absentee ballots for service members, their family
3 members and U.S. citizens living abroad; and require states to ensure that citizens can
4 register at drivers' license offices, public assistance offices , other state agencies and
5 through the mail; and include requirements regarding maintaining voter registration
6 lists.

7 19. There did not appear to be a Supplemental Voter list with the materials at the
8 local Hayfork polling place.

9 20. The voting machines and main computer used are extremely outdated and easily
10 manipulated.

11 21. The voting machines may have been banned for use in California in 2005.
12

13 22. Due to the close vote tally as of this point, the insufficiencies and election law
14 violations that impacted District 5 directly, Plaintiffs are hereby requesting a manual
15 tally of the precincts in District 5 and District 2 at minimum.

16 23. The Defendants did not provide real ballots for provisional voters, and instead
17 used a facsimile on plain paper to hundreds of provisional ballot voters.
18

19 24. The Defendants failed to properly train personnel to protect voters under the
20 election laws of the State of California and the United States.

21 **Request for Judicial Notice**
22

23 25. Time is of the essence to rectify the failure to provide a list of disqualified ballots,
24 to allow lawful challenges to such and to comply with a five-day public notice of the
25 date time and place and specific precinct 1% tally.
26

1 26. Estelle, Corrections Director, et al. v. Gamble 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed.
2 2d 251. We now consider whether respondent's complaint states a cognizable 1983
3 claim. The handwritten *pro se* document is to be liberally construed. As the Court
4 unanimously held in Haines v. Kerner, 404 U.S. 519 (1972), a *pro se* complaint,
5 "however inartfully pleaded," must be held to "less stringent standards than formal
6 pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if
7 it appears "beyond doubt that the plaintiff can prove no set of facts in support of his
8 claim which would entitle him to relief." Id., at 520 521, quoting Conley v. Gibson,
355 U.S. 41, 45 46 (1957).

9 27. Title 18 sect 2381 – Capitol Felony Treason: "In the presents of two or more
10 witnesses of the same overt act, or in a open court of law, if you fail to timely move
11 to protect and defend the Constitution of the United States and honor your oath of
12 office, you are subject to the charge of capital felony treason."

13 28. as evidence of Vote tampering exists based on reports given to and by Candidates
14 and Poll Observers that clearly show inconsistencies in the Vote counting processes
15 and the refusal of the elections Officers and the employees she has hired to follow
16 due process and practice transparency.

17 PRAYER

18 29: The reasons why the writ should issue and the Plaintiffs prayer be honored is that
19 the very backbone of our Constitution is being dismantled by the discriminatory
20 actions of this County's actions against the voters and Candidates of this County.

21 30. The Plaintiffs pray this Honorable Court issue an order to Grant the Voters and
22 Candidates of this County an Order to The Trinity County Elections Official for a
23 Hand count of all ballots by the Election Integrity Project trained Observers and
24

25 31. award costs and any other relief the court may deem just and proper in addition to
26 any compensation from Title 18 Sec 241 and Sec. 242 and or Title 42 Sec. 1983 as

1 applicable by each of the County Officers elected and employees involved directly
2 and by complicity and Each and every defendant

3
4 32. for which let execution issue.

5 33. If the honorable court finds this writ of mandamus insufficient. Plaintiffs hereby
6 request the court to grant leave to amend

7
8 34. The plaintiffs hereby attest and verify that the above is true and correct to the best
9 of our knowledge and belief under penalty of perjury.

10 June 21, 2016

11 Respectfully submitted,

12 Without Prejudice U.C.C. 1-308

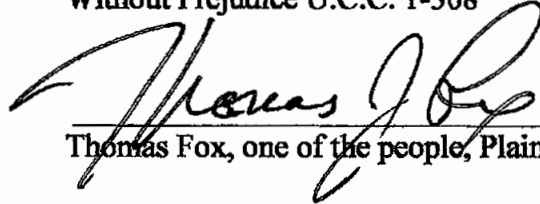
13
14 
15 Thomas Fox, one of the people, Plaintiff

Exhibit A

Kay L. Graves
P.O. Box 123
15 Shady Lane
Lewiston, Ca. 96052
(530) 778-3909

June 20, 2016

To whom it may concern,

To the best of my knowledge the following is true and correct. I signed in each day as a representative of Diane Richards. The process of observing the pre-Election Day activities and post-Election Day activities took place in the Trinity County Courthouse; basement meeting room.

On Tuesday May 31, 2016; I began observing pre-Election Day activities. From the far side of the room we (John Hamilton, Mike Wear and/or I) watched the appointed Trinity County Clerk/Recorder/Assessor Shanna White (Shanna) and one employee process absentee ballot envelopes. The employee sorted the envelopes. Shanna used a hand scanner to input information, reference a computer/monitor, mark the ballots with a green marker and place the envelopes into two piles. Occasionally the employee scanned envelopes with the hand scanner. Shanna used several different marks on the envelope but since we were on the far side of the room, we could only guess at what she was writing by the movement of her arm and wrist. We were unable to see any detail. There was a one hour break. At 4 p.m. Shanna asked us to leave. She followed us out and locked the door. We were told they were done for the day and would start again at 12 p.m. the next day. When we came back the next day and each day of our observations, we could see that there had been changes to the room and to the ballots.

Text from Elections Observation Rights and Responsibilities – May 2016 are in italics and quotation marks. *“Elections officials may not delay or interrupt scheduled operations and processes because an observer is present.”* Observers were repeatedly misled and/or misinformed on when pre-election and post-election procedures would occur. One example: On May 31 and June 1st Mike Wear repeatedly told Shanna that she needed to interrogate the voting machines by the deadline. Shanna ignored Mike and spent May 31 and June 1 processing absentee ballots. Shanna began interrogating the voting machines days latter than the deadline required by law. Shanna processed ballots which could have been done latter and purposely delayed interrogating the voting machines; even though Mike told her that she had a deadline. Shanna began interrogating the voting machines on June 2, 2016 and finished on June 3, 2016. The following week, Shanna told us that she was using a different program to program the memory cards in the machines. Another example: on Thursday June 9th Shanna told Mike, John and I that she would not be handling the ballots until June 15th when in fact, she began processing ballots on Monday June 13th.

“Observers have the right to: Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote-by-mail ballot processing.”

“View the canvass of the vote activities following the election. View vote-by-mail and provisional ballot processing.” “Elections officials have the right to: Use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.” Shanna White's interpretation of 'distance of observers' was approximately 25 feet away from all operations; excepting that we were allowed to see the number on the machine wire locks and the number on the taped which was on the back of the voter machine. We were never close enough to validate any procedures other than by the color of the ballot. In reality, I was able to observe nothing but the color of the ballot envelopes and general shape because we were always too far away or our view was blocked.

I have taken several training classes from Election Integrity Project and have been a poll observer for several elections. During the June 7, 2016 elections multiple election code violations were observed, by me, at the Weaverville Polling place. Though the Poll Inspector was made aware of these violations, she refused to make any changes. She also closed the Poll five minutes early, denying a person the chance to vote. When the woman showed the Poll Inspector the time on her phone, I heard the Poll Inspector tell the woman “we opened the Poll by my watch and we close the Poll by my watch”. The Poll area was not signed from any street. There was one small sign on the building but the building itself did not have an address posted. The voter information pamphlets were marked with a nonexistent address which failed to include the correct road, address or a town.

“Elections officials are required to provide 48 hours notice for vote-by-mail (VBM) ballot processing and five days notice of the post-election one percent manual tally.” On Friday June 17 Shanna announce that the post-election one percent manual tally would be on Monday June 20th at 1 p.m., Shanna asked an employee to remind her to post it on their website (which violates the five days notice). On June 20th at 12:30 p.m. I watched an election employee place a paper on the door stating that the one percent count would be postponed until June 27 at 1 p.m. Earlier, observers were given an incorrect day on which vote-by-mail ballots would be processed.

Though I was present for the tardy *Pre-Election Day Voting Equipment Preparation and Testing*, I noted that the Zero Test and report times for the public testing were much longer than the same tests performed on Election Day. For example; the Weaverville voting machine took longer than 30 minutes to run the report on 7 sample ballots but only took less than 10 minutes on election night, with multiple precincts, at the Weaverville poll. The Zero test was similarly long during the public vote machine testing but was very short when the machine was Zero tested at the opening of the poll. The time needed for the Poll zero test and report were similar to previous elections years but because we were never allowed to observe pre-election procedures before, we were unaware of the discrepancy.

“Vote-by-Mail Ballot Processing Elections Code section 15104: (d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return

envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following: (1) Verifying signatures and addresses 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. (e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots." Though observers asked, we were never allowed to see signatures, envelopes, addresses at a distance closer than 20 feet. The only part of the election process we were able to see close enough to make note of was we were allowed to see the paper from the machine test and verify the numbers on the machine locks. Ballots were not secured. They were kept in open trays in a room which had multiple keys in circulation.

Excepting possibly two provisional ballots; Shanna White was the only person seen to validate signatures and all other voter information on all the ballot envelopes. Observers where unable to make any challenges because we were never given the opportunity to observe properly.

Provisional ballots appeared to be nothing more that photocopies on a standard 8 1/2 by 11 inch sheet of paper. They were not proper ballots. Though we were not close enough to inspect the provisional paper sheets, they seem to have no official identification, nor did they appear to be numbered or to have removable tabs or any type of tracking.

Canvass Process Elections Code section 335.5; The "official canvass" is the public process of processing and tallying all ballots received in an election, including, but not limited to, provisional ballots and vote by mail ballots not included in the semifinal official canvass. The official canvass also includes the process of reconciling ballots, attempting to prohibit duplicate voting by vote by mail and provisional voters, and performance of the manual tally of 1 percent of all precincts. The first two days of 'canvass' was observing an employee sort office supplies and empty boxes. Unused ballots were not counted in our presence at the Poll nor at the canvass.

"Elections Code section 15272; The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers." The tally sheet and all other materials were never within the clear view of watcher. In fact, I was not aware that there ever was a tally sheet.

"Elections Code section 15301; The canvass shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed." The canvass was never six hours long and was usually about 4 hours long or less.

"Elections Code section 15105; Prior to processing and opening the identification envelopes of vote by mail voters, the elections official shall make available a list of vote by mail voters for public inspection, from which challenges may be presented." I

witnessed Mike Wear asked Shanna for the mail voter list. Shanna told him that he could not have it. Mike informed Shanna that she had to give it to him and that she could not open envelopes until she did. Mike also cited the Code for Shanna so she could look it up. Shanna never gave us any lists of any kind and ignored Mike's request. This left us with no way to challenge anything; since we were denied any information. Several requests were made to see signatures and such; all were ignored and denied. There was a constant worry that we would be kicked out if we pressed for Shanna to follow the law. Shanna aggressively told John and me, "you have the right to observe but you don't have the right to tell me what to do or how to do it. We asked some questions and Mike reminded Shanna of the Code which was in her own handout but it was never forced on her. On some days we were told to wait until Shanna had the time to answer our questions.

During the processing of the provisional ballots; observers were once again denied any meaningful access to the process and could only observe from across the room. Shanna White was the only person to validate the provisional ballots excepting one, or maybe two, which she may have shown Deana Bradford. The Election Board who processed the provisional ballots was not introduced to us. The former Trinity County Clerk/Recorder/Assessor (who left after three months for medical reasons) who was also Shanna White's In-law was one of the Election Board members. Two other women on the board (whose names seem to be Barbara and Dawn Marie) were also present as Election Board members. As she was taking out the name tags, Barbara asked Shanna, "Is your Mother, Barbara Gallwitz (unsure on spelling), going to be here today?" Deana Bradford quickly leaned across the table and whispered something to Barbara. Barbara Gallwitz did show up a few minutes later and took her spot as an Election Board member. Barbara Gallwitz is in fact the Mother of Shanna White and I thought it was interesting that an Election Board member bought that fact up in front of the observers.

Prior to the one percent manual count Shanna and another employee were sorting ballots by precinct and then by party. (That is what Shanna told us they were doing.) They may have been though there was no way to confirm that is actually what they were doing. I could see when they separated by political party but it did not look like they separated out all the precincts. There was a large pile of ballots to process so John and I stepped out to speak. We were gone less than four minutes. When we returned; Shanna and her employee were cleaning up and getting ready to leave. The pile they had before them should have taken at least 20 minutes; yet they were already cleaning up to leave. The forgoing is an abridged summary of my observation from May 31 2016 to June 17, 2016.

I declare that the forgoing is true and correct to the best of my knowledge.
Executed this 20th day of May, 2016 in Trinity County.
Without prejudice U.C.C. 1-308

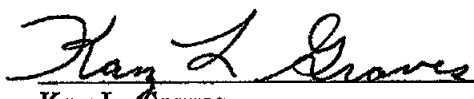

Kay L. Graves

Exhibit B

June 7, 2016 Primary Election
Observer Summary
Elections Office, central counting place, basement
Trinity County Court House,
11 Court St.
Weaverville, Ca 96093

June 19, 2016

On May 31 2016 this writer watch the start of setting up for the election. Ms. White was asked if she planned to do the preparation and operation of the tabulating devices. She said that she most likely would not get to it until Thursday June 1st or Friday June 2nd. Ms. White started processing vote-by mail ballots. This writer had to stand across the room and was not allowed to view vote-by-mail return envelopes, signatures or addresses at any time from start (May 31st thru June 17th) Ms. White may sure that the monitor could not be seen at any time and if someone tried Ms. White would tell them not to. Ms. White verified all addresses and signatures by herself. From the first day this writer walked into the central counting place, from the time we walked out of the room and the time we returned the next day the room had been changed, nothing was in the same place.

On June 2nd Ms. White started to prepare the tabulating devices. The memory card was already locked in place in each of the tabulating device. Ms. White turn on and ran the test tape to show that they were at zero, put ten ballots thru and I ran the check to verify each tabulating device. This writer observed that the tap ran between ten to thirty minutes depending on the polling place and this writer had to keep reminding Ms. White to keep an eye on the tape as it was printing, because of the length of the tape. Ms. White then set each tabulating device to election. Ms. White finished the last two on June 3rd.

On June 6th vote-by-mail tabulating device and the absentee tabulating device were locked into the ballot box by the canvass board. The tabulating device for vote-by-mail was turned on and a zero report was run. The tape seems to be shorter to this writer. The vote-by-mail envelopes were opened and counted. Some of the ballots had to be remark because of bleed thru or too many mark per race. This seems to be aboveboard, put as this writer has said, had to stand across the room. The closing tape seems to be shorter also. This was done the day before Election Day.

On June 7th this writer went to the Weaverville polling place at 6 A.M. most of the per-opening was done right or as the Precinct Inspector said "this is how we have always done it". She was asked to turn the ballot box around so a precinct worker could feed the tabulating device. "No". The Precinct Inspector declared the polling place opened at 6:55. There were not enough people for each precinct. This writer talked some with an observer from the Sectary of States office. He stayed at Weaverville polling place for little less than an hour and said he was on his way to Hayfork Polling place. The voters inserted their own ballot into the tabulating device. This writer was replaced at 8:30 A.M. by Kay Graves.

At noon this writer returns to the central counting place to watch the opening of the absentee envelopes and run thru the tabulating device. As we came into the room we were told that the memory card had to be replaced because it was reformatted. This writer has no idea why Ms. White would have touch the absentee tabulating device after it had been lock into the ballot box. Ms. White ran another zero tape and ten test ballots thru tabulating device. The first time this absentee tabulating device was tested it took thirty minutes to run each test, but this time it took less the five minutes. The opening and running of the ballots were the same as the day before. All of this was done before the closing of the polls.

This writer returned to Weaverville polling place around 5:00 P.M. to watch until the closing of the poll. The Precinct Inspector declared the polling place closed at 7:55. The Precinct Inspector turns people away. The Precinct Inspector said "that she opened by her watch she will close by her watch". One voter showed her, that it was only 7:57. The Precinct Inspector finale the tabulating device and ran the tape this seems shorter than before also.

This writer returned to the central counting place after the Weaverville polling place was packed up and taken away. The Election employs meet the different Precinct inspectors at their vehicles and took custody of election materials and took them to the basement office. The tabulating devices were plug into the computer and down loaded. At 11:30 the office was locked with the ballots under the table and the tabulating device on the table. This room is not secured because there is more the one key to the room.

On June 8th thru June 10th we watch the canvass process. We watch an employee count pencil, pens, paper clips, note books, and other inventory returned form polling places and taken to storage. On June 13th Ms. White started to verify vote-by-mail envelopes drop off at the polling places. Not giving time to the voters Ms. White rejected to respond by 5:00 P.M. on June is", On June 14th Ms. White started reviewing the provisional ballots, n9t give the voters time to respond by June 15th. "On June is" Ms. White finish sorting ballots by precincts. At his time Ms. White got two more tabulating device and reprogrammed the memory cards, Ms. White seem not to have done this before but had watch it being done by someone else. The tabulating devices were setup for vote-by-mail and absentee ballots. On June 16th we entered the room and nothing was in the same place as closing the night before. The official canvass board opened the vote-by-mail and absentee envelopes. They put them thru the tabulating devices. Ms. White finished verifying the provisional ballots and the canvass board opened and marked the official ballots for each provisional ballot. The provisional ballots given to the voter were 8.5x 11 paper printed by Ms. White's staff. The provisional ballots were run thru the absentee tabulating device. After the count the tabulating devices tape was run. At this time Ms. White remarked that she found a shorter report to use and got the same results and not take three hours, will thirty minutes. Ms. White had rejected seventy nine provisional ballots.

On June 17th Ms. White and Ms. Barcelona started to put all ballots by precinct and parties. There were 4488 votes cast and it was taking some time from each polling place. Weaverville the larges was the last to be done; it took half an hour to do the smaller precinct, after Ms. White and Ms. Barcelona start with Weaverville polling place this write ask Kay Grave to step out into the hall to talk. In less than three minutes we stepped back into the room and Ms. White and Ms. Barcelona were fished packed up and ready to leave. Something that should have taken much longer to finished. We were told that on June 20th the canvass board will be doing the one percent hand count.

W.P. Hamil

John Hamilton

P.O. Box 1147

Weaverville, Ca.96093

JUNE 7, 2016 PRIMARY ELECTION
PRECINCTS 311 AND 501
HAYFORK, TRINITY COUNTY CALIFORNIA
POLL OBSERVER SUMMERY

Polling Place Location: Trinity County Fairgrounds 6000 State Highway 3, Hayfork CA

Precinct Inspector: Mike Wycoff

Precinct Board: Michelle Wycoff, Allizae Wycoff, Mike Wycoff Jr, Dedrie Hill, Glenda Connor, Kathy Duncan

The Election Integrity Project had a total of six trained Poll Observers at the Hayfork polling place.

This observer arrived at the polling place at 06:15. A large "POLLING PLACE" banner was visible from State Hwy 3 and all required outside signage was in place. Precinct workers, with the exception of Precinct Inspector Mike Wycoff, arrived at 06:40. Precinct Inspector Wycoff arrived at 10:33. The polling place was declared opened at 07:00. The polling place had been set up the previous night. Voting machines and blank ballots were in the locked building overnight. Required voter information was posted on a board inside the poll with the exception of Sample Ballots (English and Spanish). Voting booth openings and voting machine slot were facing the public area of the poll. Board member Mike Wycoff Jr. opened the ballot box to show that it was empty and this observer verified that the machine's digital readout was at "0".

As in previous elections, poll workers in Trinity County appear to be poorly trained. In Hayfork, check-in procedures were not followed at all. Voter secrecy was virtually non-existent. Privacy sleeves were available at the check-in tables but staff did not issue them to the voters. Voters were allowed to submit their own ballots into the ballot box. If there was a problem with the machine accepting a ballot, a poll worker would take the marked ballot (not in a privacy sleeve) and place it in the machine. Provisional voters filled out their enveloped as well as mark ballots at a table in full view of workers and the public. Poll workers routinely handled marked ballots. All lapses in proper poll operation are a result of a "THAT'S THE WAY WE'VE ALWAYS DONE IT" mentality that runs from the student poll workers all the way up to the Trinity County Registrar of Voters.

There were numerous voter registration issues. Many voters that were listed as Vote by Mail in the roster had not requested VBM ballots. Voters that had registered a specific party affiliation were listed as No Party Preference or Non-Partisan on the voter roster. One entire community (predominantly first time Hmong voters) that was previously "regular ballot" was declared Vote by Mail Only with no prior notification from the ROV.

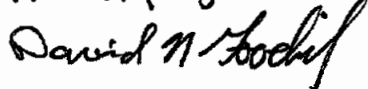
All Hmong voters that showed up at the polls without their VBM ballots were allowed to vote provisionally. A group of bilingual Hmong, some that had gone through the Poll Observer training, set up a table (outside the 100' no electioneering zone) and helped their non-English speaking neighbors understand the voting process.

The polls were declared closed at 20:00. Ballots were removed from the ballot box and placed in the proper bag. Two copies of the voting machine tape were printed, one for the elections office and one to be posted at the polling place door. All regular, absentee, VBM, provisional, spoiled, and unused ballots for both precincts were placed in their respective containers and security sealed. All ballots were accounted for and logged. All ballots, election materials and the voting machine were loaded in board member Michelle Wycoff's vehicle. Michelle and PI Mike Wycoff left the polling place at 20:55 and drove to PI Wycoff's personal residence. PI Wycoff exited the vehicle and entered the residence. At 21:00, PI Wycoff exited the residence and reentered the vehicle. The vehicle then proceeded towards Hayfork. At 21:05, the vehicle stopped at Frontier Fuel in Hayfork. Michelle fueled the vehicle and PI Wycoff entered the store. At 21:13 the vehicle left Frontier Fuel and proceeded to the elections office in Weaverville with no additional stops. The vehicle arrived at the elections office in Weaverville at 21:59. An elections officer took custody of all election material and escorted it into the elections office.

Aside from the issues listed above, the polling place was properly staffed and otherwise well run.

I make this statement as true and correct under the penalty of perjury.

Without prejudice U.C.C. 1-308



David N. Gooding

Election Integrity Project Co-coordinator for Trinity County, California

Exhibit D
ELECTIONS CODE SECTION 15360

15360. (a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail ballots, using either of the following methods:

(1) (A) A public manual tally of the ballots, including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B) (i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) Additional precincts for the manual tally may be selected at the discretion of the elections official.

(2) A two-part public manual tally, which includes both of the following:

(A) A public manual tally of the ballots, not including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B) (i) A public manual tally of not less than 1 percent of the vote by mail ballots cast in the election. Batches of vote by mail ballots shall be chosen at random by the elections official.

(ii) For the purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii) (I) In addition to the 1 percent manual tally of the vote by mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of vote by mail ballots, count one additional batch of vote by mail ballots. The manual tally shall apply only to the race not previously counted.

(II) Additional batches for the manual tally may be selected at the discretion of the elections official.

(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts, batches of vote by mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public manual tally prior

to conducting the selection and tally.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

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May 13, 2016

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 16140

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jana M. Lean
Chief, Elections Division

RE: Presidential Primary: Elections Observation Rights and Responsibilities

The attached document lays out the rights and responsibilities of members of the public and elections officials related to observing the elections process along with relevant sections of the Elections Code.

I hope this information is helpful. If you have any questions, please do not hesitate to contact me at (916) 657-2166 or Jana.Lean@sos.ca.gov.

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Overview

The following is an easy-to-use overview for elections officials and anyone who wants to observe the conduct of elections in California. This overview does not have the force and effect of law, regulation or rule, may not be used as legal advice, and is not a substitute for legal counsel for an individual or organization. The California Elections Code sections relevant to election observation are included for reference. Some of the rules included below were drawn from the Secretary of State's General Rules for Observers as established in the Election Observer Panel Plan Template.

Elections observers should be aware that in general, the law provides elections officials with some discretion in terms of how various observation laws are applied. Furthermore, how a law is applied will vary from jurisdiction to jurisdiction for reasons including, but not limited to:

- The size and configuration of the elections office.
- The staffing levels that the county elections official is able to afford.
- The number of observers who are requesting access to a particular process.

Observers have the right to:

- Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote-by-mail ballot processing.
- Observe the proceedings at the polls, including the opening and closing procedures.
- Obtain information from the precinct index that is posted near the entrance of the polling place.
- Make notes and watch election procedures.
- View election-related activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View vote-by-mail and provisional ballot processing.
- Ask questions of poll workers as long as they do not interfere with the conduct of any part of the voting process.
- Ask questions of supervisors at the central counting site as long as they do not interfere with the conduct of the election procedures.

Elections officials have the right to:

- Use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.
- Require observers to be quiet inside the observation area.
- Use discretion to determine how (e.g., written or verbal) and to whom observers may pose questions and challenges during the observation process.
- Ask an observer who does not follow observation rules to leave the premises.
- Restrict the number of observers permitted in a room to prevent interference with the observed process.
- Restrict the items observers may bring with them into the polling place or central counting site, such as cell phones, large bags, or back packs, etc.

Observers are responsible for:

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

Elections officials are responsible for:

- Maintaining the integrity of the administration of the election and determining observer misconduct or interference.
- Establishing security rules for public observation. Examples of such rules are the use of sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras, and other audio or video equipment or electronic devices.
- Providing notice to the public of the dates, times, and places of election-related activities that may be observed by the public, as required by law. For example, elections officials are required to provide 48 hours notice for vote-by-mail (VBM) ballot processing and five days notice of the post-election one percent manual tally.

Observers may not:

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

Elections officials may not:

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

Pre-Election Day

Voting Equipment Preparation and Testing

Elections Code section 15004

(a) Each qualified political party may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(b) Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(c) The county elections official may limit the total number of representatives employed pursuant to subdivision (b) in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representatives employed and in attendance pursuant to subdivision (a) shall not be subject to the limit specified in this subdivision.

Vote-by-Mail Ballot Processing

Elections Code section 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.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted.

(d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following:

- (1) Verifying signatures and addresses 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.

(e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.

Elections Code section 15105

Prior to processing and opening the identification envelopes of vote by mail voters, the elections official shall make available a list of vote by mail voters for public inspection, from which challenges may be presented. Challenges may be made for the same reasons as those

made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is imprisoned for a conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged vote by mail voter.

Elections Code section 15106

Except as otherwise provided, the processing of vote by mail ballot return envelopes, the processing and counting of vote by mail ballots, and the disposition of challenges of vote by mail ballots shall be according to the laws now in force pertaining to the election for which they are cast. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.

Elections Code section 3203

(a) Upon receipt of an application for permanent vote by mail status, the county elections official shall process the application in the same manner as an application for a vote by mail ballot, or, in the case of an application made pursuant to Section 3102, in the same manner as an application for a special absent voter ballot or overseas ballot.

(b) In addition to processing applications in accordance with Chapter 1 (commencing with Section 3000), if it is determined that the applicant is a registered voter, the county elections official shall do the following:

- (1) Place the voter's name upon a list of those to whom a vote by mail ballot is sent each time there is an election within their precinct.
- (2) Include in all vote by mail mailings to the voter an explanation of the vote by mail procedure and an explanation of Section 3206.
- (3) Maintain a copy of the vote by mail ballot list on file open to public inspection for election and governmental purposes.

Election Day

Polling Place Operations

Elections Code section 2300

(a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of Rights for voters, available to the public, which shall convey all of the following to voters:

- (1) (A) You have the right to cast a ballot if you are a valid registered voter.
(B) 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 not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.
- (2) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
- (3) You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.
- (4) You have the right to cast a secret ballot free from intimidation.
- (5) (A) You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake.
(B) If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote by mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on election day.

- (6) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
- (7) You have the right to return a completed vote by mail ballot to any precinct in the county.
- (8) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
- (9) (A) You have the right to ask questions about election procedures and observe the election process.
 - (B) You have the right to ask questions of the precinct board and elections officials 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 board or election officials may discontinue responding to questions.
- (10) You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's office.
- (b) Beneath the Voter Bill of Rights there shall be listed a toll-free telephone number to call if a person has been denied a voting right or to report election fraud or misconduct.
- (c) The Secretary of State may do both of the following:
 - (1) Develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).
 - (2) Revise the wording of the Voter Bill of Rights as necessary to ensure the use of clear and concise language free from technical terms.
- (d) The Voter Bill of Rights set forth in subdivisions (a) and (b) shall be made available to the public before each election and on election day, at a minimum, as follows:
 - (1) The Voter Bill of Rights shall be printed in the statewide voter pamphlet, pursuant to Section 9084, in a minimum of 12-point type. Subparagraph (B) of paragraph (1) of subdivision (a), subparagraph (B) of paragraph (5) of subdivision (a), and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.
 - (2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

Elections Code section 14215

Before receiving any ballots, the precinct board, in the presence of any persons assembled at the polling place, shall open and exhibit and close the ballot container or containers. Thereafter, the ballot container or containers shall not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor opened until after the polls are finally closed.

Elections Code section 14221

Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls.

Elections Code section 14222

Nothing contained in this code shall prevent a voter from being accompanied by a child or children under the age of 18 years while the voter is within the voting booth area if the child is, or children are, under the voter's care.

Elections Code section 14223

(a) Only members of the precinct board, and persons while signing their names on the roster, shall be permitted, during the hours within which voting is in progress, to sit at the desk or table used by the precinct board.

(b) Any person may inspect the roster while voting is in progress and while votes are being counted. However, this shall not be done at a time or in a manner which will impede, interfere, or interrupt the normal process of voting.

Elections Code section 14224

(a) Except as provided in Section 14222, a voting booth or compartment shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted-voter provisions.

(b) (1) Except as provided in paragraph (2), a voter shall not remain in or occupy a voting booth or compartment longer than is necessary to mark his or her ballot, which shall not exceed 10 minutes.

(2) If a voter informs a precinct board member that the voter requires additional time to mark his or her ballot, a longer period shall be allowed. However, if the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark his or her ballot, the precinct board member may contact the elections official, who may order that the voter not be provided with additional time to mark his or her ballot.

Elections Code section 14227

Any member of the precinct board, when using a language other than English at the polls, shall communicate with voters in that language only as he or she would be lawfully permitted to communicate in English under the code. The member shall be subject to like penalty for any illegal communication as if it had occurred in English.

Elections Code section 14281

On receiving a ballot, the voter shall forthwith retire alone to one of the booths or compartments provided, and mark the ballot, unless Section 14222 or 14224 is applicable.

Elections Code section 14282

(a) When a voter declares under oath, administered by any member of the precinct board at the time the voter appears at the polling place to vote, that the voter is then unable to mark a ballot, the voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member.

(b) No person assisting a voter shall divulge any information regarding the marking of the ballot.

(c) In those polling places that are inaccessible under the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot. The person may vote the ballot in a place that is as near as possible to the polling place and that is accessible to the physically handicapped. A precinct board member shall take a regular ballot to that person, qualify that person to vote, and return the voted ballot to the polling place. In those precincts in which it is impractical to vote a regular ballot outside the polling place, vote by mail ballots shall be provided in sufficient numbers to accommodate physically handicapped persons who present themselves on election day. The vote by mail ballot shall be presented to and voted by a physically handicapped person in the same manner as a regular ballot may be voted by that person outside the polling place.

Conducting a Challenge at the Polls

Elections Code section 14240

(a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all 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.

(b) On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

Elections Code section 14241

A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge.

Elections Code section 14242

The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and moving from that precinct within 14 days prior to an election.

Elections Code section 14243

If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the index, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the index."

Elections Code section 14244

If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, the person challenged shall be sworn to answer questions, and after having been sworn, a member of the precinct board shall ask that person: "Are you a resident of this precinct

" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked.

Elections Code section 14245

If the challenge is on the ground that the person challenged has already cast a ballot for this election, a member of the precinct board shall tender to the person challenged this oath: "You do swear (or affirm) that you have not previously voted in this election, either by vote by mail ballot or at a polling place."

Elections Code section 14246

If the challenge is on the ground either that the person challenged is not the person whose name appears on the Index, or that he or she has voted that day, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth either in Section 14243 or 14245.

Elections Code section 14247

Challenges of voters that they are not residents of the precinct or citizens of the United States shall be tried and determined by the precinct board at the time of the challenge. The precinct board may, at its discretion, also request any other person, present in the polling place to be sworn and answer questions, whom the board believes may have knowledge or information concerning the facts of the challenge.

Elections Code section 14248

Before administering an oath to a person regarding his or her place of residence, a member of the precinct board shall read to the person challenged, the rules prescribed by Section 14249 and Article 2 (commencing with Section 2020) of Chapter 1 of Division 2.

Elections Code section 14249

If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions concerning the matter of residence, that person shall not be allowed to vote.

Elections Code section 14250

The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in Article 2 (commencing with Section 2020) of Chapter 1 of Division 2.

Elections Code section 14251

Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.

Elections Code section 14252

The precinct board shall compile a list showing all of the following:

- (a) The name and address of each person challenged.
- (b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14247, together with the name and address and any other identification of the person about whom the information or testimony is given.
- (c) The grounds of each challenge.
- (d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.

(e) If evidence has been presented to the board requesting challenges, the evidence shall be returned to the elections official responsible for the conduct of the election.

Elections Code section 14253

In the event that the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster.

Criminal Interference with Voters or Voting Process

Elections Code section 18370

No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under Section 3018, or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (d) Do any electioneering as defined by Section 319.5.

As used in this section, "100 feet of a polling place, a satellite location under Section 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Elections Code section 18502

Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Elections Code section 18540

(a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

Elections Code section 18541

(a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:

- (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.

(b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Elections Code section 18543

(a) Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

(b) Every person who conspires to violate subdivision (a) is guilty of a felony.

Elections Code section 18562.5

(a) A member of the public is guilty of a misdemeanor if, while observing any of the following, he or she willfully engages in any conduct set forth in subdivision (b):

- (1) The processing of vote by mail ballots conducted pursuant to Chapter 2 (commencing with Section 15100) of Division 15.
- (2) The semifinal official canvass conducted pursuant to Chapter 3 (commencing with Section 15150) of Division 15.
- (3) The official canvass conducted pursuant to Chapter 4 (commencing with Section 15300) of Division 15.
- (4) A recount conducted pursuant to Chapter 9 (commencing with Section 15600) of Division 15.

(b) (1) Attempting to ascertain the identity and ballot choices of a voter, or having observed or learned the identity of a voter, attempting to ascertain the ballot choices of that voter.

(2) Opening a provisional or vote by mail ballot envelope containing a voted ballot in order to ascertain the voter's ballot choices.

(3) Making or placing a mark or device on a ballot or secrecy envelope in an attempt to ascertain the voter's ballot choices.

Elections Code section 18564

Any person is guilty of a felony, punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years who, before or during an election:

(a) Tamper with, interferes with, or attempts to interfere with, the correct operation of, or willfully damages in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source codes.

(b) Interferes or attempts to interfere with the secrecy of voting or ballot tally software program source codes.

(c) Knowingly, and without authorization, makes or has in his or her possession a key to a voting machine that has been adopted and will be used in elections in this state.

(d) Willfully substitutes or attempts to substitute forged or counterfeit ballot tally software program source codes.

Closing the Polls

Elections Code section 14403

Immediately upon the closing of the polls and before any voted ballot is taken from any of the ballot containers, the precinct board member shall, in the presence of all persons in the room who may desire to observe them, proceed to render the unused ballots unusable in one of the following ways:

(a) By drawing across its face, in ink or indelible pencil, two lines that cross each other, the cross to be more than three inches square. The precinct board member shall thereupon, immediately and before any ballots are taken from any ballot container, place all defaced ballots within an envelope or other receptacle provided for that purpose.

(b) By tearing or cutting in a manner so that it is apparent that the ballot has been intentionally destroyed to prevent its use. If this method of destruction is used, it shall be done in a manner so that the serial number of the ballots is retained for the purposes of reconciliation.

(c) By placing all of the unused ballots into a special container provided for that purpose. A tamperproof seal containing spaces for entering the total number of unused ballots enclosed, the beginning and ending serial numbers thereof, and signature lines for all members of the precinct board following a statement certifying that all of the ballots were placed in the container in their presence and the information on the seal is true and correct, shall be provided. After signing the seal, it shall be placed on the container in a manner so that the container cannot be opened without tearing the seal.

Elections Code section 14404

Immediately upon the arrival of the hour when the polls are required by law to be closed on election day, the elections official conducting the election shall openly, in the elections official's main office, in the presence of any persons who are present to observe, according to the procedure set forth in Section 14403, proceed to render every unused ballot remaining in the control of the elections official unusable. The elections official shall forthwith make and file an affidavit, in writing, as to the number of ballots destroyed. If the procedure in subdivision (c) of Section 14403 is used, the tamperproof seal shall be signed by the elections official and at least one deputy or assistant elections official or registrar. The sealed container shall then be placed, with the sealed containers containing unused ballots from the precincts, in a security area by the elections official until disposition is made pursuant to Section 17301 or 17302. Alternatively, the elections official may, immediately upon the arrival of the hour when the polls are closed, recycle for any other lawful purpose any unused ballots remaining in the control of the elections official that clearly identify the election for which they were prepared. No later than 30 days following the last day to certify the official results of the election, the elections official shall make and file an affidavit, in writing, as to the number of ballots recycled. At the elections official's discretion, the unused ballots may be recycled up to six months following an election or at the conclusion of an election contest proceeding, whichever is later.

Ballot Processing

Elections Code section 15004

(a) Each qualified political party may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(b) Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and

review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(c) The county elections official may limit the total number of representatives employed pursuant to subdivision (b) in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representatives employed and in attendance pursuant to subdivision (a) shall not be subject to the limit specified in this subdivision.

Post Election Day

Canvass Board Members

Elections Code section 15304

In jurisdictions using a central counting place, the elections official may appoint not less than three deputies to open the envelopes or containers with the materials returned from the precincts. If, after examination, any of the materials are incomplete, ambiguous, not properly authenticated, or otherwise defective, the precinct officers may be summoned before the elections official and examined under oath to describe polling place procedures and to correct the errors or omissions.

Canvass Process

Elections Code section 335.5

The "official canvass" is the public process of processing and tallying all ballots received in an election, including, but not limited to, provisional ballots and vote by mail ballots not included in the semifinal official canvass. The official canvass also includes the process of reconciling ballots, attempting to prohibit duplicate voting by vote by mail and provisional voters, and performance of the manual tally of 1 percent of all precincts.

Elections Code section 353.5

The "semifinal official canvass" is the public process of collecting, processing, and tallying ballots and, for state or statewide elections, reporting results to the Secretary of State on election night. The semifinal official canvass may include some or all of the vote by mail and provisional vote totals.

Elections Code section 15201

(a) As soon as the polls are closed, the precinct board shall, in the presence of the public do all of the following:

(1) Seal the container used to transport voted ballots and insure that the precinct number is designated on the ballot container.

(2) Certify, sign, and seal the several packages or envelopes as directed by the elections official.

(3) By not less than two of their number, deliver the ballot container and packages to the elections official at the central counting place in the manner prescribed by the elections official. The ballot container and packages shall remain in their exclusive possession until delivered to the elections official.

(b) This section also applies to ballots counted manually pursuant to Article 6 (commencing with Section 15290).

Elections Code section 15204

All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or his or her authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official.

Elections Code section 15272

The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers.

Elections Code section 15301

The canvass shall commence no later than the Thursday following the election, shall be open to the public, and, for state or statewide elections, shall result in a report of results to the Secretary of State. The canvass shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed.

Vote-by-Mail Ballot Counting

Elections Code section 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.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted.

(d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following:

(1) Verifying signatures and addresses 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.

(e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.

Elections Code section 15105

Prior to processing and opening the identification envelopes of vote by mail voters, the elections official shall make available a list of vote by mail voters for public inspection, from which challenges may be presented. Challenges may be made for the same reasons as those made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is

imprisoned for a conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged vote by mail voter.

Elections Code section 15106

Except as otherwise provided, the processing of vote by mail ballot return envelopes, the processing and counting of vote by mail ballots, and the disposition of challenges of vote by mail ballots shall be according to the laws now in force pertaining to the election for which they are cast. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made.

Elections Code section 15109

Except as otherwise provided in this chapter, the counting and canvassing of vote by mail ballots shall be conducted in the same manner and under the same regulations as used for ballots cast in a precinct polling place.

Elections Code section 3019

(a) Upon receipt of a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(1) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(2) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(b) In comparing signatures pursuant to subdivision (a), the elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, he or she shall deposit the ballot, still in the identification envelope, in a ballot container in his or her office.

(2) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

(d) The variation of a signature caused by the substitution of initials for the first or middle name, or both, shall not be grounds for the elections official to determine that the signatures do not compare.

(e) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines the signatures do not compare, the elections official shall not reject the ballot unless he or she visually examines the signatures and verifies that the signatures do not compare.

(f) (1) (A) Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:

"UNSIGNED BALLOT STATEMENT"
I, am a registered voter of _____ County,
State of California. I do solemnly swear (or affirm) that I requested and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.
Voter's Signature
Address"

(iii) Before the close of the polls on election day, completes and submits an unsigned ballot statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.

(B) If timely submitted, the elections official shall accept any completed unsigned ballot statement. Upon receipt of the unsigned ballot statement, the elections official shall compare the voter's signature on the statement in the manner provided by this section.

(i) If the elections official determines that the signatures compare, he or she shall attach the unsigned ballot statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office.

(ii) If the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted.

(C) An elections official may use methods other than those described in subparagraph (A) to obtain a voter's signature on an unsigned identification envelope.

(2) Instructions shall accompany the unsigned ballot statement in substantially the following form:

"READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT."
1. In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible so that it can reach the elections official of the county in which your precinct is located no later than 5 p.m. on the eighth day after the election.
2. You must sign your name on the line above (Voter's Signature).
3. Place the statement into a mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. Be sure there is sufficient postage if mailed and that the address of the elections official is correct.

4. Alternatively, you may submit your completed statement by facsimile transmission to your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.

(3) An elections official shall include the unsigned ballot statement and instructions described in this subdivision on his or her Internet Web site, and shall provide the elections official's mailing address and facsimile transmission number on the Internet Web page containing the statement and instructions.

(g) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

Provisional Ballot Process

Elections Code section 14310(d)

The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

One Percent Manual Tally

Elections Code section 336.5

"One percent manual tally" is the public process of manually tallying votes in 1 percent of the precincts, selected at random by the elections official, and in one precinct for each race not included in the randomly selected precincts. This procedure is conducted during the official canvass to verify the accuracy of the automated count.

Elections Code section 15360

(a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail ballots, using either of the following methods:

(1)(A) A public manual tally of the ballots, including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B) (i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) Additional precincts for the manual tally may be selected at the discretion of the elections official.

(2) A two-part public manual tally, which includes both of the following:

(A) A public manual tally of the ballots, not including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B) (i) A public manual tally of not less than 1 percent of the vote by mail ballots cast in the election. Batches of vote by mail ballots shall be chosen at random by the elections official.

(ii) For the purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii) (I) In addition to the 1 percent manual tally of the vote by mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of vote by mail ballots, count one additional batch of vote by mail ballots. The manual tally shall apply only to the race not previously counted.

(II) Additional batches for the manual tally may be selected at the discretion of the elections official.

(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts, batches of vote by mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public manual tally prior to conducting the selection and tally.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

Appendix

Voter Bill of Rights

You have the following rights:

1. **The right to vote if you are a registered voter.** You are eligible to vote if you are:
 - a U.S. citizen living in California
 - at least 18 years old
 - registered where you currently live
 - not in prison or on parole for a felony
2. **The right to vote if you are a registered voter even if your name is not on the list.**
You will vote using a provisional ballot. Your vote will be counted if elections officials determine that you are eligible to vote.
3. **The right to vote if you are still in line when the polls close.**
4. **The right to cast a secret ballot** without anyone bothering you or telling you how to vote.
5. **The right to get a new ballot if you have made a mistake,** if you have not already cast your ballot. You can:
Ask an elections official at a polling place for a new ballot; or
Exchange your vote-by-mail ballot for a new one at an elections office, or at your polling place; or
Vote using a provisional ballot, if you do not have your original vote-by-mail ballot.
6. **The right to get help casting your ballot** from anyone you choose, except from your employer or union representative.
7. **The right to drop off your completed vote-by-mail ballot at any polling place** in the county where you are registered to vote.
8. **The right to get election materials in a language other than English** if enough people in your voting precinct speak that language.
9. **The right to ask questions to elections officials about election procedures and watch the election process.** If the person you ask cannot answer your questions, they must send you to the right person for an answer. If you are disruptive, they can stop answering you.
10. **The right to report any illegal or fraudulent election activity** to an elections official or the Secretary of State's office.

Special Notice:

- Polls are open from 7:00 a.m. to 8:00 p.m. on the day indicated in the posted sample ballot.
- Specific instructions on how to vote, including how to cast a provisional ballot, can be obtained from a poll worker or by reading the Information mailed to you by your local elections official.
- If you are a newly registered voter, you may be asked
- to provide appropriate identification or other documentation according to federal law. But please note that every individual has the right to cast a provisional ballot even if he or she does not provide the documentation.
- It is against the law to represent yourself as being eligible to vote unless you meet all of the requirements to vote under federal and state law.
- It is against the law to tamper with voting equipment.

If you believe you have been denied any of these rights, call the Secretary of State's confidential toll-free Voter Hotline at (800) 345-VOTE (8683).



On the web at www.sos.ca.gov



By phone at (800) 345-VOTE (8683)



By email at elections@sos.ca.gov

If you believe you have been denied any of these rights, or you are aware of any election fraud or misconduct, please call the Secretary of State's confidential toll-free Voter Hotline at (800) 345-VOTE (8683).

Information on your voter registration affidavit will be used by elections officials to send you official information on the voting process, such as the location of your polling place and the issues and candidates that will appear on the ballot. Commercial use of voter registration information is prohibited by law and is a misdemeanor. Voter information may be provided to a candidate for office, a ballot measure committee, or other person for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State. Driver's license and social security numbers, or your signature as shown on your voter registration card, cannot be released for these purposes. If you have any questions about the use of voter information or wish to report suspected misuse of such information, please call the Secretary of State's Voter Hotline at (800) 345-VOTE (8683). Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State's Safe at Home program toll-free at (877) 322-5227 or visit the Secretary of State's website at www.sos.ca.gov.

Exhibit F

ELECTIONS CODE SECTION 14240-14243

14240. (a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all 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.

(b) On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

14241. A piece of mailed matter returned undelivered by the post initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge.

14242. The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and moving from that precinct within 14 days prior to an election.

14243. If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the index, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the index."

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Trinity
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant County of Trinity
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 42 U.S.C. § 1983

Brief description of cause:

Deprivation of rights under color of Law

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Costs & Relief

CHECK YES only if demanded in complaint
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

June 22, 2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (d))*

This summons for (name of individual and title, if any) SHANNA S. White
 was received by me on (date) June 22, 2016.

☒ I personally served the summons on the individual at (place) Trinity County Courthouse
11 Court Street, Weaverville, CA on (date) 6-22-2016 or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other (specify): I served REN IN RE FOX File

My fees are \$ 0 for travel and \$ 0 for services, for a total of \$ 0.

I declare under penalty of perjury that this information is true.

Date: 6-22-16 2:01pm


 Server's signature

Morgan Cho
 Printed name and title

414 E. Wellington Ave. Santa Ana CA
92701
 Server's address

Additional information regarding attempted service, etc: (714) 482-5731

Email mrkcho21@gmail.com