

# Scrutineers Introductory Training on Observing After the Election

May 2022

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Welcome to Scrutineers introductory training on Observing After the Election. I'm Emily Levy, founder and Executive Director of Scrutineers, which is a non-partisan organization working for the freedom to vote and elections that are transparent, so every voice is heard. We work in a variety of ways, including providing this training for election observers. I'll tell you a little bit more about us at the end of this presentation.

A lot of folks think elections are pretty simple. People vote, the votes get counted, and the winners are announced. But the more you learn about elections, the more you'll understand just how complicated they are and how hard it is to get them right. The people who run elections have really challenging jobs, especially now when they're under attack by people who don't want every voice to be heard. Most of the people running elections believe in democracy and the right to vote and are doing their best.

We know you're likely to be busy until the polls close on election day, so in this training and the others available to you, we'll cover what happens after the polls close and how you can help ensure the votes are counted fairly and accurately. This training is part of Scrutineers' A.F.T.E.R. Project, Act For Trusted Election Results.

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Here's what we'll cover today: what happens after voting ends, why it's important to observe, when you arrive to observe what happens, what you'll see, and specifically what to look for, how to report any problems you find, how to prepare to observe, and then conclusion and next steps.

People do observe without any training at all, but the more you know, the more effective you'll be. There's a lot of information in this training so you may want to take notes. You can also review the slides afterwards and we'll have handouts and other resources for you on our resources page. (If you're not watching this on the resources page, you'll get the link to that at the end of this training.)

What happens after voters leave the polls?

At polling places, poll workers have procedures to follow to close up shop. While you might be able to observe at a polling place on election night, in most cases, it's more useful to observe at the election office or wherever votes are coming in from the polling places and being processed. Throughout the processing, election workers have many steps to follow, including making sure they don't lose ballots, double-count ballots, permit ballots to be changed, or let anyone tamper with the election computers.

I have a question for you. If you don't know election workers personally, how accurate do you think they will be in doing their jobs? Which of these statements seems the truest to you?

"All are completely accurate in doing their jobs,"

"Most are completely accurate but some make mistakes,"

"About half are completely accurate,"

"We all make mistakes so most workers do too,"

"Some will be intentionally unfair to one side or the other," or

"Many will be intentionally unfair to one side or the other"?

We've found that most people don't think workers will be perfect, and that's one of the most important reasons to observe. There are three major reasons it's important to observe after the elections. We've already talked about the first one, to catch mistakes. Election offices are often underfunded and understaffed, which makes it even harder to get everything right.

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If you've ever had a job where you were expected to do more than you could possibly do, you probably felt the urge to cut corners. Observers being present while the votes are counted will help the workers resist those urges and make sure procedures are being performed well. It's important to document issues in case follow-up is needed.

The second big reason is to get problems corrected. If you see problems, you may actually be able to get them corrected. Later in this presentation, we'll tell you who to talk to, to get issues fixed.

Number three, observers help protect election workers from false allegations of problems. Your factual documentation may be helpful if there are false accusations. Many election workers will recognize the value of this and welcome you. You'll be the eyes of the public if you're observing as accurately as you can, whether or not you're affiliated with the political party. As an observer, you can help increase public confidence in the fairness of the election process.

I want to share with you a real-life example of observers making a difference. In the California primary election in 2016, observers were watching vote count processing in Los Angeles County. In California, the Democratic party allows independent voters, those who did not register with any political party, to vote in the Democratic primary, but those voters have to use special ballots called crossover ballots. Election workers were incorrectly processing these crossover ballots in a way that was not counting the votes for president.

The observers were able to get the vote count stopped while the supervisor figured out what to do. There's an article about this in The Huffington Post. You can see the link to it. The supervisor agreed it had been an error and corrected the ballot processing procedure, including going back over the ballots that had been processed incorrectly. As a result, an estimated 66,500 votes for president were counted in the presidential primary that would not have been counted if those observers hadn't been present, 66,500 votes in one county. It could be you who prevents a huge mistake like this in the future.

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Even when problems are corrected, it's important to document what happened, and in some cases, even share it with others, which we'll talk about in a little bit.

Now, we'll go through the steps involved in doing the actual observing. We'll use as an example observing the arrival and initial processing of votes because those things happen everywhere. These processes start after the polls close on election night and continue into the next day. Even if you won't be able to observe until later when different parts of the post-election process are being conducted, most of what we'll cover will apply to you, and we'll have other trainings available for you about observing different election processes.

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Wherever possible, we recommend that you find out what processes will be happening on the day or days you can go observe so that you can review the appropriate training materials beforehand. We'll cover how to do that later in this presentation. When you arrive to observe, you may need to sign in. You'll want to ask the staff in the room who you should pose any questions to. Also ask if you may take photos and record video.

It's important to be respectful as much as you can and to pay attention to not taking up too much of their time because they're extremely busy. Try to make allies of other observers you meet.

While you're observing, this is really, really important: take notes. Notes will help you remember what you see to discuss with others. Write your notes right away because additional events may happen later that make it hard to remember exactly what happened earlier in the day. We've got a form that you can print out to take notes on or you can take notes just on blank paper.

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The main things to note are the names of people or descriptions of the people if you don't know their names, what happened, and what date and time it happened. It's important to keep the facts separate from any opinions that you choose to record. Even if you don't know what the people you're watching should be doing, watching and listening will teach you a lot.

Video is by far the best way to document what you see, although some places don't allow it, but video, of course, preserves memories because things happen really fast. You might not realize until later that something that happened earlier in the day was important, but by then, it's too late to take video or photos. If video isn't possible and photos aren't allowed and audio recording might be legal and helpful, if you have a smartphone, it probably has a voice recorder app you can use.

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On election night at the central office, you can expect to see staff receiving and opening bags of ballots and probably feeding them through a high-speed scanner to count the votes. Most places close down any dropboxes when polls close and bring bags of ballots from the dropboxes. These may be processed later than other ballots. Some votes will arrive on a memory device, such as a thumb drive or a flash drive. In some cases, ballots are scanned by a scanner at the voting location, then both the paper ballots and memory devices are transported to a central location, and other places, scanning happens at the central location only so only the paper ballots will be delivered.

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Thumb drives or other memory devices may arrive inside the scanner or inside a bag, box or envelope. Staff will take them out, put them into the central equipment for counting, and then you need to watch where staff put them next. You may also see the election results being transferred to the public website. Here are some examples of what to look for, and as with everything, we try to provide more details on our website. Many places require that two people bring in each ballot box for security, so note how many people you see if you're observing the arrival of ballots. Is anyone bringing in the materials unaccompanied? Do the ballots and memory devices arrive sealed? The seals usually have numbers on them and workers may have a list of the seal numbers. Before opening to staff, check the seal numbers against the list. Make sure the numbers haven't changed. Where do they look it up? Where do they write it down? We'll have training materials specifically about locks and seals in case you'd like to learn more about these. How do they track the batches of ballots to make sure each is scanned once and that none are scanned more than once? Usually, they move them to different parts of the room, depending on if they've been scanned yet or not, and they may also seal them, so make a note of that. In the place where you're observing, if the ballots have already been scanned at the precinct and the results arrive on memory devices, those are small and not very noticeable so they can be hard to track, so you want to notice how they handle them so no one can substitute, miss or double-count a device.

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Do workers from the voting computer companies, often referred to as vendors, access the election system? Contract staff may upload new software or fix errors, which can be troublesome if local election staff can't keep track of what the vendors do, or if software changes during the election. It's good to write down anything done by vendor representatives and ask what they're doing. Try to record their names or at least descriptions of the people involved. When workers are done with materials either at the end of an activity or at the end of the day, how are materials stored and locked? Write down what you notice.

Are voting systems connected to the internet? You've probably heard in the news that there's no need to worry about our elections being hacked because voting systems aren't connected to the internet, but is it true? Almost all computers get security updates for Windows and all their other software. These come from the internet and are loaded on USB drives or CDs, and if these updates contain malware, that goes into the election computers and infects them.

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Also, some of the voting systems now in use connect to the internet to send vote totals to the central office. Even when a particular computer isn't internet connected, it's not necessarily safe from hacking because it's indirectly connected to the internet. Let me explain.

On the left, we've got an offline computer. This is where the vote counts from the precinct are being fed in. If you've ever watched election night coverage on TV, you've heard them update the totals to say things like, "With 47% of precincts reporting, such and such has this percent of the vote." You're getting gradual updates on the vote count. Every half hour or so, staff move partial results from the election computer to an online computer to give you those results. They post them on their website, send them to the state office, to news agencies, et cetera. There's a right way and a wrong way to do this.

Let's say results from the offline computer are loaded onto a flash drive. This is then inserted into the online computer system used to transmit results. Malware from the internet can rapidly infect the online computer and create false results. This malware could infect the flash drive that's inserted into that online computer. They often put the same flash drive back into the election computer for the next update so malware can follow the USB back into the election computer. That is the wrong way to do this, but because this is how it's often done, it's misleading to say that the election computers cannot be manipulated because they're not connected to the internet. Marilyn Marks, who's the Executive Director for Coalition for Good Governance in Georgia, says this is like sharing needles.

The best practice is for each update to be performed using a single-use CD or a paper printout or a new USB drive fresh from a factory-sealed package. If you see this sharing needles problem, be sure to put it in your notes. Now, let's talk about reporting any problems that come up.

You'll need to use your own judgment about who it makes sense to tell about a specific situation, so we want you to think about things like who or what is causing the problem. Does action need to be taken immediately to correct the problem? Who has a power to correct it? Is this something that needs outside intervention from a hotline, party, or candidate? Those are some of the questions to think about as you're deciding who to report to, and here are what your choices are.

When you arrive to observe, ask the staff who you should speak to about what you see, so if you see a problem, tell that person immediately and ask for an explanation. Consider comparing notes with other observers in the room, which may include your buddy and candidates or their representatives.

If it still seems to be a problem, you can also post the issue on SeeSay2022.com, which puts issues on a map so other observers and journalists can see if there's a pattern. This image of the SeeSay map that you see on the slide is from 2020, and I'm actually not sure if the 2022 map is up yet. It will be by the fall election, and I'm not sure about the primaries. You can also text, call, tweet, or email a local group or candidate. Our website includes some links with contact information if you don't have that.

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You may know of other groups in your community who would want this information. Whether you find issues or not, we'd like you to send a brief summary to any of these groups and to us at Scrutineers. Hearing from you will help us improve our training in the future. If you see a serious problem, the hotline at 866-OUR-VOTE, run by the non-partisan Lawyers' Committee for Civil Rights, is a great option. There are other hotlines available, including in languages other than English, and we have links to these on our site. 866-OUR-VOTE may be able to help you with legal guidance or even dispatch lawyers to the site. This is a free service.

Here's a scenario so you can imagine how this might work when you're observing. Suppose you've been seeing pairs of workers bringing boxes of ballots to a table where others process them. (That's not exactly what's pictured here. This is folks arriving with ballots to an election office.) Then, you see one or two people bring in a similar container, put it in the corner, and leave. You watch for a few minutes, and it just stays there. What do you do? It may be more than one thing, but take a moment to think about, what would you do in this situation?

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Did you think of any of these options?

Write down the time, the description of the event, and the people in your notes.

Go closer to the ballot container and write down the information on any labels or take a photo if you're allowed.

Tell your buddy or other observers.

Ask a friendly election official in the room about it.

Ask even a gruff election official in the room.

Call or email a more senior election official who's not present.

Post a report on seesay2022.com.

Send a message to Scrutineers.

Tell a local group.

Tell a candidate or party.

Tell a non-partisan lawyer at 866-OUR-VOTE, or

Something else.

I hope that you thought of something like the first two, which are about documenting what happened and that you'd tell someone who can take action. Depending on what happens next, you might also report this situation to others.

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When we do this training live, we have a poll we do at this point, and I want to ask you the question, even though I won't be able to show you poll results. On a scale of one to five, how

likely are you to observe for the next election after the polls close or in the days that follow? Pick a number whichever is most likely for you

- 5) Definitely will observe
- 4) Probably
- 3) Maybe,
- 2) Not likely
- 1) Definitely won't observe after the polls close or in the days that follow.

I'm curious, why wasn't your answer a lower number? Think about that.

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Now, let's talk about how to prepare to observe. Rules about who can observe vary from state to state. Most states allow non-partisan observers, but some states only allow representatives of political parties or campaigns to observe. Some states may have other limitations, such as having to be a resident, a registered voter, or over 18 years old.

Some jurisdictions may let you observe remotely. While this is better than nothing, it's usually very difficult to see what's happening and there's generally no opportunity to ask questions if you're observing remotely or a video.

Our site will link you to the rules about observing in your state. Gray areas on this map, which is from the link that we'll give to you, are places where there are gaps in the laws about how to observe, so the laws just aren't all the way clear. If you have to do some initial steps, which you'll find out when you go to the link to this map, like signing up at your election office or through a candidate or party, we encourage you to do these steps as soon as possible. It's also important to find a buddy to observe with you.

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Even having only one additional person will help you feel supported and give you someone to talk with about what to do with what you observe. You can refer them to watch or read the transcript of this training if they have time. Next steps are to find your election office website. Elections are run by counties, except in New England, Michigan, and Wisconsin, where towns run elections, so depending on which state you're in, you'll either look up the election office for your county or your town. On the website or by phone, find the rules for observers and the schedule of activities that you can observe.

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If the rules include you having to stand a certain distance away from election workers, which they do in some place, you can prepare by putting a measuring tape app on your phone so you can confirm that you're as close as you can get.

We encourage you to follow the election office on Twitter or Facebook, whatever their social media is, and to sign up for their email list to get notified of changes in the schedule.

Activities in different states may include deciding which provisional ballots and vote by mail ballots are valid and must be counted. Offices may recopy torn ballots that they can't put through the scanners. Some states check or audit election results by hand to catch computer mistakes and ensure computer tallies are accurate.

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All of these are important and good to observe. If a schedule of activities is available, you can prepare by watching the relevant short training videos that are or soon will be available on our site. If you know what days you can go, find out what's going to be happening on those days, and then look for any training materials we have about those specific activities. It's important to understand that even if the outcome of an election is announced right away, results aren't final until all the steps are complete. A list of what we recommend you bring is available on our website.

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In a moment, I'll give you the link to find all the resources mentioned today. First, I want to take a quick moment to tell you about Scrutineers, the organization putting on this training.

Scrutineers is a non-partisan online community of people who care about fair elections and want to help make elections more transparent, more accessible, and more secure. Scrutineers members work in their own communities all around the U.S., and also help out in hotspots in other communities, usually from their homes. Inside our membership site, members share information, watch videos of trainings on things like different types of voting systems that are in use and their vulnerabilities, and how to advocate for change in your community. We sometimes have special events for members as well.

The membership site is designed to be a place where people who care about fair elections can learn information like what we've shared with you today and more, connect with others and take action to make elections fairer, more transparent, more accessible, and more secure. We're making short trainings about post-election observing available even to non-members on our website. Inside the membership part of our site, we have more in-depth training, and we also have ways to connect with people in your area and more ways to take action. I invite you to join us at [Scrutineers.org](https://scrutineers.org). Let me go back to the slide that has that link on it.

We charge a one-time fee of \$1.99 to join, which is something that we do to keep bots out of our site. If that payment is a problem for you, just contact us through the contact form on our site and we'll work it out. I want to be clear that it's not necessary to become a member of Scrutineers in order to access the additional Post-Election Observation training. We would love to have you as a member if you want to get more involved, and as a member, you can also look for others planning to monitor in your area and connect with them.

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You can find all our trainings, the slides of this presentation, and the resources we've mentioned today by going to this page: [scrutineers.org/get-involved/observers](https://scrutineers.org/get-involved/observers). Please save this link and use it. You'll need to sign up at this link with your email address in order to access the resources page. That's so that we can know how to email you when we add new materials or have other updates about post-election monitoring. If you are watching this video on the resources page, that signup form is also on the page there so that you can sign up to get updated in. It's really important that you do that.

To recap, here's what we've covered today: The three big reasons to observe are to catch mistakes, to get problems corrected, and to protect workers from false allegations. We want you to report serious issues to election staff where appropriate, to the SeeSay 2022 map site, and the voter protection hotline at 866-OUR-VOTE, and in some cases, to candidates, parties, and groups. We strongly encourage you to get the schedule of activities that can be observed in your county (or town if you're in one of the places that conducts elections at the town level). Figure out in advance when you can go, try to get a buddy or buddies to go with you, and then check out our training materials specifically related to the activities you'll be observing. We'll

help you understand what will be happening and what sorts of problems are most likely to occur at each step of the way in the processing of an election.

Thank you so much for attending today. We hope to see some of you as new members of Scrutineers. A special thanks to those of you making plans to observe after this year's elections. Please, please, please report back to us with your experience about observing.

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We'll be offering this training throughout the year. If you have friends you think would like to take the training, ask them to sign up at the link we gave you. Let me go back to that link so you can see it, [scrutineers.org/get-involved/observers](https://scrutineers.org/get-involved/observers). Remember, your voice matters, your vote matters, and your work matters.