

Chapter 4 – People and Activities in the Polling Place

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Electioneering

Electioneering is prohibited in the polling place and within 100 feet of the entrance and exit to the polling place (“No Electioneering Zone”). No electioneering, political activity, or posting or distributing of campaign materials may take place within the “No Electioneering Zone.”

Election judges are forbidden from electioneering and/or partisanship while working at the polling place. You may not wear or display any political material or express political opinions while you are in the polling place or while performing the duties of an election judge.

“Electioneering” includes wearing clothing that supports or opposes a candidate, ballot issue, or political party. **The ban on electioneering does not apply to political messages on clothing, buttons, badges, or the like worn by a voter who is on his or her way into the polling place or inside the polling place to vote.** Voters are allowed to wear clothing, buttons, or the like with a political message but are not allowed to linger in the polling place or within the “No Electioneering Zone.”

Throughout the day, monitor the activity outside the polling place and instruct anyone electioneering within the “No Electioneering Zone” to stay outside the marked boundary. If individuals persist, chief judges must call local law enforcement and request that the individuals be removed from the property. Also, election judges are advised to immediately remove political materials left behind in the polling place by voters.

Election judges should not apply the “No Electioneering Zone” restriction to lawn signs or other speech on private property that falls

within the 100 foot zone unless the election judge, or local board of elections, can articulate a reason why the restriction is necessary to prevent voter confusion, harassment, or intimidation. Election judges may request that a property owner limit display of campaign signs to areas beyond 100 feet, but any effort to enforce compliance by a person at that person's residence should be referred to the local board of elections for appropriate action.



If you have any questions, ask the chief judges.

Exit Polling

Organizations and individuals sometimes conduct “exit polling” to gather information about how individuals voted. Exit polling is permitted within the “No Electioneering Zone” subject to the direction of the chief judges.

Individuals conducting exit polling must:

1. Stay outside the polling room;
2. Not ask questions until after the voter has voted and left the polling room;
3. Inform voters that participation is voluntary; and
4. Not electioneer within the “No Electioneering Zone.”



Chief judges should try to accommodate exit pollsters. However, chief judges are reminded of their duty to maintain order in and around the polling place including limiting activities that create delays or disruptions in the voting process or access to the polling room. Chief judges may designate an area for exit polling outside the polling room and limit the number of people for each organization or the number of groups polling.

Challengers and Watchers

Maryland law allows designated individuals to serve as challengers and watchers. Challengers and watchers represent candidates, political parties, or proponents and opponents of ballot issues.

Accredited challengers and watchers are election observers who have access to polling places to observe all election day activities.

1. To be an accredited challenger and watcher, an individual must have a certificate completed by one of the following persons or entities:

- The State Board of Elections;
- A local board of elections;
- A candidate (including filed write-in candidates);
- A political party; or
- Any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

2. Challengers and watchers have the right to:

- Be in the polling room at least 1/2 hour before the polls open;
- Be in the polling room at any time when the polls are open;
- Be in the polling room during the completion of all tasks associated with closing the polls. Challengers and watchers must be inside the polling room before the polls close.
- Maintain a list of registered voters who have voted or individuals who have cast provisional ballots, and take the list outside of the polling place;
- Be positioned where they can see and hear each voter as the voter checks in to vote and can observe the activities

in the polling room. The chief judges will determine where challengers and watchers will be positioned. Chief judges are not required to place challengers and watchers directly behind the check-in table or where they can see the screen of the electronic pollbooks;

- Challenge a voter's identity; and
- Periodically throughout the day, may request:
 - a. One of the chief judges to accompany him or her to the scanning unit not currently being used by voters to verify the tamper tape and see the public counter; and
 - b. One of the check-in judges to allow him or her to see the number of voters who have been checked in to vote (located at the bottom, center of the "Find Voters" screen of the electronic pollbook).



Chief judges have the discretion to determine if the polling place is too busy at the time of a request and then comply with the request during non-peak voting times.

3. Except as described above, a challenger and watcher may not move about the polling place during voting hours. A challenger and watcher who wants to talk with a voter must do so outside the polling place and outside the "No Electioneering Zone."
4. In addition, a challenger and watcher cannot attempt to:
 - Find out how a voter voted or intends to vote;
 - Talk with any voter in the polling room;
 - Assist any voter in voting;
 - Interfere with the election process or impede a voter's access to an election judge;
 - Physically handle an original election document; or

- Use a cell phone, laptop, pager, or other electronic equipment in the polling place.



Chief judges may ask the challengers and watchers to leave a polling place before it opens if the challengers and watchers will prevent the timely opening of the polling place. A majority of the election judges must agree.



Chief judges may remove any challenger or watcher who interferes with the work of the judges, violates the prohibitions listed above, or does not follow an election judge's order.

State of Maryland
Challenger & Watcher Certificate

Part I – Instructions and Information

Instructions to Designating Candidate or Entity: You may designate a Maryland registered voter as a challenger and watcher if you are: (a) a candidate; (b) a political party; or (c) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot. *(To be eligible, the group of voters must form a political committee under section 13-207 of the Election Law Article.)*

Before designating any individuals, please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available at www.elections.state.md.us/oset_involved/index.html). Please provide the State Board's instructions to any individual you designated as a challenger and watcher.

Instructions to Challenger and Watcher: Please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available from your designating candidate or entity or at the website listed above). You must have this certificate when you are acting as a challenger or watcher; you will not be permitted to remain in the voting area without a signed certificate. Give an extra copy of this signed certificate to the election judges when you arrive at an early voting center or polling place.

As a challenger and watcher, you have the right to:

- Enter the voting area at least (but no later than) 30 minutes before voting hours begin;
- Enter or be present in the voting area at any time during voting hours;
- Remain in the voting area until all post-voting tasks have been completed and the election judges leave the voting area;
- Maintain a list of registered voters who have cast a ballot or individuals who have cast provisional ballots;
- Enter and leave the voting area to take outside information that identifies individuals who have cast ballots; and
- Be positioned near the election judges so that you may see and hear each voter as the voter checks in to vote.

You cannot attempt to: (a) determine how a voter voted or intends to vote; (b) talk with any voter in the voting area; (c) assist any voter in voting; (d) physically handle an original election document or equipment; (e) interfere with the election process or impede a voter's access to election judges; or (f) use a cell phone, laptop or other electronic equipment in a voting area.

You may be removed by an election judge if you do not follow an election judges' order or attempt a prohibited act.

Part II – Certificate Designating Challenger and Watcher

I/We certify that _____ has designated _____ a
Name of Designating Candidate or Entity Name of Challenger/Watcher
 registered voter, to act as a challenger or watcher for the 20__ Primary Election OR 20__ General Election.
(check only one)

This individual will act in this capacity on election day (complete Part A) and/or during early voting (complete Part B).
(check at the appropriate)

Part A: I/We designate this individual as a Challenger or Watcher for the following precinct(s) on election day:

District/Precinct or Ward/Precinct	Name of County or Baltimore City

Part B: I/We designate this individual as a Challenger or Watcher on the following days and at the following early voting locations:

Early Voting Dates	Name of Early Voting Center	Name of County or Baltimore City

Signature of Designating Candidate or Officer of Designating Entity

Office sought by Candidate

Date


SBE 10-312 Rev. 9/2011

Challenger and Watcher Certificate – Sample



The right of an individual to vote may be challenged **ONLY** on the grounds of **identity**. The challenge must be made before the individual is issued a ballot, ballot activation card, or a voter authority card.

Voter Identity Challenges

 This is a chief judge function only. A chief judge must follow all procedures for challenging a voter's identity.

The right of an individual to vote may be challenged **ONLY** on the **grounds of identity**. **The challenge must be made before the individual is issued a ballot, ballot activation card, or a voter authority card.**

Individuals (i.e., accredited or non-accredited challengers) may enter the polling room for the sole purpose of challenging the identity of other individuals trying to vote. A non-accredited challenger must follow the same rules and restrictions as an accredited challenger but must leave the polling place as soon as the challenge is made. A majority of election judges may limit the number of challengers in the polling place.

Election judges may also challenge the identity of an individual trying to vote. If this happens, a chief judge must follow all procedures for challenging a voter's identity. Unlike other non-accredited challengers, you are not required to leave the polling place following a challenge.


If a voter's identity is challenged:

1. Ask the voter for an acceptable form of ID.

The following are acceptable forms of ID:

- The individual's voter registration card;
- The individual's social security card;

- The individual's valid Maryland driver's license or MVA ID Card;
- Any ID card issued to the individual by the federal, State, or local government;
- Any employee ID card of the individual that contains a photograph of the individual and is issued by the employer; or
- A copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual.

 The individual's social security card is an acceptable form of ID for a challenged voter. A social security card is not an acceptable form of ID for a voter whose "status" is "pending" ("Pend1" or "Pend2") in the electronic pollbook.

2. If the voter presents an acceptable form of ID, have the voter return to the check-in line to continue the check-in process.
3. If the voter cannot present an acceptable form of ID:
 - The challenger and challenged voter must complete their portion of the *Affidavit for Challenger & Challenged Voter*. The chief judge must witness the challenger and challenged voter signing the affidavit and may provide additional information in Part III. The affidavit can be found in the precinct binder;
 - Have the voter return to the check-in line to be checked in as a provisional voter (provisional reason code #8 "Identity challenged and cannot provide acceptable form of ID");
 - Escort the voter to the provisional ballot judge; and
 - Instruct the provisional ballot judge to attach the *Affidavit* to the outside of the voter's provisional ballot envelope.

4. If election judges believe a challenger or watcher is making challenges that are not supported by specific information about the voter's identity, call the local board of elections office for assistance.
5. The chief judge should write the details of the challenge in the *Election Day Log*.

Individuals Attired or Equipped as Officials

At a polling place and within the “No Electioneering Zone,” a person may not wear clothes or equipment that create the appearance that the individual is performing an official or governmental function in connection with an election. This includes:

- Wearing a public or private law enforcement or security guard uniform;
- Wearing an armband: or
- Carrying or displaying a gun or badge.



Law enforcement officers or security guards who are on duty, traveling to or from duty, or who are performing an official governmental function may vote while wearing a uniform.

Polling Place Evaluators

Members and staff of the local board of elections or other individuals approved by the Maryland State Board of Elections or the local board of elections will make unannounced visits to polling places to evaluate the election judges' compliance with procedures and their general performance.

Evaluators use a *Polling Place Evaluation Form* when conducting evaluations. During the visit, evaluators may speak with election

judges and inspect reports but are not allowed to hinder or interfere with the voting process.