

Chapter 9 – Provisional Judges & Provisional Voting

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Pre-Election Set-Up

In addition to the election judge manual, a checklist is provided for judges to follow to assist them with required duties. Please use the checklist provided.


1. Set up a table for provisional voting in an area that is away from the regular voter ballot issuance table or make the provisional voting area an extension of the check-in tables so a provisional voter never goes to the regular voting area. Refer to the polling place layout provided by the local board of elections.
2. Place chairs at the table for the voters completing provisional ballot applications as well as a chair for the provisional ballot judge.
3. Set up a yellow privacy screen(s) for voters completing their ballots.
4. Set up the provisional voting supplies.
5. Open the provisional voting supply bag that contains the following supplies:

Folder Contains:

- *Provisional Opening & Closing Certificate;*
- *Provisional Tally Sheet;*
- Envelope for voter authority cards (VAC);
- Security seal to place over bag lock;
- Spoiled ballot envelope;
- Provisional sign-in sheet; and
- Election Day log to record voter issues.


Additional Supplies in bag:

- Provisional ballot applications (with envelope and instructions);
- Pens for voters to complete applications;
- Black pens for voters to complete provisional ballots.

 Work together so that your polling place is ready to open by 7:00 a.m.


Election Morning Set-Up


1. Get ballots from the ballot issuance table.
 - Primary Election – Get one pack of each ballot style (Democratic, Republican and Non-Partisan).
 - General Election – Get one pack of ballots. (Only one ballot style will be sent to the precinct for the General Election).
2. If additional ballots are needed during the day, get the ballots from the ballot issuance table.
3. Get the key from the Chief Judges to unlock and unzip the bottom of the orange provisional bag to verify that the bag is empty. Zip the bag shut and lock the bag. Place tamper tape over the lock.
4. Put a checkmark to verify that the bag is empty and record tamper tape number on the “Opening” section of the *Provisional Opening & Closing Certificate*.
5. Complete and sign the *Provisional Ballot Opening Certificate*.

 Never leave provisional ballots unattended. During voting hours, check the security of the ballots and the ballot bag(s).

Provisional Ballot Application Procedures

1. A check-in judge or chief judge will send the provisional voter from a check-in judge to the provisional judge. Check-in judges **WILL NOT** issue a voter authority card (VAC).

 Under federal law, every voter who claims to be registered and eligible to vote **MUST** be given an opportunity to vote.

 If a voter's name is not listed in the statewide register, he or she will not have a printed voter authority card. A chief judge will tell you when a voter does not have a voter authority card.

2. Check the voter in on the pollbook using the correct provisional ballot reason.
3. Each registered voter will have a voter authority card with a provisional ballot reason code number printed on it. If the voter is not registered, they will NOT have a voter authority card.
4. Initial the provisional ballot voter authority card on the provisional ballot judge line. Ask voter to sign voter authority card. The check-in judge line will be blank.
5. Use the reason code on the voter authority card to complete the "Election Judge" section on the back of the *Provisional Ballot Application* (see image below).
 - Put a check mark next to the reason code on the application;
 - Write the district/precinct number, the ballot style issued (found on the voter authority card), and your

initials in the boxes in the top right corner (see cheat sheet provided in your supply folder).

- If the voter needs to show ID, you **must** record the type of ID that the voter provided in item #6 on the back of the *Provisional Ballot Application*.


For Official Use Only	
Election Judge	✓ Check all boxes that apply.
A provisional ballot application was issued because the voter was:	
<input type="checkbox"/> 1. Not listed on the precinct register	District/Precinct or Early Voting Center
<input type="checkbox"/> 2. Listed on the precinct register but indicated a change of address	Ballot Style Issued
<input type="checkbox"/> 3. Listed but claims to have a different party affiliation (primary election only)	Election Judge
<input type="checkbox"/> 4. Listed as an absentee voter or as having already voted	Initials _____ Date _____
<input type="checkbox"/> 5. Listed as "Active" or "Inactive" & "Show ID" & unable to provide acceptable ID	
<input type="checkbox"/> 6. Listed as "pending" & "Show ID"	
Was acceptable ID presented? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, record the type of ID presented.	
<input type="checkbox"/> Photo ID - Address on the photo ID does not need to match the address in #7.	
<input type="checkbox"/> Maryland Driver's License or MVA ID Card - Verify that DL or ID number is printed in #6a.	
<input type="checkbox"/> Other-Photo ID - specify _____	
<input type="checkbox"/> Non-Photo ID - Must be dated within the last 3 months and have the same name and address as listed in #3 and #7.	
<input type="checkbox"/> Utility Bill <input type="checkbox"/> Pay Check <input type="checkbox"/> Bank Statement <input type="checkbox"/> Government Check	
<input type="checkbox"/> Other government document - specify _____	
<input type="checkbox"/> 7. Listed as "pending" & "Need DL#/SSN#" (See instructions for #6.)	
<input type="checkbox"/> 8. Identity challenged & cannot provide acceptable form of ID	
<input type="checkbox"/> 9. Other (explain): _____	
<input type="checkbox"/> 10. Voted during extended hours	
<input type="checkbox"/> 11. Not prequalified for same day registration (early voting only)	
<input type="checkbox"/> 12. No proof of residency for same day registration (early voting only)	

6. Put the voter authority card in the "Provisional VAC Envelope" before giving the *Provisional Ballot Application* to the voter.
7. Before giving a *Provisional Ballot Application* to the voter, show the voter the instructions on the application and tell the voter to:
 - Read the instructions page;
 - Tear off and keep the instructions page;
 - Completely fill out and sign the provisional ballot application; and
 - **DO NOT** detach the application (voter registration application) from the envelope.




Tell the voter to sign the application.


8. Check the application to make sure it is completed and signed.
9. After the voter completes the application, give the voter a provisional ballot.
10. Tell the voter to take the application envelope and the ballot to the provisional voting area.
11. Instruct the voter to insert his or her voted ballot into the ballot application envelope and seal the envelope.


 If the voter makes a mistake on the ballot, tell the voter to overvote every contest. Write “Spoiled” across the ballot and put it in the “Spoiled Provisional Ballot Envelope” before issuing the voter a replacement ballot.

12. A voter may not receive more than three ballots without the assistance of two election judges of different party affiliation.
13. Tell the voter to put the sealed application envelope into the provisional ballot bag.

 If the provisional ballot bag is full, notify the chief judges immediately and request an additional bag from the election office.

14. Record tally marks in the correct rows on the *Provisional Ballot Tally Sheet*.
15. Make sure the voter does not leave the provisional voting area until the voter puts the voted ballot and sealed application in the orange provisional ballot bag.

 Make sure provisional voters DO NOT put their voted provisional ballots into the scanning unit.

 Monitor the unvoted ballots and provisional ballot bag(s) at all times. Keep all provisional ballot supplies secure. Notify the chief judges immediately if any provisional ballot supplies are missing or show signs of tampering.

Provisional Ballot Reasons and Instructions to Voters

The following chart shows the reasons voters are issued provisional ballots and instructions to be given to the voter for each reason. Note that the “Reason Codes” are the same as the codes listed on the back of the *Provisional Ballot Application*.

Reason Code:	Tell the voter:
<p style="text-align: center;">1 Not listed on the precinct register.</p>	<ol style="list-style-type: none"> 1. If you are registered and in the correct precinct, your entire ballot will be counted. 2. If you are registered but in the wrong precinct and choose to vote here (instead of going to your correct precinct), only those contests that would appear on the ballot issued at your correct precinct will be counted. 3. If you are not registered, your provisional ballot will not count but the application will serve as a voter registration application for future elections.
<p style="text-align: center;">2 Listed on precinct register but indicated a change of address.</p>	<p>You indicated that you moved more than 21 days before the election, did not notify election officials of the change, and are in the wrong precinct for your new address. If you choose to vote a provisional ballot here (instead of going to your correct precinct), only those contests that would appear on the ballot issued at your new precinct will be counted.</p>
<p style="text-align: center;">3 Listed but claims to have different party affiliation. (Primary Election only)</p>	<p>Your provisional ballot will be counted if the local board of elections determines that you are registered with the party that you claim and the party affiliation listed in the precinct register was incorrect due to clerical error.</p>

Reason Code:	Tell the voter:
<p style="text-align: center;">4 Listed as an absentee voter or as having already voted.</p>	<p>Your provisional ballot will only be counted if you did not vote by absentee ballot or have not previously voted.</p>
<p style="text-align: center;">5 Listed as “Active” or “Inactive” & “Show ID” and unable to provide sufficient ID.</p>	<p>If you provide the local board of elections with the required ID <u>before</u> the canvassing of provisional ballots, which begins on the 2nd Wednesday after the election, your ballot will be counted.</p>
<p style="text-align: center;">6 Listed as “Pending” & “Show ID.”</p>	<p>If you present acceptable ID now or to the local board of elections <u>before</u> the canvassing of provisional ballots which begins on the 2nd Wednesday after the election, your ballot will be counted. If you do not provide acceptable ID <u>before</u> the canvassing of provisional ballots, your ballot will not be counted.</p>
<p style="text-align: center;">7 Listed as “Pending” & “Need DL# / SSN.”</p>	<p>If the local board of elections can verify the number you provided in Box 6a or 6b, you will be registered to vote, and your ballot will be counted.</p> <p>If you marked Box 6c, you will be registered to vote, and your ballot will be counted.</p> <p>If you do not complete any box in section 6 before the canvassing deadline or the number you provided could not be verified, you will not be registered to vote and your ballot will not be counted.</p>

Reason Code:	Tell the voter:
<p style="text-align: center;">8 Identity challenged & cannot provide acceptable form of ID.</p>	<p>If the local board of elections determines that you are the registered voter you claim to be and are otherwise eligible to vote, your ballot will be counted. You should provide an acceptable form of ID to the local board of elections <u>before</u> the canvassing of provisional ballots, which begins on the 2nd Wednesday after the election.</p>
<p style="text-align: center;">9 (Other)</p>	<p><i>[Note to provisional ballot judge: The chief judges will provide you with instructions if #9 is printed on the voter authority card.]</i></p>
<p style="text-align: center;">10 Extended Hours</p>	<p>You are voting during extended voting hours ordered by court.</p>

Closing the Polls

1. Count and record the total number of tally marks made in each row on the *Provisional Ballot Tally Sheet* for both the voter authority cards and the provisional ballots.
2. Record the number of provisional voters on the “Closing” section of the *Provisional Ballot Certificate*.
3. Count the number of spoiled provisional ballots and record the number on the *Spoiled Ballot Tally Sheet* and *Provisional Opening & Closing Certificate*.
4. Verify the total number of voter authority cards against the *Provisional Ballot Tally Sheet*.

5. Complete and sign the “Closing” section of the *Provisional Opening & Closing Certificate*.
6. Ask a bipartisan team of two chief judges to sign the *Provisional Opening & Closing Certificate*.
7. Return all unvoted ballots back to the ballot judge/issuance table.
8. Place the following items in the provisional folder:
 - *Provisional Opening & Closing Certificate*;
 - *Provisional Tally Sheet*;
 - Envelope for voter authority cards (VAC);
 - Spoiled ballot envelope;
 - Provisional sign-in sheet; and
 - Election Day log to record voter issues
9. **Put the folder in the orange provisional bag using slot that ballots were placed in. Zipper the top of the bag. DO NOT remove tamper tape over the lock!**
10. **Give the orange provisional bag to the Chief Judges to return to the local board of elections. DO NOT put in transportation cart!**
11. Put all remaining provisional supplies in the provisional supply bag and place in blue supply bag. Supplies include:
 - Provisional ballot applications (with envelope and instructions);
 - Pens for voters to complete applications and ballots



Continue to assist the chief judges with assignments they may give. It is important to complete all tasks quickly and efficiently.