

Chapter 9 – Provisional Judge & Provisional Voting

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9.1 Pre-Election Set-Up

In addition to the *Election Judges' Manual*, a checklist is provided for election 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 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. Look at the polling place layout provided by the Carroll County Board of Elections.
2. Place chairs at the table for voters completing provisional ballot applications and a chair for the provisional judge.
3. Set up a yellow privacy screens for voters to use when marking their provisional ballots.
4. Set up the provisional voting supplies.
5. Open the provisional voting supply bag. It will have these supplies:

Expandable File Folder will have:

- *Provisional Opening & Closing Certificate*
- *Provisional Ballot Tally Sheet*
- Envelope for provisional voter authority cards
- Security seal to place over bag lock
- Spoiled ballot envelope
- Provisional Sign-in Sheet
- *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

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- 3 to 7 orange privacy sleeves

9.2 Election Morning Set-Up

All tasks are supervised by chief judges.

Arrive at 6:00 a.m.

Make sure you sign the *Payroll Sheet* found in the precinct binder.



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

1. Get the keys 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.
2. Put a checkmark to verify that the bag is empty and record the tamper tape number on the “Opening” section of the *Provisional Opening & Closing Certificate*.
3. Complete and sign the *Provisional Ballot Opening Certificate*.

Figure 1 - Provisional Opening & Closing Certificate

State of Maryland

Provisional Opening & Closing Certificate
2022 Gubernatorial Primary

County/City: Carroll _____ Date: June 28, 2022 _____

District/Ward/Precinct: _____

OPENING

	Verify
1. Verify orange provisional bag is empty.	✓
2. Record tamper tape number placed on lock at opening:	

CLOSING

Voter Authority Cards (VACs)		Provisional Ballots	
Provisional Ballot Tally Sheet #	Party Totals	Provisional Ballot Tally Sheet #	Party Totals
VAC Democrat Total		Provisional Ballot Democrat Total	
VAC Republican Total		Provisional Ballot Republican Total	
VAC All Others/UNA		Provisional Ballot Others/UNA	
No VAC			
TOTAL (A)		TOTAL (B)	

Total Number of Spoiled Ballots from Provisional Tally Sheet:

Note: TOTAL (A) and TOTAL (B) should be equal UNLESS there are spoiled ballots. The difference between Total A and Total B should equal the number of spoiled ballots.
 Do NOT remove tamper tape from the morning!!!

To the best of our knowledge, the information on this form is true and correct.

Provisional Judges: _____



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

9.3 Provisional Ballot Application Procedures

1. A check-in judge or chief judge will escort the provisional voter from the check-in table to the provisional judge. Check-in judges **WILL NOT** issue a voter authority card to provisional voters.



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

2. Before starting the provisional process, make sure to have the voter sign the *Provisional Voter Sign-in Sheet*. Make sure to place a checkmark in the “Voted Provisionally” and “Yes” column to confirm that the voter voted provisionally.

Figure 2 - Provisional Voter Sign-in Sheet

State of Maryland

2022 Gubernatorial Primary Election
Provisional Voter Sign-In Sheet

County/City: Carroll Date: June 28, 2022

District/Ward/Precinct: _____

All voters who mark a provisional ballot must print and sign name.

Provisional judge must verify below that the voter marked a provisional ballot and completed a ballot application. Both ballot and application must be placed in provisional ballot bag.

	Voter ID	Voter Name (Please Print)	Voter Signature	Voted Provisionally		Same Day Registration	
				Yes ✓	No ✓	Yes ✓	No ✓
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							



If a person's name is not listed on the electronic pollbook, then he or she may be eligible to register to vote using same day registration. Refer the person to the election judge who processes same day registrations. If a person is not eligible to register to vote using same day registration, he or she will not have a printed voter authority card. A chief judge will tell you when someone does not have a voter authority card.

3. Check in the voter on the electronic pollbook using the correct provisional ballot reason.
4. Each voter should have a provisional voter authority card with a provisional ballot reason code number printed on it.
5. Initial the provisional ballot voter authority card on the provisional ballot judge line. Ask the voter to sign the voter authority card. The check-in judge line will be blank.
6. Use the reason code on the provisional voter authority card to fill out the "Election Judge" section on the back of the *Provisional Ballot Application*.
 - 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** write down the type of ID that the voter provided. Write this in item #6 on the back of the *Provisional Ballot Application*.

Figure 3 - "Election Judge" Section of the Provisional Ballot Application

For Official Use Only	
<p>Election Judge ✓ Check all boxes that apply.</p> <p>A provisional ballot application was issued because the voter was:</p> <p><input type="checkbox"/> 1. Not listed on the precinct register</p> <p><input type="checkbox"/> 2. Listed on the precinct register but indicated a change of address</p> <p><input type="checkbox"/> 3. Listed but claims to have a different party affiliation (primary election only)</p> <p><input type="checkbox"/> 4. Listed as an absentee voter or as having already voted</p> <p><input type="checkbox"/> 5. Listed as "Active" or "Inactive" & "Show ID" & unable to provide acceptable ID</p> <p><input type="checkbox"/> 6. Listed as "pending" & "Show ID"</p> <p style="margin-left: 20px;">Was acceptable ID presented? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">If yes, record the type of ID presented.</p> <p><input type="checkbox"/> Photo ID - Address on the photo ID does not need to match the address in #7.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Maryland Driver's License or MVA ID Card - Verify that DL or ID number is printed in #6a.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other-Photo ID - specify _____</p> <p><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.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Utility Bill <input type="checkbox"/> Pay Check <input type="checkbox"/> Bank Statement <input type="checkbox"/> Government Check</p> <p style="margin-left: 20px;"><input type="checkbox"/> Other government document - specify _____</p> <p><input type="checkbox"/> 7. Listed as "pending" & "Need DL#/SSN#" (See instructions for #6.)</p> <p><input type="checkbox"/> 8. Identity challenged & cannot provide acceptable form of ID</p> <p><input type="checkbox"/> 9. Other (explain): _____</p> <p><input type="checkbox"/> 10. Voted during extended hours</p> <p><input type="checkbox"/> 11. Not prequalified for same day registration</p> <p><input type="checkbox"/> 12. No proof of residency for same day registration</p>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">District/Precinct or Early Voting Center</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Ballot Style Issued</div> <div style="border: 1px solid black; padding: 2px;"> <p style="text-align: center; margin: 0;">Election Judge</p> <div style="display: flex; justify-content: space-between; margin: 0;"> Initials _____ Date _____ </div> </div>

7. Put the provisional voter authority card in the "Provisional VAC Envelope." Do not give the voter the *Provisional Ballot Application* yet.
8. Put a tally mark for each provisional voter authority card in the "Voter Authority Cards" section of the *Provisional Ballot Tally Sheet*. Be sure to use the voter's **REGISTERED** party when placing the tally mark on the *Provisional Ballot Tally Sheet*.

Figure 4 - "Voter Authority Cards" Section of the Provisional Ballot Tally Sheet

Provisional Ballot Tally Sheet State of Maryland
 2022 Gubernatorial Primary

County/City: Carroll Date: June 28, 2022

District/Ward/Precinct: _____

1. Keep a tally of provisional voters by their registered party. (Ex: IIII = 4, IIII II = 12)

2. A voter not listed in the electronic pollbook is tallied as the party requested by the voter.

1. Keep a tally of provisional ballots issued by party. (Ex: IIII = 4, IIII II = 12)

2. If a voter spoils a ballot place a tally mark in the spoiled ballot line. Place a tally mark by the party for the second replacement ballot. Note: Total A and Total B will NOT equal. The difference should equal the number of spoiled ballots.

VOTER AUTHORITY CARDS				PROVISIONAL BALLOTS		
Party	VAC Tally	No VAC	Totals	Party	Provisional Ballot Tally	Totals
Democrat				Democrat		
Republican				Republican		
Other/UNA				Other/UNA		
TOTAL (A)				TOTAL (B)		
				Spoiled Ballot Tally		

Note: TOTAL (A) and TOTAL (B) should be equal UNLESS there are spoiled ballots. The difference between Total A and Total B should equal the number of spoiled ballots.

Provisional Judge Signature _____

9. 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.
 - **DO NOT** detach the application (voter registration application) from the envelope.



Make sure the voter signs the application. If the voter does not sign the application, the voter's provisional ballot will not count.

10. While the voter completes the application, get the voter's ballot from the ballot issuance area. You may also ask the other provisional judge or a chief judge to get the ballot from the ballot issuance area.
11. Put the ballot in the orange provisional privacy sleeve.
12. Check the application to make sure it is completed and signed. Put the completed provisional ballot application in the orange provisional privacy sleeve with the ballot.
13. Tell the voter to take the orange provisional privacy sleeve that contains the completed provisional ballot application envelope and the ballot to the privacy screen in the provisional voting area.
14. Tell the voter to put the voted ballot into the ballot application envelope and seal the envelope. Tell the voter to put the sealed ballot application envelope in the orange provisional privacy sleeve and come to you when they have completed voting.



A provisional voter may use the ballot marking device to vote his or her provisional ballot if the voter asks to use the ballot marking device. Make sure the ballot activation card ballot is put into the ballot application envelope and seal the envelope. A chief judge **MUST** take the voter to the ballot marking device. The chief judge must wait for the voter and then take the voter back to the provisional ballot judge.



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.

15. A voter may only be given two replacement ballots. If a voter already spoiled two ballots, a voting judge must offer to help the voter. The voter may choose a helper who is not an election judge. Two judges, one from each major political party, can work together to help the voter.
16. Tell the voter to put the sealed application envelope into the orange provisional ballot bag.



If the provisional ballot bag is getting full, tell the chief judges right away. The chief judges must contact the Carroll County Board of Elections to request another bag.

17. Put a tally mark for each provisional ballot put into the orange provisional ballot bag by a voter in the "Provisional Ballots" section of the *Provisional Ballot Tally Sheet*. Be sure to place a tally mark for the ballot style **ISSUED** to the voter.

Figure 5 - "Provisional Ballots" Section of the Provisional Ballot Tally Sheet

Provisional Ballot Tally Sheet 2022 Gubernatorial Primary				State of Maryland	
County/City: Carroll			Date: June 28, 2022		
District/Ward/Precinct: _____					
1. Keep a tally of provisional voters by their registered party. (Ex. IIII = 4, IIII II = 12) 2. A voter not listed in the electronic pollbook is tallied as the party requested by the voter.			1. Keep a tally of provisional ballots issued by party. (Ex. IIII = 4, IIII II = 12) 2. If a voter spoils a ballot, place a tally mark in the spoiled ballot line. Place a tally mark by the party for the second replacement ballot. Note: Total A and Total B will NOT equal. The difference should equal the number of spoiled ballots.		
VOTER AUTHORITY CARDS			PROVISIONAL BALLOTS		
Party	VAC Tally	No VAC	Totals	Party	Provisional Ballot Tally
Democrat				Democrat	
Republican				Republican	
Other/UNA				Other/UNA	
TOTAL (A)				TOTAL (B)	
				Spoiled Ballot Tally	

Note: TOTAL (A) and TOTAL (B) should be equal UNLESS there are spoiled ballots. The difference between Total A and Total B should equal the number of spoiled ballots.

Provisional Judge Signature _____

18. 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.



Provisional ballots do not go into the scanning unit. Make sure provisional voters do not put their voted ballots into the scanning unit.



Monitor the provisional ballot bag(s) at all times. Keep all provisional ballot supplies secure. Tell the chief judges right away if any provisional ballot supplies are missing or show signs of tampering.

9.4 Provisional Ballots Reasons and Instructions to Voters

The following chart shows the reason a voter is issued a provisional ballot. Note that the “Reason Codes” are the same as the codes listed on the back of the *Provisional Ballot Application*.

For each reason code, give the voter the correct instructions from the table below.

Reason Code:	Tell the voter:
1 Not listed on the precinct register.	<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, you can still choose to vote here, instead of going to your correct precinct. But only the contests that would appear on the ballot for your correct precinct will be counted.3. If you are not registered and not eligible to register using same day registration, your provisional ballot may not count. But the provisional ballot application will serve as a voter registration application for future elections.

Reason Code:	Tell the voter:
<p>2</p> <p>Listed on precinct register but indicated a change of address.</p>	<p>You say that you moved more than 21 days before the election and that you did not tell election officials about the change. Now you are in the wrong precinct for your new address. You can choose to vote a provisional ballot here, instead of going to your correct precinct. However, only the contests that would appear on the ballot for your new precinct will be counted.</p>
<p>3</p> <p>Listed but claims to have different party affiliation. (Primary Election only)</p>	<p>Your provisional ballot will only be counted if the Carroll County Board of Elections can confirm that you really are registered with the party that you claim.</p>
<p>4</p> <p>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 and if you did not vote somewhere else.</p>
<p>5</p> <p>Listed as “Active” or “Inactive” & “Show ID” and unable to provide sufficient ID.</p>	<p>If you provide the Carroll County Board of Elections with the required ID before the provisional ballots are counted, then your ballot will be counted. Provisional ballots are counted starting on the 2nd Wednesday after election day.</p>

Reason Code:	Tell the voter:
<p style="text-align: center;">6 Listed as “Pending” & “Show ID.”</p>	<p>If you provide acceptable ID now, your ballot will be counted. If you provide acceptable ID to the Carroll County Board of Elections before the provisional ballots are counted, your ballot will be counted. If you do not provide acceptable ID before the provisional ballots are counted, your ballot will not be counted. Provisional ballots are counted starting the 2nd Wednesday after election day.</p>
<p style="text-align: center;">7 Listed as “Pending” & “Need DL# / SSN.”</p>	<p>If the Carroll County Board of Elections can confirm the number you provided in Box 6a (Maryland Driver’s License or ID Card number) or 6b (last 4 digits of social security number), you will be registered to vote, and your ballot will be counted.</p> <p>If you marked Box 6c (do not have a valid Maryland Driver’s License or ID card or a social security number), you will be registered to vote, and your ballot will be counted.</p> <p>If you do not complete any box in section 6, you will not be registered to vote and your ballot will not be counted. If the number you provided cannot be confirmed before the provisional ballots are counted, your ballot will not be counted.</p>

Reason Code:	Tell the voter:
<p>8</p> <p>Identity challenged & cannot provide acceptable form of ID.</p>	<p>You must provide an acceptable form of ID to the Carroll County Board of Elections before the provisional ballots are counted. Provisional ballots are counted starting the 2nd Wednesday after election day.</p> <p>If the Carroll County Board of Elections decides that you are the registered voter you claim to be and that you are eligible to vote, then your ballot will be counted.</p>
<p>9</p> <p>(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>10</p> <p>Extended Hours</p>	<p>You are voting during extended voting hours ordered by the court.</p> <p>Your vote will be counted unless the court order extending voting hours is successfully challenged in court.</p>
<p>11</p> <p>Not prequalified for Same Day Registration</p>	<p>The electronic pollbook database did not show you as prequalified for registration.</p> <p>If the Carroll County Board of Elections can confirm you meet the qualifying standards to be a registered voter, you will be registered to vote, and your ballot will be counted.</p>

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Reason Code:	Tell the voter:
<p style="text-align: center;">12</p> <p style="text-align: center;">No proof of residency for Same Day Registration</p>	<p>You did not provide a current document showing your name and current address. You did not present a utility bill, bank statement, government check, paycheck or any other government document that is dated within the last three months.</p> <p>If you provide acceptable ID to the Carroll County Board of Elections before the provisional ballots are counted, your ballot will be counted. If you do not provide acceptable ID before the provisional ballots are counted, your ballot will not be counted. Provisional ballots are counted starting the 2nd Wednesday after election day.</p>

9.5 Closing the Polls

- Count each provisional voter authority card by party affiliation and write the number under "Voter Authority Cards (VACs)" on the "Closing" section of the *Provisional Opening & Closing Certificate*.

Figure 6 - "Closing" Section of the Provisional Opening & Closing Certificate

State of Maryland

Provisional Opening & Closing Certificate
2022 Gubernatorial Primary

County/City: Carroll Date: June 28, 2022

District/Ward/Precinct: _____

OPENING

	Verify
1. Verify orange provisional bag is empty.	✓
2. Record the tape number placed on lock at opening.	

CLOSING

Voter Authority Cards (VACs)		Provisional Ballots	
Provisional Ballot Tally Sheet #	Party Totals	Provisional Ballot Tally Sheet #	Party Totals
VAC Democrat Total		Provisional Ballot Democrat Total	
VAC Republican Total		Provisional Ballot Republican Total	
VAC All Others/UNA		Provisional Ballot Others/UNA	
No VAC			
TOTAL (A)		TOTAL (B)	

Total Number of Spoiled Ballots from Provisional Tally Sheet: _____

Note: TOTAL (A) and TOTAL (B) should be equal UNLESS there are spoiled ballots. The difference between Total A and Total B should equal the number of spoiled ballots.

Do NOT remove tamper tape from the morning!!!

To the best of our knowledge, the information on this form is true and correct.

Provisional Judges: _____

2. Check that the written total matches the number of tally marks on the *Provisional Ballot Tally Sheet*.
3. Count the number of tally marks under the “Provisional Ballots” section of the *Provisional Tally Sheet* and write the total on the “Closing” section of the *Provisional Opening & Closing Certificate*.
4. Count the number of tally marks under the *Spoiled Ballot Tally* section of the *Provisional Ballot Tally Sheet*. Place the number on the *Provisional Opening & Closing Certificate*.
5. Make sure the total number of provisional voter authority cards match the *Provisional Ballot Tally Sheet*.
6. Fill out and sign the “Closing” section of the *Provisional Opening & Closing Certificate*.
7. Return all unvoted ballots to the ballot judge at the ballot issuing table.
8. Put the following items in the provisional folder:
 - *Provisional Opening & Closing Certificate*
 - *Provisional Tally Sheet*
 - Envelope for voter authority cards (VACs)
 - Spoiled ballot envelope
 - Provisional Sign-in Sheet
 - *Election Day Log* to record voter issues
9. Ask both chief judges to sign the *Provisional Opening & Closing Certificate*.
10. **DO NOT remove the tamper tape over the lock.**
11. **Give the expandable file folder and the orange provisional bag to the chief judges to return to the Carroll County Board of Elections. DO NOT put the provisional bag in the transportation cart.**
12. Put all remaining provisional supplies in the provisional supply bag and place in the blue supply bag. Supplies include:

9-14 Provisional Judge & Provisional Voting

- Provisional ballot applications (with envelope and instructions)
- Pens for voters to complete applications and ballots



Do everything that the chief judges ask you to do. It is important to complete all tasks quickly and efficiently.