

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. Put chairs at the table for provisional voters completing provisional ballot applications and a chair for the provisional judge.
3. Set up yellow privacy screens for voters to use when marking their provisional ballots. *Follow the Monday night checklist if this was not done before Election Day.*
4. Set up the provisional voting supplies. *If not already completed, refer to the Monday night checklist.*
5. Your supplies will be found in the blue precinct bag. Ask a chief judge if you cannot find the bag.
6. Get your expandable file folder in the blue precinct bag. It will have:
 - *Provisional Opening & Closing Certificate*
 - *Provisional Ballot Tally Sheet*
 - *Provisional Sign-In Sheet*
 - Envelope for provisional voter authority cards
 - Spoiled ballot envelope
 - *Election Day Log* to record voter issues
 - Security seal for the orange provisional ballot bag to be placed over the lock.
7. Get your pens and orange privacy sleeves from the blue precinct bag.
8. Get your provisional ballot applications, the orange “pizza” bag and the yellow privacy screens from the precinct cart.

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 at 7:00 a.m.

1. Get the provisional bag keys from the chief judges to unlock and unzip the bottom of the orange provisional bag.
2. Make sure the bag is empty.
3. Zip the bag shut and lock the bag.
4. Put tamper tape over the lock.
5. 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*.

Figure 1 - Provisional Opening & Closing Certificate

State of Maryland

Provisional Opening & Closing Certificate
2024 Presidential Primary

County/City: Carroll Date: May 14, 2024

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: _____

Democratic Chief Judge _____ Republican Chief Judge _____



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

9.3 Provisional Ballot Application Procedures

1. A check-in judge will direct a voter to the provisional judge. The provisional judges sit at the end of the check-in tables. 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. Check in the voter on the pollbook using the correct provisional ballot reason.



If a person's name is not listed on the pollbook, then they may be eligible to register to vote using same day registration. The provisional check-in judge will process a same day registration. See the Same Day Registration Manual for more information on processing a same day registration transaction.

3. 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 

2024 Presidential Primary Election
Provisional Voter Sign-In Sheet

County/City: Carroll Date: May 14, 2024

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 | | | | | | | |

4. Each voter will have a provisional voter authority card with a provisional ballot reason code number printed on it.
5. Initial the provisional voter authority card on the provisional ballot judge line. Ask the voter to sign the voter authority card. The check-in judge initial line will be blank.
6. Use the reason code on the provisional voter authority card to fill out the “Election Judge” section on the *Provisional Ballot Application*.
 - Put a check mark next to the reason code on the application.
 - In the “Location” box, write the district/precinct number of the polling place or make sure the district/precinct number is already filled in.
 - In the “Ballot Style Issued” box, write the ballot style issued (found on the voter authority card)
 - In the “Election Judge” box, write your initials and the date. Look at the cheat sheet provided to you in your expandable file 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 “Election Judge” section of the *Provisional Ballot Application*.

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

Maryland
Provisional Ballot - For Official Use Only

Election Judge
Mark the code that is shown on the Voter Authority Card

A provisional ballot application was issued because the voter was:

- 1. Not listed on the precinct register
- 2. Listed on the precinct register but not in the correct polling place
- 3. Listed but claims to have a different party affiliation (primary election only)
- 4. Listed as an "Absentee Issued" voter or as having already voted
- 5. Listed as "Active" or "Inactive" & "Show ID" and unable to provide acceptable ID
- 6. Listed as "Pending" and "Show ID"

Was acceptable ID presented?
 Yes (mark the type of ID presented below)

Photo ID - The photo ID does not need an address. If there is an address, the address does not need to match the address on the VAC or this application.

- MD DL or MVA ID# is printed on voter's application
- Other Photo ID (specify) _____
- No

Non Photo ID - The document must be current (dated within the last 3 months) and must contain the same name and address as listed on the VAC or this form.

- Utility Bill
- Pay Check
- Bank Statement
- Government Check
- Other Government Document: _____

- 7. Listed as "Pending" and "Need DL#/SSN#" (See instruction for #6)
- 8. Identity challenged and cannot provide acceptable form of ID
- 9. Other (explain): _____
- 10. Voted during extended hours
- 11. Not prequalified for same day registration (for same day registration voters only)
- 12. No proof of residency for same day registration (for same day registration voters only)

Location: (District/ Polling Place/Early Voting Center)

Ballot Style Issued

Election Judge

Initials Today's Date

- Put the provisional voter authority card in the “Provisional VAC Envelope.” Do not give the voter the *Provisional Ballot Application* yet.
- 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
2024 Presidential Primary

State of Maryland

County/City: Carroll Date: May 14, 2024

District/Ward/Precinct: _____

1. Keep a tally of provisional voters by their registered party.
(Ex. IIII = 4, IIII IIII = 8)

2. A voter not listed in the pollbook is tallied on the second line as blank or no VAC.

VOTER AUTHORITY CARDS

| Party | VAC Tally | No VAC | Totals |
|------------------|-----------|--------|--------|
| Democrat | | | |
| Republican | | | |
| Other/UNA | | | |
| TOTAL (A) | | | |

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

2. Spoiled ballots are tallied in the box near the bottom of the form.

PROVISIONAL BALLOTS

| Party | Provisional Ballot Tally | Totals |
|-----------------------------|--------------------------|--------------|
| Democrat | | |
| Republican | | |
| Other/UNA | | |
| TOTAL (B) | | |
| Spoiled Ballot Tally | | Total |
| Spoiled Provisional Ballots | | |

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.
10. While the voter completes the application, get the voter's ballot from the ballot issuance area to get a ballot for the provisional voter.
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.



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

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 their provisional ballot if the voter asks to use the ballot marking device. A chief judge MUST escort the voter to the ballot marking device and back to the provisional table. Make sure the ballot activation card ballot is put into the ballot application envelope and the envelope is sealed.



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. In either case a *Voter Assistance* form must be completed.

- 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.

- 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 put 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 State of Maryland
 2024 Presidential Primary

County/City: Carroll Date: May 14, 2024

District/Ward/Precinct: _____

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

2. A voter not listed in the pollbook is tallied on the second line as blank or no VAC.

VOTER AUTHORITY CARDS

| Party | VAC Tally | No VAC | Totals |
|------------------|-----------|--------|--------|
| Democrat | | | |
| Republican | | | |
| Other/UNA | | | |
| TOTAL (A) | | | |

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

2. Spoiled ballots are tallied in the box near the bottom of the form.

PROVISIONAL BALLOTS

| Party | Provisional Ballot Tally | Totals |
|-----------------------------|--------------------------|--------------|
| Democrat | | |
| Republican | | |
| Other/UNA | | |
| TOTAL (B) | | |
| Spoiled Ballot Tally | | Total |
| Spoiled Provisional Ballots | | |

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 _____

- 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.



Throughout the day, make sure the number of provisional voter authority cards match the number of voters who signed in on the Provisional Sign-in Sheet. This will help you at the end of the night when the polls close.

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: |
|---|--|
| <p>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, 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. Listed on the 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. 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. 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. 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> |
| <p>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> |

| Reason Code: | Tell the voter: |
|--|---|
| <p>7. Listed as “Pending” & “Need DL# / SSN.”</p> | <p>If the Carroll County Board of Elections can confirm the number you provided in Box 5 (Maryland Driver’s License or ID Card number) or 5 (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 5 (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 5, 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> |
| <p>8. 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 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. (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> |

| Reason Code: | Tell the voter: |
|---|--|
| <p>10. Voted During 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. 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> |
| <p>12. 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
2024 Presidential Primary

County/City: Carroll Date: May 14, 2024

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: _____

Democratic Chief Judge
Republican Chief Judge

- Check that the written total matches the number of tally marks on the *Provisional Ballot Tally Sheet*.
- 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*.
- Count the number of tally marks under the *Spoiled Ballot Tally* section of the *Provisional Ballot Tally Sheet*. Place the number on the *Provisional Open & Closing Certificate*.
- 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. Ask both chief judges to sign the *Provisional Opening & Closing Certificate*.
8. Put all the following provisional voting supplies in the provisional expandable file folder and follow the *Tuesday Night Checklist*.
 - *Provisional Opening & Closing Certificate*
 - *Provisional Tally Sheet*
 - Envelope for voter authority cards (VACS)
 - Spoiled provisional ballot envelope
 - *Provisional Sign-In Sheet*
 - *Election Day Log* to record voter issues
9. DO NOT remove tamper tape over the lock.
10. 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 orange provisional bag in the transportation cart.
11. Put all remaining provisional supplies in the precinct cart or the blue supply bag. Supplies include:
 - 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.