

Chapter 9 – Provisional Judges & Provisional Voting

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Pre-Election Day Set-Up


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 schematic 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.




Do not deviate from schematic. In most cases, provisional voting area will be located adjacent to check-in area.

3. Place two privacy cardboard booths near the provisional voting table so that they are under the supervision of the provisional judge. These will be located in polling place transfer cart. Instructions on how to vote the ballot will be on the inside of each cardboard booth. Place cardboard booths on table in a manner to ensure the voter has privacy when voting their provisional ballot.
4. Included in the signage folder polling place receives will be a large sign indicating the reasons for voting a provisional ballot. These reasons correspond directly to the reason codes indicated on the provisional ballot application. Post sign in a location within the provisional voting area; i.e. behind the provisional voting area.
5. Verify that the orange provisional ballot bag(s) is locked. **DO NOT OPEN!!!**

Election Morning Set-Up


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

1. Have a chief judge open the orange provisional ballot bag(s) with the orange key that is located on one of the red lanyards. Remove the Provisional Supply and Extended Hours Voting envelopes located within the provisional ballot bag(s).

 New Process: Provisional ballot bag will not contain ballots for provisional voting. Thus, there will be no envelope # 2 which contained ballots in past elections. Ballots for provisional voters will be issued to a chief judge at the polling place's ballot issuance table based on the ballot style indicated on voter's voter authority card (VAC). Chief judge will then hand carry VAC and ballot to the provisional voter and judge.


2. Open the banded provisional voting supply envelope containing the following supplies:
 - *Red Provisional Ballot Informational* folder containing *Provisional Opening & Closing Certificate, Tally and Sign-In* sheets;
 - Provisional ballot applications (with envelope and instructions);
 - Security seal to place over bag opening after polls close;
 - Envelope for voter authority cards;
 - Pens for voters to complete applications;
 - Black pens for voters to complete provisional ballots.

3. Verify the security seal number on the zipper on the top of the orange provisional ballot bag is the same number as indicated on the “Opening” section of the *Provisional Opening & Closing Certificate*.
4. Verify the orange provisional ballot bag is empty and put a checkmark on the “Opening” section of the *Provisional Opening & Closing Certificate*.
5. Verify the bottom of the orange provisional ballot bag is locked.


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

Provisional Ballot Application Procedures

1. A chief judge must escort the provisional voter from the check-in table to the provisional judge. Local boards of elections may also use an escort judge or another election judge delegated by the chief judge.

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

2. Each registered voter will have a voter authority card with a provisional ballot reason code number printed on it.

 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.

3. Check the voter authority card for the voter’s signature and check-in judge’s initials.

4. 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;
 - Verify that there is a correctly stamped district/precinct number. Write the ballot style issued and your initials in the boxes in the top right corner;
 - 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 | | | | | |
|---|--|---|---------------------------------------|-------------------------------------|--------------------|
| <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>Was acceptable ID presented? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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="padding-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="padding-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="padding-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="padding-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 (early voting only)</p> <p><input type="checkbox"/> 12. No proof of residency for same day registration (early voting only)</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">District/Precinct or Early Voting Center 01-01</td> </tr> <tr> <td style="padding: 2px;">Ballot Style Issued Dem - 1</td> </tr> <tr> <td style="padding: 2px;">Election Judge JW 6/26/18</td> </tr> <tr> <td style="padding: 2px; font-size: small;">Initials Date</td> </tr> </table> | District/Precinct or Early Voting Center 01-01 | Ballot Style Issued Dem - 1 | Election Judge JW 6/26/18 | Initials Date |
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5. Have voter sign-in on *Provisional Voter Sign-In Sheet*. Record on the sign-in sheet the Voter ID # located on voter's Voter Authority Card (VAC).
6. Put the VAC 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. While the voter completes the application, a chief judge or another judge delegated by the chief judge, will go to the ballot issuance table to get a ballot for the provisional voter.
9. Check the application to make sure it is completed and signed.
10. Insert application envelope and provisional ballot in **orange privacy sleeve**. Instruct the voter to take the orange privacy sleeve containing the ballot and application envelope 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 and write “Spoiled” across the ballot. Take spoiled ballot and voter’s provisional VAC to the ballot issuance table. Voting judges located at the ballot issuance table will account for ALL spoiled ballots and issue a replacement ballot based on voter’s provisional VAC.

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.

14. Put a tally mark for each provisional ballot put into the orange provisional ballot bag by a voter on the *Provisional Ballot Tally Sheet*. Remember to also record a tally mark on *Provisional Ballot Tally Sheet* for voter authority cards.
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.

 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. Notify the chief judges immediately if any provisional ballot supplies are missing or show signs of tampering.

Provisional Ballots 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 the voter authority cards or use *Provisional Ballot Tally Sheet* and record the number on the “Closing” section of the *Provisional Opening & Closing Certificate* for each type of voter authority card listed.
2. Count the number of tally marks on *Provisional Ballot Tally Sheet* and record that number on the “Closing” section of the *Provisional Opening & Closing Certificate* for each type of provisional ballot put into the orange provisional bag.
3. Verify the total number of voter authority cards against the number of provisional ballots in the orange provisional bag.
4. Complete and sign the “Closing” section of the *Provisional Opening & Closing Certificate*.

5. Place all remaining provisional voting supplies, i.e. pens, unused provisional ballot applications, etc. in Provisional Supply Envelope and band.
6. Ask both chief judges to sign the certificate and to unlock bottom of provisional ballot bag.
7. Place the banded Provisional Supply Envelope in orange provisional ballot bag along with the items listed in # 8 below.
8. Place the following in the orange provisional ballot bag:
 - VAC Envelope;
 - Red Provisional Ballot Informational Folder;
 - Extended Hours Envelope;
 - **DO NOT REMOVE BALLOTS FROM THEIR SEALED APPLICATION ENVELOPES**

 Instructions for items to be packed in provisional ballot bag will be in a vinyl envelope attached to the bag.

9. Place the closing security seal over the zippered opening in the provisional ballot bag and lock the bottom of bag.
10. A Howard County Board of Elections representative will take the provisional ballot bag(s) to be delivered to the main office as part of a chain of custody process.

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