Chapter 9 – Provisional Judge & Provisional Voting

9.1 Election Set-Up

All tasks are supervised by chief judges.

Pre-election meeting:

Arrive at 6:30 p.m.

Make sure you sign the *Payroll Sheet.*

1. Set up a table for provisional voting in an area that is away from the table for issuing regular ballots. A provisional voter should never need to go to the regular voting area. Look at the polling place layout provided by the Montgomery County Board of Elections .

2. Put chairs at the table for provisional voters and a chair for the provisional judge.

3. Set up privacy screens for voters to use when marking their provisional ballots.

4. Set up the supplies.

5. Open the provisional voting supply bag. It will have these supplies:

   o Provisional Voted Ballot Bag

   o Mail-in Voted Ballot Bag

   o *Provisional Opening & Closing Certificate*

   o *Provisional Ballot Tally Sheet*

   o *Provisional Voter Sign-in Sheet*

   o Provisional ballot applications (with envelope and instructions)

   o Security seal for closing the orange provisional ballot bag after the polls close

   o Provisional Return Envelope

   o Envelope for provisional voter authority cards

6. Make sure the security seal number on the zipper on the top of the orange provisional ballot bag is the same number printed on the "Opening" section of the *Provisional Opening & Closing Certificate*.

7. Make sure the orange provisional ballot bag is empty. Put a checkmark on the "Opening" section of the *Provisional Opening & Closing Certificate*.

8. Make sure the bottom of the orange provisional ballot bag is locked. If the bag is not locked, contact the Montgomery county Board of Elections right away.

Figure 1 - Provisional Opening & Closing Certificate

State of Maryland

Provisional Opening & Closing Certificate
2024 Presidential Primary

County/City: <u>Montgomery</u>   Date: _____

District/Ward/Precinct: _____   Polling Location: _____

OPENING		✓ Verify	Bag 1	Bag 2
1.	Check Orange Provisional Voted Ballot Bags are empty and locked.			
2	Check seal numbers on Orange Provisional Voted Ballot Bags: Bag 1: Bag 2:			

CLOSING

1.	Provisional Voter Authority Cards (VACs)		2.	Provisional Ballots	
	From Provisional VAC Envelope	Party Totals		From Provisional Voter Sheet	Party Totals
	VAC Democrat Total			Provisional Ballot Democrat Total	
	VAC Republican Total			Provisional Ballot Republican Total	
	VAC NON/UNA Total			Provisional Ballot Others/UNA Total	
	Orange VAC Total				
	TOTAL (A)			TOTAL (B)	

3.	Count and record the # of spoiled provisional ballots in the Spoiled Ballot Envelope. TOTAL (C)	
4.	Record seal numbers placed on Orange Provisional Voted Ballot Bags at closing: Bag 1: Bag 2:	

- Include the party affiliation from the Orange VACs in the Provisional Ballots Totals.
- TOTAL (A) and TOTAL (B) should be equal.

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

_____   _____
Democratic/Other Chief Judge   Republican/Other Chief Judge

9. Make sure the security seal number on the zipper on the top of the yellow voted mail-in ballot bag is the same number printed on the "Opening" section of the *Mail-in Voted Ballot Bag Certificate.*

10. Make sure the yellow voted mail-in ballot bag is empty. Put a checkmark on the "Opening" section of the *Mail-in Voted Ballot Bag Certificate*.

11. Make sure the bottom of the yellow mail-in voted ballot bag is locked. If the bag is not locked, contact the Montgomery County Board of Elections right away.

Election morning:

Make sure you sign the Payroll Sheet and put on your name tag.

1. Reverify the provisional and mail-in voted ballot bags are sealed and locked.

2. Give the yellow mail-in voted ballot bag to the chief judges.

3. Remove the seal on the orange provisional voted ballot bag.

⚠️ ***Work together so that your polling place is ready to open at 7:00 a.am.***

9.2 Provisional Ballot Application Procedures

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

1. A chief judge must walk with the provisional voter from the check-in table to the provisional judge. The Montgomery County Board of Elections may also use an escort judge or the chief judge may ask another election judge to walk the provisional voter to the provisional judge.

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

2. Each voter will have a provisional voter authority card with a provisional ballot reason code number printed on it. They will also have an orange privacy sleeve.

⚠️ ***If a person's name is not listed on the pollbook, then they 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, they will not have a printed voter authority card. The person will have a hand-written orange voter authority card. A chief judge will tell you when someone does not have a voter authority card.***

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

4. Tell the voter to print and sign their name on the *Provisional Voter Sign-in Sheet*. Use the provisional voter authority card to write in the voter's ID #, and provisional reason code. If reason code 4, then have the voter indicate the explanation.

5. Tear off the *Provisional Ballot Application* Instructions page and tell the voter to read it completely and take it with them when they leave the polling place. Do not give the voter the *Provisional Ballot Application* yet.

6. Use the reason code on the provisional voter authority card to fill out the "Election Judge" section on the *Provisional Ballot Application*.

   ● Write the voter's ID # in the white space at the top.

   ● Put a check mark next to the reason code on the application.

   ● Write the district/precinct number, the ballot style issued, and your initials in the boxes in the top right corner. **OR** Verify that there is a pre-printed label with the correct district/precinct numbers and 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** 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 2 - "Election Judge" Section of the Provisional Ballot Application

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.*

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

9. Tell the voter:

   o Read the instructions page.

   o Tear off and keep the instructions page.

   o Completely fill out and <u>sign</u> the provisional ballot application.

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

Figure 5 - "Voter" Section of the Provisional Ballot Application

10. While the voter completes the application, a chief judge or another judge delegated by the chief judge, will go to the ballot table to get a ballot for the provisional voter.

11. Check the application to make sure it is completed and signed.

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

12. Show the voter the ballot style and make sure it is correct.

13. Fold the ballot in half and then in half again and place it in the ballot application envelope in the slot marked "Insert Ballot Here." and place the application in an orange privacy sleeve.

14. Tell the voter to take the application envelope and the ballot to the privacy screen in the provisional voting area.

15. Tell the voter to:

- Refold the marking after marking their selections.

- Place the ballot in the ballot application envelope in the slot marked "Insert Ballot Here"

- Seal the envelope.

> ⚠️ *A provisional voter may use the ballot marking device to vote their provisional ballot if the voter asks to use the ballot marking device. An election 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.*

16. 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.

17. 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 Montgomery County Board of Elections to request another bag.*

18. 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*.

Figure 6 - "Provisional Ballots" Section of the Provisional Ballot Tally Sheet

19. 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.*

9.3 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.	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.
2. Listed on the precinct register but indicated a change of address.	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.
3. Listed but claims to have different party affiliation. **(Primary Election only)**	Your provisional ballot will only be counted if the Montgomery County Board of Elections can confirm that you really are registered with the party that you claim.
4. Listed as an absentee voter or as having already voted.	Your provisional ballot will only be counted if you did not vote by absentee ballot and if you did not vote somewhere else.

Reason Code:	Tell the voter:
5. Listed as "Active" or "Inactive" & "Show ID" and unable to provide sufficient ID.	If you provide the Montgomery 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.
6. Listed as "Pending" & "Show ID."	If you provide acceptable ID now, your ballot will be counted. If you provide acceptable ID to the Montgomery 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.
7. Listed as "Pending" & "Need DL# / SSN."	If the Montgomery 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. 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. 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.

Reason Code:	Tell the voter:
8. Identity challenged & cannot provide acceptable form of ID.	You must provide an acceptable form of ID to the Montgomery County Board of Elections **before** the provisional ballots are counted. Provisional ballots are counted starting the 2nd Wednesday after election day. If the Montgomery 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.
9. (Other)	***[Note to provisional ballot judge: The chief judges will provide you with instructions if #9 is written or printed on the voter authority card.]***
10. Extended Hours	You are voting during extended voting hours ordered by the court. Your vote will be counted unless the court order extending voting hours is successfully challenged in court.
11. Not prequalified for Same Day Registration	The pollbook database did not show you as prequalified for registration. If the Montgomery 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.

Reason Code:	Tell the voter:
12. No proof of residency for Same Day Registration	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. If you provide acceptable ID to the Montgomery 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.

9.4 Closing the Polls

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

Figure 7 - "Closing" Section of the Provisional Opening & Closing Certificate

State of Maryland

Provisional Opening & Closing Certificate
2024 Presidential Primary

County: _____   Date: _____

District/Ward/Precinct: _____

OPENING	Verify ✔
1.	Verify seal number on orange provisional bag is: _____	
2.	Verify orange provisional bag is empty.	

CLOSING

Voter Authority Cards (VACs)		Provisional Ballots	
Provisional Ballot Tally Sheet #	Totals	Provisional Ballot Tally Sheet #	Totals
Democratic VACs		Democratic Provisional Ballots	
Republican VACs		Republican Provisional Ballots	
All others/ UNA VACs		All others/ UNA Provisional Ballots	
Blank or No VAC			
Total (A)		Total (B)	

NOTE: Total (A) and Total (B) should be equal.

Record seal # placed on provisional orange bag at closing: _____

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

_____   _____
Democratic Chief Judge   Republican Chief Judge

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 totals on the "Closing" section of the *Provisional Opening & Closing Certificate.*

4. Sign the "Closing" section of the *Provisional Opening & Closing Certificate.*

5. Return all unvoted ballots to the ballot judge at the ballot issuing table.

6. Ask both chief judges to sign the *Provisional Opening & Closing Certificate*.

7. Place all provisional documents in the Provisional Return Envelope and return the envelope in the orange Provisional Supply Bag.

8. Put the security seal(s)over the opening on the orange Provisional Voted Ballot Bag(s).

9. Put all other provisional voting supplies in the orange Provisional Supply Bag.

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