

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

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Questions Involving Access to the Ballot:**1. It is after 7:00 AM and the polling place is not open.**

Immediately contact the Board of Elections and Ethics to report the problem.

If the polling place is open at 7:00 a.m., but the voting machines have not arrived, call [headquarters immediately.] If there are no machines available, voters should be permitted to vote by paper ballots (preferably) or by special ballots. 3 DCMR § 713.12. Special ballots are a last resort because they are not automatically included in the final tally of votes cast.

2. It is 8:00 PM and my polling place is closed or closing and they will not let me vote.

Immediately contact the Board of Elections and Ethics. When the polls close, any qualified voter standing in line should be permitted to vote. 3 DCMR (Title 3, Chapter 5 of D.C. Municipal Regulations) § 704.2.

3. There are equipment problems at my precinct and I cannot vote. What should I do?

Direct the voter to ask to vote by paper ballot, which District of Columbia law requires in the event that the voting machines become inoperable for any reason during the election process. 3 DCMR § 713.12. If a caller reports problems with voting machines,

1
August 23, 2010

immediately [contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.]

Identification and Provisional Ballots:

1. I do not have my identification with me. Can I vote?

Yes. District of Columbia law requires each individual who has not previously voted in a federal election in the District and who registers to vote by mail to present, either at the time of registration or at the polling place, a copy of a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, or pay check that shows the voter's name and address. D.C. Code § 1-1001.07(i)(6). This requirement does not apply to individuals whose registration application includes a driver's license number or at least the last four digits of the individual's social security number, and matches an existing identification record bearing the same number, name, and date of birth as the application. 3 DCMR § 510.

If the voter is a first-time voter who did not present acceptable identification when he or she registered, does not have identification at the polling place, and does not fall into the above exception, the voter may vote, but must do so by special ballot. Such voters should be encouraged to go and get identification documents and to not cast a special ballot.

2. I am a registered voter who is not on the rolls at my polling place. Can I vote?

Confirm that the voter is qualified to vote (i.e., meets the age, criminal status and durational residency requirements) and that the voter registered in time to vote in this election (at least thirty days before the election if the voter registered by mail or in person at a voter registration agency; no deadline if voter registered in person at the Board of Elections and Ethics). Next, using the online polling place locator tool at www.dcboee.org, make sure the voter is at the correct polling place.

If the voter has registered on time, is eligible and is in the correct polling place, direct the voter to ask the poll worker to call the Board of Elections and Ethics and confirm their registration. If the voter still is not on the rolls, let them know that the voter can vote provisionally by special ballot. Special ballots are a last resort because they are not automatically included in the final tally of votes cast.

If the voter did not register on time (or at all), he or she may also register to vote on Election Day at the polling place for the precinct in which he or she maintains residence. The voter must complete a voter registration application, swear or affirm that he or she meets the requirements for a registered voter, and provide proof of residence in the form of either a copy of current and valid government photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. 3 DCMR § 513.

A voter who registers on Election Day for an election before December 31, 2010, or a voter who registers on Election Day for an election after December 31, 2010 and does not present a valid, government-issued photo identification card showing his or her address, must vote by special ballot. 3 DCMR § 714.

3. Poll workers are turning voters away if they don't have photo identification.

Alert [a commander] immediately to report the problem. An attorney will be dispatched to the polling place. Encourage the voter to go back inside the polling place and demand the right to vote by a regular ballot.

Even if the voter is a first time voter in the District who registered to vote by mail and has not previously provided a copy of identification, the voter does not need to produce photo identification to vote by regular ballot as long as the voter provides a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows his or her name and address. 3 DCMR § 513.4. If the voter does not have any such document, the voter may still vote by special ballot. 3 DCMR § 714.1(I).

4. I have been offered a special ballot. What should I do?

Special ballots are a last resort because they are not automatically included in the final tally of votes cast.

Any voters whose eligibility cannot be determined at the polls on Election Day may vote by special ballot. A voter who submits a special ballot must sign an affirmation that states the voter's address, date of birth, and belief that the voter is a registered voter or meets the qualifications for a registered voter.

The election official shall mark the ballot "SPECIAL" and provide the voter with the ballots, an inner envelope to ensure the secrecy of the ballot, and written notification of appeal rights if the Board of Elections and Ethics does not count the special ballot. The election official must also notify the voter on designating choices on the ballot, placing the voted ballot in the inner envelope, placing the inner envelope in the special ballot envelope, and placing the sealed envelope in the ballot box.

Election officials must provide the voter with a written notice indicating the manner in which he or she may learn whether the Board of Elections and Ethics has accepted the voter's special ballot, and of the dates scheduled for hearings for voters whose special ballots are rejected to contest the Board's determination if they petition to do so.

The Board of Election and Ethics conducts hearings at which a voter may contest the Board's decision to reject his or her ballot. These hearings are held no earlier than 8 days, and no later than 10 days, after the election. A voter must petition the Board of

Elections and Ethics before appearing at such a hearing. At the hearing, the voter may appear and give testimony regarding the rejection of the special ballot. The Board of Elections and Ethics must make a final determination whether to count or reject the special ballot within two days after the hearing. The voter may appeal the Board of Elections and Ethics' final determination to the Superior Court for the District of Columbia within three days after the date of the Board's decision. The Court's decision is final and may not be appealed.

Where to Vote:

1. Where do I vote (for voters who have not moved)?

You can look up polling locations at www.dcboee.org or www.vote411.org. You may also call the Board of Elections and Ethics.

2. I have moved within the District of Columbia and have not updated my address for voter registration purposes. Where should I vote?

If the voter has moved within the District of Columbia, the voter should go to the appropriate polling place for his or her new address, where the voter can vote by special ballot. 3 DCMR § 516.3.

Assistance at the polls:

1. I am physically disabled and need assistance, will my polling place be accessible?

District of Columbia law requires that each polling place be accessible to physically disabled voters, but many are not. If a voter reports that a polling place is not accessible to the handicapped, alert a commander so an attorney can get in touch with the responsible election official to report the problem immediately.

2. I am blind, physically disabled, or can not read English and require assistance at the polls in order to vote. Can I get assistance at the polls?

A voter requiring assistance at the polls for any of the reasons stated above can take a person of their choice into the voting booth, including a poll worker. A poll watcher or election observer may not assist a voter. 3 DCMR § 710.1. If a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth, alert a commander.

The District of Columbia is not covered by the language minority provisions of the Voting Rights Act of 1965. However, the Board of Elections and Ethics intends to have Spanish language ballots and voting materials at every polling location.

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls.

All poll monitors, including Election Protection volunteers, must stay at least fifty (50) feet from the entrance to the polling place; they can solicit you if they comply with this rule. 3 DCMR § 709.5. If they are violating the 50-foot requirement, alert a commander to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

A voter who was mailed an absentee ballot and attempts to vote in person on Election Day must vote by special ballot. 3 DCMR § 717.13.

3. There are people at the polls trying to intimidate voters.

[Alert a commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Legal Command Center so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. After hanging up with the caller, call back the Legal Command Center and fill the attorneys there in on the details. Also, alert the call center manager.]

4. I have a felony conviction. Can I vote?

Yes. District of Columbia law permits convicted felons to vote so long as they are not currently serving a felony sentence of incarceration. Those who are on probation, on parole, or who have completed a felony sentence in the past are eligible to vote. 3 DCMR § 500.2.

5. I am a college student, can I vote where I go to school?

College students may register and vote where they go to school provided that they consider that location their voting residence. A voting residence is the residence the student claims as their home, the residence which qualifies them to vote on a particular ballot. Students must be held to the same eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency

requirements) and that they have registered on time for this election. If so, alert a commander to dispatch an attorney to the location and contact the Board of Elections and Ethics.

6
August 23, 2010

