

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.

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

Immediately contact the local County Election Official. You can find contact information at http://www.elections.state.md.us/about/county_boards.html

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, call the County Election Official immediately. Voters should be permitted to vote by back-up paper ballots or by provisional ballots.

2. It is 7:30 PM (or any time before 8:00 PM) and my precinct is closed or closing and they will not let me vote.

Immediately contact the local County Election Official. You can find contact information at http://www.elections.state.md.us/about/county_boards.html

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

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, 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 any identification with me. Can I vote?**

Yes. If the voter is a first-time voter who registered by mail and did not present acceptable identification at that time, the voter may vote by provisional ballot. If possible, a first time voter who registered by mail should be encouraged to go and get an ID and NOT cast a provisional ballot. Acceptable ID includes the voter's driver's license number, last four digits of the voter's social security number, valid photo identification from the state, school identification, a current utility bill, bank statement,

government check, paycheck or any other government document that shows the voter's name and address.

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

Confirm that the voter is qualified to vote (i.e., meets the age, criminal status and durational residency requirements found on page 3 of the manual) and that the voter registered in time to vote in this election. Next, using the online poll locator tool, 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 Election Judge to call the county Board of Elections and confirm their registration. If the voter still is not on the rolls, let them know that the voter can vote provisionally. This is a LAST resort as provisional ballots will only be counted if the Board of Elections can later verify the voter's registration status before the election is certified.

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

Contact 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 (unless the voter is a first time voter who registered to vote by mail and has not previously provided a copy of their ID, in which case they can vote by provisional ballot).

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

Provisional ballots are a LAST resort. However, an individual is entitled to cast a provisional ballot where:

- The individual declares in a written affirmation that the individual is a registered voter in Maryland and is eligible to vote in the relevant election; AND
- The individual's name does not appear on the precinct register, an Election Judge or other election official asserts that the individual is not eligible to vote or the individual is required to provide identification by the Help American Vote Act ("HAVA") and does not have the correct identification

Advise the individual that he or she should cast the provisional ballot and request the election official to provide clear written information as to how the voter will be able to ascertain whether the vote was counted and, if not counted, the reason it was not counted.

If the voter is denied the right to vote by provisional ballot, contact 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 provisional ballot.

Where to Vote:

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

You can look up polling locations and voter registration information at http://mdelections.umbc.edu/voter_registration/v2/vote_prod.php

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

If the voter has moved within the same precinct, the voter should go to the appropriate polling place for that precinct. If the voter registration list still lists the voter's old address, the voter will be asked to update their registration. If the updated address is within the precinct, the voter must be permitted to vote.

3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?

Maryland establishes election boundaries by state-established election districts, not Counties, and a single county may contain several distinct election districts. Only votes cast within the specific election district where a voter resides will be counted. The voter should vote at the precinct for his or her new address unless he or she knows that the old address was in the same election district. The voter should sign a written affirmation that he/she remains a resident of Maryland and a Notice of Change of Address and vote a ballot.

Registration is permanent as long as you continue to live in Maryland and notify your new local board of elections of your new address. You do not have to re-register when you move within the State, but you must keep your address current. If the voter has failed to vote in the two general elections since his/her move, however, the voter's name may have been legally removed from the voter registry.

4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?

Maryland establishes election boundaries by state-established election districts, not Counties, and any switch from one county to another will constitute a change in the voter's election district. Since the State will only count ballots cast within the specific election district where a voter currently resides, the voter should submit a provisional ballot at the appropriate election precinct for his or her current address. The voter

should sign a written affirmation that he/she remains a resident of Maryland and a Notice of Change of Address and vote a ballot.

Registration is permanent as long as you continue to live in Maryland and notify your new local board of elections of your new address. You do not have to re-register when you move within the State, but you must keep your address current. If the voter has failed to vote before the two general elections since his/her move, however, the voter's name may have been legally removed from the voter's registry.

Assistance at the polls:

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

Maryland law requires that each polling place be accessible to physically disabled voters, but there are some that may not be. If a voter reports that a polling place is not accessible to voters with disabilities, contact 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 (except employer, an agent of employer, an officer or agent to their union). If a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth contact a Commander.

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 100 feet from the entrance to the polling place; they can solicit you if they comply with this rule. If they are violating the 100-foot requirement, contact 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. May I vote by absentee ballot in Maryland?

Any registered voter may vote by absentee ballot. However, the voter must affirm on the oath that is returned with the voted absentee ballot that he/she will be absent or unable to vote in person in the election. If the voter will not be absent or is able to vote in person in the election, he/she should vote at their polling place on Election Day. You must have submitted your request for the absentee ballot to your local board of

elections by October 28, 2008, to get the absentee ballot by mail. If the board does not receive the application by the end of the business day on October 28, 2008, you will have to go to your local board of elections to complete the absentee ballot in person.

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

As long as the voter has NOT already submitted the absentee ballot, and is otherwise qualified, they should be allowed to vote in person by provisional ballot.

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

Call a Commander immediately. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

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

In Maryland, first time offenders convicted of theft or other infamous crimes, other than buying or selling votes, have their right to vote automatically restored upon completion of their sentence. Individuals who have been convicted of two or more of such crimes are not eligible unless they have received an official pardon or three years have lapsed since the completion of the sentence. If an individual has been convicted of two or more crimes of violence, their right to vote is permanently revoked.

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, contact the Commander to dispatch an attorney to the location and/or contact the appropriate election official.