

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 a.m. and the polling place is not open.

Contact the Legal Command Center in the voter's area immediately so that a mobile field attorney can go to the Precinct. An attorney will contact the County election officials to report the problem.

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, advise your call center team leader. Voters should be permitted to vote by emergency paper ballots.

Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

2. It is 8:00 p.m. and my Precinct is closed or closing and they will not let me vote.

Advise your call center team leader so that a mobile field attorney can be assigned to go to the Precinct immediately. An attorney will contact the County election official to report the problem.

Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

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 backup emergency paper ballot. Advise your call center team leader so that an attorney can go to the Precinct to check on the problem. An attorney will also contact the County election officials to report the problem.

Where there is no Legal Command Center, call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

Identification and Provisional Ballots:

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

Voters who are voting for the first time or who have not previously voted in their election district may be required to present one of the following forms of identification with the voter's name and address on it:

Photo Identification, including (1) a valid state driver's license, (2) a valid state or federal identification card, (3) a valid U.S. passport, (4) a valid student identification card, (5) a valid employee identification card, or (6) a valid U.S. armed forces identification card.

A person without photo identification may still vote if he or she presents one of the following forms of identification with her/his name and address on it: (1) a valid state or federal non-photo identification card, (2) a firearms permit, (3) a current utility bill, (4) a current bank statement, (5) a paycheck, (6) a government check, or (7) confirmation issued by the County Voter Registration Office (voter's registration card).

Any person unable to produce identification, or who claims to be properly registered and eligible to vote but whose name does not appear on the general register must be permitted to cast a provisional ballot. If possible, a voter should be encouraged to go and get an ID rather than cast a provisional ballot.

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., is 18 years old, a US citizen, and a resident of PA for 30 days) and that the voter registered in time to vote in this election (by October 6, 2008). Next, using the online poll locator tool, make sure the voter is at the correct polling place. The website is: <https://www.pavoterservices.state.pa.us/Pages/PollingPlaceInfo.aspx>. The voter can also call his/her county election official.

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 confirm the voter's registration through the State database. If the voter still is not on the rolls, let the voter know that he/she can vote on a provisional ballot.

3. Poll workers are turning voters away if they do not have photo ID.

Advise your call center team leader immediately to report the problem. An attorney will be dispatched to the polling place. Encourage the voter to go back to the polling place and demand the right to vote by a REGULAR ballot, unless the voter is a first-time voter in that district and does not have one of the acceptable ID alternatives set forth above. If he/she is a first-time voter without ID, the voter still can vote and should request a provisional ballot.

Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

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

Provisional ballots are a LAST resort. However, they should be used if all else fails. Prior to voting on the provisional ballot, the voter will be required to sign an Affidavit with her/his name and address, and will then be allowed to cast the provisional ballot. The provisional ballot will be placed

in ballot envelopes, which the voter will be required to sign. The envelopes will remain sealed for return to the County Board of Elections.

Within seven (7) calendar days of the election, the County Board of Elections must examine each provisional ballot envelope to determine if the individual voting that ballot was entitled to vote at the election district in the election. If the individual was entitled to vote at the election district, the County Board of Elections will compare the signature on the provisional ballot envelope with the signature on the Voter's Registration Form, and if the signatures are determined to be genuine, it will count the ballot. If the individual voting the provisional ballot was not registered, the provisional ballot will not be counted, and the ballot will remain in the provisional ballot envelope and be marked "Rejected as Ineligible." If the individual voting the provisional ballot was eligible to vote but not at the election district where the ballot was cast, the County Board of Elections will open the envelope and only count that portion of the ballot that the individual would have been eligible to vote in her/his proper election district.

Where to Vote:

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

You can look up polling locations at www.vote411.org. Pennsylvania also provides a polling place locator at www.votespa.com. Polling locations in Philadelphia County may also be found at www.seventy.org/map.

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 polling place for that precinct. Despite failing to notify the Board of Elections prior to the date of an election, the voter must be permitted to vote in that polling place upon written affirmation by the voter of the change of address before an election official at that polling place.

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?

The voter should go to the polling place of the voter's former residence, where she/he will be permitted to correct the voting records and, upon written affirmation by the voter of the new address before an election official at the former polling place, will be permitted to vote.

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

The voter will be permitted to correct the voting records and vote at the polling place of the voter's former residence upon written affirmation by the voter of the new address before an election official at the former polling place. Upon receipt of the written affirmation, the County Voter Registration Commission must update the information contained in the registration records.

Assistance at the polls:

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

Federal and Pennsylvania law require 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,

call the Legal Command Center so an attorney can get in touch with the responsible election official to report the problem immediately. Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

Keep in mind that even if a polling place is deemed inaccessible, the voter is entitled to bring a person of the voter's choice to assist in the voting process, provided that person is not a judge of elections, the voter's union representative, or the voter's employer. The voter simply fills out a form to specify the individual selected.

If the voter has a disability and has been assigned to a polling place deemed inaccessible by the County Board of Elections, he/she can also vote by alternative ballot.

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

Any voter requiring assistance at the polls for any of these reasons must have a declaration recorded upon her/his registration card that, by reason of blindness, disability, or inability to read or write, s/he is unable to read the names on the ballot or on the voting machine labels, or that s/he has a physical disability that renders him/her unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth without assistance. The exact nature of the voter's condition must be recorded on the registration card. The voter will only be allowed to receive assistance if the election officers are satisfied that she/he still suffers from the same condition.

A voter who is entitled to receive assistance under these provisions will be permitted to select a person of the voter's choice (except the judge of elections, the voter's employer or an agent of the employer, or an officer or agent of the voter's union) to enter the voting compartment or voting machine booth with him/her to assist him/her in voting.

If a poll worker refuses to comply with these provisions, call the Legal Command Center or, where there is no Legal Command Center, call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

In jurisdictions in Pennsylvania where a single language minority exceeds 5% of the population (Philadelphia and Reading – Spanish Language), the secretary must print a bilingual application and conduct a public educational program among that language group alerting both organizations and individuals of that group of the availability of bilingual applications and encouraging individuals to register.

Miscellaneous Issues:

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

Candidates and their representatives must stay at least ten feet away from the entrance to the polling place; they can solicit you as long as they comply with this rule. If they are violating the ten foot requirement, contact the Legal Command Center to report the problem, and work with the Command Center to assess if calling an election official is necessary.

Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

2. 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 sent in the absentee ballot and is otherwise qualified, the voter should be allowed to vote in person by REGULAR ballot. The voter must void the absentee ballot and vote in the normal manner at the appropriate voting place.

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

Advise your call center team leader. An attorney will be dispatched to the polling place. If the voter agrees, put him/her on hold while you contact the team leader so that he/she 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 advise the attorneys of the details.

Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem. Again, be sure to alert the call center team leader.

4. I will not be able to make it to the polls on Election Day. Will I still be able to vote?

Certain people may be able to vote by absentee ballot. A voter can vote absentee if s/he is in the military or a spouse of someone in the military, outside of the county because of work, physically disabled, the spouse of an absent state or federal employee, a county employee who will be unable to attend the polls due to Election Day obligations, or observing a religious holiday.

If a voter is unable to go to the polling place on Election Day, s/he may be eligible to vote by absentee ballot. To vote by absentee ballot, a registered voter must apply to the County Board of Elections for an absentee ballot. The County Board of Elections will send a paper absentee ballot to the voter. The voter then completes the ballot and returns it to the County Board of Elections. The County Board of Elections must receive an application for absentee ballot no later than 5 p.m. on the Tuesday before the election.

If a voter has not requested an absentee ballot but has an emergency and is unable to go to the polls, s/he may submit an Emergency Absentee Ballot to the County Board of Elections between 5 p.m. on the Tuesday before Election Day and 5 p.m. on the Friday before Election Day. If the emergency occurs between 5 p.m. the Friday before Election Day and 8 p.m. on Election Day, the voter may designate in writing an individual who may obtain an Emergency Absentee Ballot from the Court of Common Pleas and then return it to the County Board of Elections no later than 8 p.m. on Election Day.

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

Yes. Pennsylvania law permits convicted felons to vote so long as they are not currently serving a felony sentence of incarceration. This includes those who are on probation, on parole, or who have completed a felony sentence of incarceration in the past.

6. I am a college student; can I vote where I go to school?

Yes. 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, determine if the student fulfills all of the registration requirements (18 years old, US citizen, and PA resident for 30 days) and that they have registered on time for this election (October 6, 2008). If so, contact the Legal Command Center to dispatch an attorney to the location and contact the appropriate election official. Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.