



MCDCC VOTER PROTECTION COMMITTEE

FAQs for General Election 2018

Authorized by Scott Goldberg, Chair; Dave Kunes, Treasurer. Printed in-house.

Hotline: 301-946-1000

EVERY ELIGIBLE VOTE CAST AND COUNTED

THIS INFORMATION IS FOR THE USE OF THE MCDCC VOTER PROTECTION TEAM MEMBERS AND IS CONFIDENTIAL

The goal of the Montgomery County Democratic Party Voter Protection Team is a fair and accurate election. We will assist all eligible voters and we will never ask a voter how he or she will vote.

Important Dates:

Deadline for voter registration:

Tuesday, Oct. 16, 2018

Absentee Ballot; deadline to request:

Tuesday, Oct. 30 (by mail)

Friday, Nov. 2 (by internet)

Absentee Ballots must be postmarked
by Election Day, Nov. 6

Early Voting:

Thurs. Oct. 25 - Thurs. Nov. 1, 2018

Election Day:

Tuesday, Nov. 6, 2018

Contact Information

- Marc Hoffman, MCDCC Voter Protection Chair
mcvoterprotection@gmail.com
- Montgomery County Democratic Central Committee:
www.mcdcc.org, 301-946-1000
- County Board of Elections:
240-777-8543 (for equipment problems)
240-777-8509 (voter registration)
240-777-8580 (other issues)
- Maryland Democratic Party Counsel:
Bruce Marcus, **bmarcus@marcusbonsib.com**

INTRODUCTION

As part of the precinct organization you will be answering questions and assisting people to cast their vote. We will have a hotline for voters to call and a separate line for you to call with questions and to report anything you see or hear that might affect the election. Please call the MCDCC office right away if you see:

- ANYTHING YOU THINK IS STRANGE OR UNUSUAL
- Long lines
- Intimidation or harassment of any kind
- Challenges to voters
- High number of ID checks
- Wrong ballots
- Irregularities with absentee votes

As a Democratic volunteer you are most interested in Democratic voters. As part of the Democratic Voter Protection Team our goal is a fair and accurate election and we will assist ALL eligible voters and not ask how they will vote.

Outside/Inside

At our tables outside the electioneering perimeter, you will have this document [FAQ For General Election 2018](#), which gives answers to many situations that, might arise. Please look it over so you have a general idea what it covers. The phone number to call if you can't find the answer or need to escalate the situation is **(301) 946-1000**.

If you are over 18 and a registered MD voter, we may ask you to observe inside the polls. To do this we will provide you with a certificate with your name on it signed by a Mont. Co. Dem. Central Committee official. If you particularly wish to be an inside observer, please call the MCDCC office and leave your information. If a situation comes up and you are outside and qualified to be an inside observer you might be asked to take that role temporarily.

An inside observer must:

- Enter the polling place either 30 minutes before voting begins or after voting begins
- Sit where the election judge indicates and not move around
- Not interfere with the election in any way
- Follow all instructions of the election judges

An inside observer may not:

- Wear any party or candidate symbol or attire
- Talk with any voter even if the voter initiates the conversation (you may politely explain that you are not allowed to talk)
- Use a cell phone or have it visible
- Linger outside the polling area and within the no-campaign area

An inside observer may:

- Talk with the Chief Election Judges to the extent they welcome it
- Make notes
- Leave to make a phone call or confer with voters beyond the no-campaigning perimeter and then reenter the polling place

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1. OUTSIDE THE POLLING PLACE

1.1. Judges are moving Democratic precinct officials or supporters to more than 100 feet from the entrance to the polls, or more than 25 feet to a very impracticable place for campaigning:

- a. You should have a photo of the electioneering boundaries for your voting place, to show the judge if necessary
- b. If that doesn't work, try to negotiate with the election judge.
- c. If you are unsuccessful, contact Voter Protection Chair (see contact info above)
- d. In 2011 the General Assembly changed the 100-foot buffer for Montgomery County to a range of 25 to 100 feet, to be determined by the County Board of Elections ("In Montgomery County, on approval of the local board, the line may be located at any point between 25 feet and 100 feet from the entrance and exit." Md. Election Law Code Ann. § 16-206(b)(2)(ii).).
- e. The County Board should determine the buffer zones in advance of the election.
- f. If the 100-foot boundary would place the campaigners in jeopardy for their safety (such as in a parking lot) or would effectively prevent any reasonable campaigning, lobby diplomatically with the judge to move the boundary in some. Sometimes, precinct officials are successful in doing this before Election Day.
- g. According to the SBE Challengers, Watchers & Other Election Observers Manual (2012), "If an early voting center is located in a multiuse facility, the 'no electioneering' zone is 100 feet from the space where early voting is being conducted."
- h. The Board of Elections, upon request, can provide precinct officials with a map of the polling place that indicates the electioneering boundary. If it is not a good boundary, working for change in advance can be very helpful.
- i. In addition, you can challenge the boundary for not complying with state law because it is not "practicable." Md. Election Law Code Ann. § 16-206(b), provides with respect to the "[e]lectioneering boundary:"

"(1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) The line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic." [emphasis added]

1.2. A voter is unable to stand in line

If a voter is unable to stand in line, a judge should be asked to ask another voter in line to serve as a placeholder and the voter needing assistance may sit until the placeholder reaches the check-in judge.

1.3. If a poll has multiple entrances, how many tables can be set up so long as they are outside the perimeter?

There is no specific limit as long as the tables are outside the signs and do not interfere with the election process.

1.4. A person cannot use the polling place because of disability

All of the polling places should be handicapped accessible. If there is a problem, contact the election judges. If the matter cannot be resolved call the voter protection team headquarters.

1.5. Signs are in illegal areas

The perimeter for sign locations have been determined before election day. If signs are located in forbidden areas alert either an election judge or the campaign responsible. Some have suggested that if it is just inside the border you might move it inside if you care to.

1.6. Limitations on balloons, food, signs, etc. outside of the no-electioneering area

The venue might have rules about food and location of activities, but normal campaign activities are permitted as long as they are outside the perimeter and do not interfere with the election process.

1.7. Who can vote at closing time

Voters in the check-in line by 8 pm are permitted to vote. At 8 PM a judge gives the last voter in line the "Last Voter" card. Nobody after that person can vote. (34p. 6.10 2016)

2. REGISTRATION**2.1 A voter would like to register to vote on election day**

"During early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration." Md. Election Law Code Ann. § 3-305(a) (2016).

However, this is not available during primary or general elections on election days.

2.2 A voter wants to change party affiliation

This is an issue only during the primary because primary voters are given different ballots depending on the voter's party. During early voting new registration is accepted but change of affiliation is not permitted.

3. ID AND ELIGIBILITY**3.1 The e-poll book identifies the voter as someone who must provide identification.**

- a. The voter must vote provisionally unless he or she produces acceptable identification.
- b. If the voter votes provisionally, he or she must produce acceptable identification at the Board of Elections by the Monday following the election.

- c. Inactive voters (as well as first-time voters) may be asked to present an appropriate ID.

3.2 An election judge asks the voter for identification

Some first-time voters may be asked for ID. In addition to government issued ID, “A copy of a current utility bill, bank statement, government check, paycheck or other government document that shows your name and address. “Current” means that the document is dated within 3 months of the election.” SBE Website. “Personal identification information is not required at the time of voting if:

- a. The State Board has matched with an existing State identification record the individual's name, date of birth, and the MVA identification number or at least the last four digits of the Social Security number provided by the individual on or with the VRA; or
- b. The individual has previously submitted to the local board a copy of personal identification information.” COMAR § 33.07.06.04.
- c. If there is an issue, the voter should be issued a provisional ballot. (COMAR §33.07.06.05.)

3.3 A poll watcher challenges the identity of a voter

The check-in judge should ask the voter for identification.

If the voter produces acceptable photo identification (such as a Maryland driver’s license or MVA-issued ID card, student, employee, or military ID, or U.S. passport), the voter should be checked in and allowed to vote in the regular manner. If the voter does not prove acceptable identification, the voter can still vote by a provisional ballot. The challenger must complete an affidavit stating under penalty of perjury giving specific details concerning the challenger’s claim that the voter is not the person he or she claims to be.

3.4 A voter has a criminal record

- a. If the person has been arrested, but not convicted, the person is eligible to vote.
- b. If the crime is a misdemeanor, the person is eligible to vote.
- c. If the crime is a felony and the person is no longer serving a court-ordered sentence of imprisonment, the person is eligible to vote. (*As of March 10, 2016, felons do not have to wait until their probation is over before they may register or vote. Md. Election Law Code Ann. § 3-102(b)(1), as amended by SB340/HB1980.*)
- d. If the person was convicted of a crime and does not meet the foregoing criteria, she/he will not be regarded as eligible to vote.
- e. Nor may a person be registered to vote if she/he “has been convicted of buying or selling votes.” Md. Election Law Code Ann. § 3-102(b)(3).

3.5 A voter is behind on mortgage or child support payments or has other outstanding bills

- a. ***Nothing* about a person’s financial situation is pertinent to whether a person can vote!**

- b. *If any challenger raises this, inside the polls or outside, obtain all the information you can about the challenge and report it immediately to the MCDCC lawyers.*

3.6 A voter cannot sign his or her name

If voters cannot sign their name, the check-in judge can assist them (on request) or the voter can make an X or similar mark on the signature line 6Ap. 3.3

3.7 A voter has moved more than 21 days before election day

- a. The voter must be issued a provisional ballot. The provisional ballot application will serve to update the voter's information and no *Voter Update Form* is needed.
- b. [A Voter Update Form is used to update vital statistics, name, DOB, ID info, death.]

4. POLLING PLACE DECORUM

4.1 A voter wears something (e.g., button, cap, or shirt) identifying that person as a supporter of a particular candidate or ballot measure.

- a. Voters are allowed to wear anything they want in a polling place, AS LONG AS THEY ARE NOT CAMPAIGNING. According to the State Board of Elections' website, a voter may wear campaign paraphernalia (buttons, t-shirts, or stickers) into the polling place when there to vote. However, the SBE website advises that they leave the polling area immediately after voting.
- b. Also, we advise voters not to talk in the polling area about a candidate or a ballot measure. [We counsel voters not to do anything which could cause a problem for them or others.]
- c. Election judge identification: Election judges are supposed to wear name tags approved by the local board of elections.

4.2 A poll watcher wears something identifying that person as a supporter of a particular candidate or ballot measure

The poll watcher should be excluded from the polling place. However, **voters** who are NOT campaigning may wear buttons or clothing identifying themselves as supporters of a candidate or ballot measure.

4.3 A voter wants to take literature into the polling place

- a. Voters may bring any documents into the polling booth with them, including Board of Elections Sample Ballots, Democratic Party Sample Ballots, and candidates' or ballot questions materials.
- b. Indeed, they are encouraged to do so, particularly on ballot questions. The Elections Board may employ teenagers to pass out the Board of Elections sample ballots so voters can familiarize themselves with the ballot measures before voting.

4.4 Use of a cell phone inside a polling place

- a. "You cannot use your cell phone, pager, camera, [or] computer equipment in an early voting center or at a polling place." SBE Website. See also COMAR § 33.07.04.02.

- b. Exceptions: elections officials, media, and law enforcement officers. See COMAR § 33.07.04.02. However, the media may not photograph any ballot (on the voting machine).

4.5 Someone besides a voter wants to enter the polling place

Everyone on the following list is eligible to be inside the polling place:

- a. a voter,
- b. an individual who accompanies a voter in need of assistance,
- c. polling place staff,
- d. a member or other representative of the State or local Election Board,
- e. an accredited watcher or challenger with a signed watcher/challenger certificate (Democratic Party precinct officials have signed watchers' certificates, which they can provide to anyone working with the Party who needs to enter the polling room to speak with an election judge, to observe what is going on, to collect turn-out information, or to make a challenge.)
- f. A child 12 or under who accompanies a voter, and
- g. any other individual authorized by the State Board or local Board.

Note: an accredited observer who wants to observe the election judges close down the polling place at the end of the day must be inside the polling place before 8 PM.

4.6 A voter brings in a person to help him or her vote.

Voters may have someone accompany them into the polling place to provide them with assistance in voting. Maryland law, Maryland Election Code § 9-406, provides:

- a. In general. A voter who requires assistance in casting a provisional ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:
 - (1) a candidate who is on that ballot;
 - (2) the individual's employer or an agent of the employer; or
 - (3) an officer or agent of the individual's union.
- b. Certification of assistance. An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-407 of this subtitle.

They will be asked to vote a provisional ballot. See above.

The judges have a Voter Assistance Form for people to complete if they want to help voters vote. (It's at page 18.31 of the Judge's Manual.) The Manual gives general instructions for helping disabled or temporarily incapacitated voters to vote.

4.7 The press wants to enter the polling place.

State BoE regulations permit "[r]epresentatives of print or electronic media... in a polling place as long as their activities do not:

- i. Cause disruption;

- ii. Infringe on voter privacy;
- iii. Inhibit election judges from performing their duties; or
- iv. Otherwise interfere with the orderly conduct of the election.” COMAR § 33.07.04.01.

4.8 A voter is accompanied by a child or two.

- a. The voter is permitted to be accompanied by up to two children so long as they are 12 or younger.
- b. A child age 13 or older may accompany a voter only if he or she completes a voter assistance form.

4.9 Someone wants to enter the polling place with a voter.

- a. Everyone on the following list is eligible to be inside the polling place:
 - i. voter,
 - ii. an individual who accompanies a voter in need of assistance,
 - iii. polling place staff,
 - iv. a member or other representative of the State or local Election Board,
 - v. an accredited watcher or challenger with a signed watcher/challenger certificate (Democratic Party precinct officials have signed watchers' certificates, which they can provide to anyone working with the Party who needs to enter the polling room to speak with an election judge, to observe what is going on, to collect turn-out information, or to make a challenge.)
 - vi. A child 12 or under who accompanies a voter, and
 - vii. any other individual authorized by the State Board or local Board.
- b. Note: an accredited observer who wants to observe the election judges close the polling place at the end of the day must be inside the polling place before 8 PM.

5. BALLOT AND VOTING ISSUES

5.1 A voter requested an absentee ballot, but then is able to vote in person.

- a. The voter will be given a provisional ballot (see above information about provisional ballots). You can turn in your absentee ballot at the Board of Elections until 8pm on election day. You cannot turn in an absentee ballot on election day at the precinct.
- b. The deadline to request an absentee ballot depends on how you want to receive your blank ballot. For the 2018 General Election, your request must be received (not just mailed) by: October 30, 2018, if you want to receive your ballot by mail or fax. You may pick an absentee ballot in person as late as election day at the Board of Elections in Gaithersberg. If you want to download your ballot from the State's website you can do it through Nov 2.
- c. If you miss the deadline but still want to vote by absentee ballot, you or your agent must apply in person at your local board of elections.

5.2 A voter wants to write in the name of someone not on the ballot.

“A voter may not cast a write-in vote in a primary election.” Md. Election Law Code Ann. § 8-205. A voter may do so in the general election.

5.3 A voter has started to vote then must leave polling place before casting a ballot.

Election Judge Manual pp. 5.17-5.21. Judges are given directions on how to "log out" a voter who starts to vote but has to leave the polling place before casting the ballot so the voter can return to receive a new voter authority card (VAC) and begin the process from square 1.

5.4 A voter spoils a ballot.

A voter may request a replacement paper ballot or ballot activation card (BAC) when:

- a. A voter wants to make changes to ballot selections after a paper ballot has been marked (or a BAC has been printed);
- b. A paper ballot (or BAC) is damaged to the extent that a Scanning Unit will not accept it; or
- c. A Ballot Marking Device has malfunctioned, or a BAC fails to work.

A voting judge must offer assistance to a voter who has spoiled two ballots. 2016 Election Judge Manual, p. 7.9.

A voter may be issued no more than three ballots. [p. 7.10 of the judge's Handbook: "A voter may be issued no more than two replacement ballots." p. 8.9 refers to three ballots. p. 13.3: "A voting judge must offer assistance to a voter who has spoiled two ballots."]

28. A voter dies after casting a ballot.

A relatively new law (June 2015) provides, “A ballot properly cast by a voter who dies before the ballot is canvassed shall be counted in full unless a law or regulation requires that the ballot be fully or partially rejected for a reason unrelated to the death of the voter.” Md. Election Code §11–303.1.

29. Use of Ballot Marking Device

Voters may request use of the Ballot Marking Device, the electronic voting machine, without giving a reason. They are typically used by people with visual impairments, because it offers high-contrast and enlarged print viewing options, but anyone can request one without any interrogation by a judge. [The manual instructs judges to make sure at least two voters use the Ballot Marking Device during the election, so if only one person has asked to use it by 6 p.m., judges will guide other voters to use the device.] Judge Manual Ch 12.

6. PROVISIONAL BALLOTS**6.1 A voter is told to use a provisional ballot.**

Eligibility. An individual is eligible to cast a provisional ballot if:

- a. the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election; and

- i. the individual's name does not appear on the election register;
- ii. an election official asserts that the individual is not eligible to vote; or
- iii. the individual does not have the necessary identification. MD Election Law Code Ann. § 904(b). *[Essentially the only times that the election official can require a voter to produce an i.d. is when the person is voting for the first time in Md. or when someone challenges the person's identity. See Nos. 4 and 5 below.]*

The voter should try to cast a provisional ballot in her/his own precinct; otherwise, parts of it may not count. Thus, the State Board states: "For some voters, only part of the provisional ballot will count. This is because the voter either voted in the wrong county during early voting or at the wrong polling place on Election Day. For these voters, only those contests or ballot questions that appear on the ballot where he or she lives will be counted."

Before an individual casts a provisional ballot:

- a. the individual shall complete and sign the provisional ballot application prescribed by the State Board; and
- b. the election official issuing the ballot shall give the individual written information advising the individual that, and describing how, the individual will be able to ascertain whether the vote was counted and, if it was not counted, the reason it was not. Md. Election Law Code Ann. § 9-405.

The 2018 Election Judge Manual (pp. 9.16--9.18) has charts showing when provisional voting is required. When voted, a provisional ballot shall be:

- a. enclosed in an envelope designated "provisional ballot/return envelope"; or
- b. stored in an electronic format, as specified by the Stated Board.

Md. Election Law Code Ann. § 9-407D, Page 6.9 lists 10 reasons for provisional ballots, but p. 9.9 has 12 (the last two pertaining only to early voting)!

7. OTHER PROBLEMS

7.1 The Chief Judge refuses to post the voter turnout numbers at 11 AM or at 4 PM

Refer the Chief Judge to page 5.16 of the Election Judge's Handbook, which requires the Chief Judges to post the voter turnout numbers at 11 and 4. *[Note the new times!]*

While it is not stated in the Judge's Handbook, it is the custom for judges to post the turnout numbers by Democrats, Republicans, and Unaffiliated.

7.2 The voter is worried about not receiving paid leave for the time spent in voting

Employers must give certain employees time off to vote and pay them for their absence. If an employee is a registered voter and does not have two continuous hours off-duty between 7 am and 8 pm on Election Day, the voter's employer must give the employee two hours to vote and pay the employee for the two hour absence.

7.3 Someone is sending out absentee ballots (NOT applications for absentee ballots) and particularly when they ask that the ballots be sent to someplace other than the County or State Elections Board.

If you have evidence of this, document it as thoroughly as possible and contact the team members at headquarters immediately.

7.4 Voter fraud

If you suspect voter fraud, document the event as completely as possible and immediately contact the team members at headquarters.

7.5 Aggressive or intimidating behavior

Keep yourself safe! To the extent possible, document the event and immediately contact the team members at headquarters.

7.6 A concern about a campaign

If it appears that a campaign is acting inappropriately, immediately contact the team members at headquarters who will follow up with the campaign.

#

**EVEN IF YOU ARE ABLE TO RESOLVE ISSUES, PLEASE EMAIL THE VOTER PROTECTION CHAIR
AFTERWARDS TO DESCRIBE THE PROBLEM AND HOW IT WAS RESOLVED.**

Helpful links:

Montgomery County Democratic Central Committee Voter Protection Website:

<http://www.mcvoterprotection.org>

State Board of Elections/ General info:

https://www.elections.state.md.us/voting/election_day_questions.html

To identify voting places:

<https://www.elections.state.md.us/voting/where.html>

or

<https://voterservices.elections.maryland.gov/VoterSearch>

Rumor control by the State Board of Elections:

https://www.elections.state.md.us/press_room/rumor_control.html

Maryland Democratic Party:

<https://www.mddems.org/>

Important dates:

(see https://elections.maryland.gov/elections/2018/2018_Election_Calendar.pdf)

Remove campaign signs from Voting sites

Wednesday Nov 7, 2018 by 8am