

Maryland Democratic Party – 2022 General Election
VOTER EMPOWERMENT PROBLEM SOLVING GRID

Questions? Call the MDP Voter Protection Hotline @ 1-833-MD-VOTES (1-833-638-6837)

1. POLL OPENING (Polls open at **7 a.m.** during Early Voting (October 27 to November 3) and on Election Day (November 8))

PROBLEM	DESCRIPTION	STATE LAW/SOLUTION
<p>POLLS DON'T OPEN ON TIME – JUDGES DO NOT ARRIVE</p>	<p>If one or more election judges do not arrive at an early voting center or election day vote center, the Chief Judge must notify the Local Board of Elections (LBE) IMMEDIATELY.</p> <p>The election judges present at the early voting or election day vote center must continue to set up the voting location and open the polls on time, even if only one political party is represented among the election judges. (Attorney General's Letter, Oct. 24, 2006)</p>	<p>The LBE will send a substitute election judge as soon as possible OR instruct the judges present on how to appoint a replacement judge (any judge can appoint ANY voter from the same party as an absent judge by administering a quick oath) EL § 10-305(a)(1) & (2).</p> <p>Call the Voter Protection Hotline immediately to report the problem.</p>
<p>POLLS DON'T OPEN ON TIME – JUDGES CAN'T GET ELECTRONIC POLL BOOKS OR SCANNERS WORKING</p>	<p>If the election judges cannot get the electronic poll books or scanners working for any reason, the Chief Judge should call the LBE IMMEDIATELY.</p> <p>If the problem persists, the Chief Judge should get permission to implement the Contingency Plan or inform the LBE that the Contingency Plan is being implemented.</p>	<p>If none of the electronic poll books or scanners are working, the Chief Judge should follow the SBE Contingency Plan and check voters in using a pre loaded laptop or paper precinct register and blank voter authority cards. Each voter should be issued the appropriate ballot and vote accordingly.</p> <p>Within two hours of any equipment failing or becoming inoperable, LBEs must deliver functioning replacement equipment or repair existing equipment.</p>

		<p>Call the Voter Protection Hotline to report the problem.</p>
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2. VOTER CHECK-IN ISSUES

PROBLEM	DESCRIPTION	STATE LAW/SOLUTION
<p>VOTER REQUESTED A MAIL-IN BALLOT, BUT HAS DECIDED TO VOTE IN PERSON</p>	<p>The electronic poll book shows a mail-in ballot has been issued to the voter.</p> <p>Note: Voters may return voted mail-in ballots at any Early Vote or Election Day Vote Center with a ballot dropbox</p>	<p>The voter should vote a provisional ballot. The provisional ballot will be counted as long as the voter did not vote the mail-in ballot.</p> <p>If the voter votes <i>both</i> the mail-in and the provisional ballot, <i>both</i> are rejected. COMAR 33.11.05.04.</p>

<p>A REGISTERED VOTER IS ASKED FOR ID</p>	<p>Registered voters DO NOT need to show ID to vote in Maryland and should not be asked to show ID.*</p> <p>* A small number of <u>first-time</u> voters who did not meet the identification requirements when they registered to vote CAN properly be asked to show ID. These voters are flagged in the electronic poll book as “Active Show ID” or “Pending Show ID” voters.</p> <p>During Early Voting or on Election Day, the voter may use the same day registration process to complete the registration and vote a regular ballot, but they will need to show an ID.</p>	<p>First, make sure the voter is being properly asked to show ID. <i>If</i> the request is proper, the voter can show any current photo ID, including:</p> <ul style="list-style-type: none"> • Driver’s license or MVA-issued ID card; • Employee or student ID card; • Military, state or federal government-issued ID card; • Passport. <p>OR Any current (dated w/in 3 months of election day) non-photo ID, including:</p> <ul style="list-style-type: none"> • Utility bill [gas, electric, water, waste, cable, telephone (cell or land)]; • Bank statement, government check, paycheck; • Other government document with voter’s name and address. <p>If a voter does not have any of these forms of ID, she still must be allowed to vote a provisional ballot. COMAR 33.07.06.05. The voter has until 10:00 a.m. on November 16, 2022 to provide her ID to her LBE for her ballot to be counted (COMAR 33.16.05.02 – start of provisional ballot canvass)</p>
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<p>VOTER IS NOT ON THE REGISTERED VOTER LIST AT ALL</p>	<p><u>Voter needs to register to vote:</u> Same day voter registration is now available at any Early Vote or Election Day Vote Center. Voter must show ID to register to vote.</p>	<p>EL §§ 3-305; 3-306; <i>See</i> Registered Voter is Asked For ID, above, for list of acceptable forms of proof of residency.</p> <p>Voter can check to make sure that her registration has been processed and that her ballot has been counted by visiting the SBE Voter Lookup page: https://voterservices.elections.maryland.gov/VoterSearch</p> <p>If voter wants to register but does not have any approved form of ID, voter will vote a provisional ballot and must provide the LBE with her ID by 10 a.m. on Wednesday, November 16, 2022 for her ballot to be counted.</p>
<p>VOTER IS ATTEMPTING TO VOTE IN THE WRONG COUNTY</p>	<p>Voters may vote at any Early Voting or Election Day Vote Center in the county where the voter lives and is registered to vote.</p> <p>If a voter votes in a different county for any reason (work, school, etc.), voter must vote a provisional ballot.</p>	<p>Only the votes cast by the voter for the candidates applicable to the precinct in which she resides will be counted. EL § 11-303(e)(2).</p> <p>Voter scan check the status of their provisional ballots on the SBE Voter Lookup page: https://voterservices.elections.maryland.gov/VoterSearch</p>
<p>VOTER IS ON THE LIST BUT HAS MOVED/OLD ADDRESS ON FILE</p>	<p>The deadline to update a change of address with the Board of Elections was Tuesday, October 18, 2022.</p> <p>Voters who did not meet this deadline may update their address at any Early Voting or Election Day Vote Center in the county where the voter lives.</p> <p>The voter should let the check-in judge know that she has moved.</p>	<p>If voter has moved within the <i>same</i> county, the voter will update her address and will vote a regular ballot for her new address. EL §§ 3-305(d); 3-306(c)</p> <p>If voter has moved to a <i>different</i> county:</p> <ul style="list-style-type: none"> • If voter moved at least 3 weeks before Election Day (before October 18, 2022) – voter should go to an Early Vote or Election Day Vote Center in her <i>new county of residence</i>. Voter will vote a provisional ballot, but all votes will count as long as provisional ballot application is completed and signed. If voter votes at a Vote Center in her old county, she

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<p>VOTER IS ON THE LIST BUT HAS MOVED/OLD ADDRESS ON FILE, <i>continued</i></p>		<p>will vote provisionally and only those races applicable to her new precinct will be counted.</p> <ul style="list-style-type: none"> • If voter moved less than 3 weeks before Election Day (after October 18, 2022) to another MD county– voter can vote will vote a provisional ballot at an Early Vote or Election Day Vote Center in her old county OR can vote a provisional ballot at an Early Vote or Election Day Vote Center in the new county, which will be fully counted as long as the application is completed and signed. <p>Note: No proof of residency is required for a change of address.</p>
<p>E-POLLBOOK SHOWS VOTER VOTED EARLY</p>	<p>If the voter attempts to vote on Election Day (November 8, 2022) and the electronic poll book shows that the voter has voted early, the voter may only vote a provisional ballot.</p>	<p>The provisional ballot will be counted if it can be ascertained that the voter did not vote early. The voter’s history will be looked at prior to the canvass.</p> <p>COMAR 33.16.14.02A(2)(c); 33.16.05.03C(5)</p>
<p>VOTER IS LISTED AS “INACTIVE”</p>	<p>A voter who appears as “inactive” in the electronic poll book may vote a regular ballot, but must first sign an affidavit of residency printed on the voter authority card (these voters are automatically flagged by the electronic poll book)</p>	<p>If the voter still lives at the address on the voter authority card, voter should sign affidavit and vote regular ballot.</p> <p>If voter does not live at the address on the voter authority card, voter may update her address and will vote a provisional ballot. All races will count if the provisional ballot application is completed and signed. EL § 3-503.</p>

3. SCANNER ISSUES

PROBLEM	DESCRIPTION	STATE LAW/SOLUTION
<p>VOTERS REPORT PROBLEMS WITH OPTICAL SCANNERS</p>	<p>Multiple voters leaving a polling place are reporting that one or more of the optical scanners that read the paper ballots are malfunctioning or jamming. This can lead to lines and delays.</p>	<p>When optical scanners jam, election judges are trained to instruct voters to place voted ballots in the scanner’s emergency bin. (There is a slot on the front of the scanner – this is the emergency bin.) These ballots are stored there securely and are then scanned at a later time (they are sometimes scanned during lulls in the voting day because they can get full). A bipartisan team of election judges will conduct the scanning and any certified poll watcher may observe the process. An election judge should call the LBE immediately to report the problem.</p> <p>Local boards can dispatch additional scanners and/or send roving tech support teams to fix or unjam the scanners. Contingency equipment must be delivered within one hour, and any such equipment must be functioning within two hours of the equipment failure.</p> <p>Call the Voter Protection Hotline to report the problem.</p>

4. VOTERS IN NEED OF ASSISTANCE

<p>VOTERS WHO DO NOT SPEAK ENGLISH</p>	<p>See Voter in Need of Assistance, above</p>	<p>Baltimore City, Montgomery County and Prince George’s County offer bilingual ballots (English and Spanish.</p>
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5. CHALLENGES TO VOTERS

<p>VOTER IS CHALLENGED ON BASIS OF IDENTITY</p>	<p>A voter/challenger challenges the right of a voter to cast her ballot. Any individual can enter the polling place to challenge the right of any other individual to vote. The challenge can only be made on the grounds that the voter is not whom she claims to be and must be made before the voter is issued a ballot or voter authority card.</p> <p>A person may <i>remain</i> in an early voting center or polling place only if they are a registered voter in Maryland and have been designated as a challenger/watcher by either:</p> <ul style="list-style-type: none"> • the SBE, • the local board of elections • a candidate • recognized political party, or • any other group of voters supporting or opposing a candidate or proposition on the ballot. EL § 10-311. <p>The challenger/watcher must have a valid Challenger and Watcher Certificate. Challengers/watchers may not exercise any political influence while in the Vote</p>	<p>A challenge can only be made on the grounds that the voter is not whom he or she claims to be. (<i>i.e.</i> based on identity). A voter may not be challenged arbitrarily. The challenger must have a reasonable basis for asserting that the voter is not the registered voter she claims to be. EL § 10-312(a)(1); COMAR 33.07.07.02</p> <p>A challenged voter will be asked by the election judge to provide identification. The voter may provide any of the forms identification listed at “REGISTERED VOTER IS ASKED FOR ID,” above OR</p> <ul style="list-style-type: none"> • a social security card • a voter registration card. EL § 10-312(a)(2) <p>If the voter provides the ID, s/he must be allowed to vote. EL § 10-312(a)(3). If not, then the challenger must provide a statement setting forth the grounds for the challenge and sign under penalty of perjury, and then the voter must be allowed to also submit a signed statement of his/her identity and then complete a provisional ballot. EL § 10-312(c)</p>
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	<p>Center. They may not determine how a voter voted or assist any voter in voting. A challenger <u>may not</u> talk directly to any voter in the vote center. The challenger may only talk to the voter outside the 100 foot “no electioneering” zone. Challenger/watchers <u>may not</u> use any electronic device (cell, tablet, laptop) inside the early voting center or polling place and <u>may not</u> wear anything with a political message. EL §10-311.</p>	<p>Report all challenges to the Voter Protection Hotline immediately.</p>
<p>VOTER IS CHALLENGED BASED ON RESIDENCE</p>	<p>NOT PERMISSIBLE.</p>	<p>A voter may only be challenged on the basis of identity. EL § 10-312(a), COMAR 33.07.07.02</p> <p>Insist that the voter be allowed to vote on the regular machine.</p> <p>Report incident to the Voter Protection Hotline IMMEDIATELY.</p>
<p>CHALLENGER IS CHALLENGING LOTS OF VOTERS, SLOWING DOWN THE LINE</p>	<p>Challenger is attempting to interfere with the voting process by arbitrarily challenging voters.</p>	<p>This is a criminal offense. Attempting to interfere with voter’s decision to vote based on force, fraud, threat, menace, etc. “A challenger and watcher cannot attempt to ..[i]nterfere with the election process....” EL § 16-201(a)(6).</p> <p>Notify the Chief Judge and report incident to the Voter Protection Hotline IMMEDIATELY.</p>

VOTER'S HOME HAS BEEN FORECLOSED UPON	<p>If the voter has not established a new residence, voter may vote at the address of the foreclosed home.</p>	<p>A foreclosure list is not a valid basis on which to challenge a voter at the polls.</p> <p>Letter of Attorney General Douglas F. Gansler to State Board of Elections Administrator Linda H. Lamone, Sept. 28, 2008</p>
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6. POLL CLOSING (Polls close at 8 p.m. during Early Voting and on Election Day)

PROBLEM	DESCRIPTION	STATE LAW/SOLUTION
VOTERS IN LINE WHEN POLLS CLOSE	<p>Lines of voters waiting to cast ballots (or voters in vehicles waiting to drop off ballots at ballot drop boxes) form outside of the Vote Center.</p>	<p>Any voter in line before 8:00 pm. will vote a regular (not provisional) ballot. EL § 10-301(b). This includes voters waiting in vehicles to drop ballots in ballot drop-boxes, as long as they arrived in line by 8:00 p.m.</p>
VOTING DURING EXTENDED HOURS	<p>If a court orders any vote centers to stay open after 8:00 p.m., any voter voting during extended hours must vote provisionally (extended hours voting), if they arrived after 8 p.m.</p> <p>If and when the order extending voting hours is upheld, ballots cast during that time will be counted.</p>	<p>EL § 9-404(c); COMAR 33.16.03.01.</p> <p>Note that if a court orders any precincts to remain open past 8:00 p.m. on Election Day, SBE and the local Boards of Elections will not release any results (including Early Voting results) until those precincts are closed per the order.</p>

7. ACTIVITY OUTSIDE THE POLLING PLACE

ELECTIONEERING	Electioneering includes any attempt to influence a voter.	<p>100 foot “no-electioneering” zone shall be established ‘as near as practicable’ to 100 feet from the entrance and exit and marked with signs. In Montgomery County, the zone may be between 25 and 200 feet. EL § 16-206(b)</p> <p>If anyone is attempting to influence voters within the no-electioneering zone, notify the Chief Judge and call the Voter Protection Hotline immediately.</p>
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PROBLEM	DESCRIPTION	STATE LAW/SOLUTION
FALSE OR MISLEADING LITERATURE	Distribution of false or misleading literature at the Vote Center (<i>i.e.</i> unauthorized “endorsements,” fake “official ballots,” incorrect information about who can vote, when to vote, where to vote, etc.)	<p>The distribution of any unauthorized, false or misleading campaign literature is a violation of Maryland election and campaign finance law. EL §§16-201(a)(6); 13-602 <i>et seq.</i></p> <p>Take a photograph of the misleading literature with your phone and call the Voter Protection Hotline immediately.</p>

<p>LAW ENFORCEMENT GENERALLY</p>	<p>Law enforcement is present at a Vote Center, directing traffic, have been called by a voter or election judge, etc.</p>	<p>Law enforcement officers must be performing an “official function” (<i>i.e.</i> have orders) to remain at an early voting center or polling place in uniform. EL § 16-903(b)(2). This could include directing traffic, responding to a call from a voter or election judge, etc.</p> <p>Law enforcement officers who are voting may wear their uniform at an early voting center or polling place if they are on duty or traveling to or from duty. EL § 16-903(b)(1).</p>
<p>ROBOCALLS/ROBOTEXTS/ SOCIAL MEDIA POSTS</p>	<p>Under federal law, Political campaign-related robocalls and robotexts must include the identity of the entity initiating the call and the phone number of the entity initiating the call.</p> <p>Facebook and Twitter posts relating to a candidate require authority lines under Maryland law. EL § 13-401</p>	<p>If you receive reports of robocalls or robotexts containing false or misleading information (<i>i.e.</i> trying to dissuade voters from voting; suggesting voting hours have ended; suggesting certain candidates have already “won” the election) please attempt to obtain a recording of the call AND the initiating phone number and call the Voter Protection Hotline.</p> <p>For similar or other unauthorized Facebook and Twitter posts, please copy the post and call the Voter Protection Hotline.</p>

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PROBLEM	DESCRIPTION	STATE LAW/SOLUTION
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AGGRESSIVE/INTIMIDATING BEHAVIOR

What does voter intimidation look like?

- Violent behavior or threats of violence
- Confronting voters wearing military or militia style “uniforms” or armbands
- Brandishing firearms
- Disrupting voting lines
- Following voters to or from the vote center
- Aggressively approaching voters, writing down license plate numbers
- Harassing voters, asking them about their qualifications to vote or who they voted for.

While being mindful of your own safety, please discreetly try to record video or take photos of such activity. In addition, observe the behavior of anyone engaged in this activity.

- Are they wearing insignia or other identifying badges?
- Are they waving signs or flags? What do they say?
- Are their actions coordinated or do they have a leader?

If you observe any of this kind of behavior in or around an Early Vote or Election Day Vote Center, **call the Voter Protection Hotline IMMEDIATELY**. If at any time, you fear for your safety or the safety of voters or anyone around you, please call 911.

Impeding the conduct of electoral activities by breaching the peace, disorder, violence or threats of violence is unlawful. EL § 16-204. It is also unlawful to interfere with the performance of official duties of election officials. EL § 16-205. Finally, it is unlawful to disobey the command of an election official at a Vote Center. EL § 16-203.

Weapons & Militias: Maryland is not considered an open carry state. Open carry of long guns is prohibited and very few permits are issued to open carry handguns, making it highly unusual to see. Nor are Militias permitted in Maryland. PS § 13- 214. If you see anyone carrying or brandishing a weapon at a Vote Center, please call 911.

Law enforcement may make arrests if there is probable cause to believe that any violations have occurred in the presence or view of a police officer. CP § 2-202(a) & (b).