



INSTRUCTIONS AND INFORMATION  
FOR  
CHALLENGERS, WATCHERS, AND  
OTHER ELECTION OBSERVERS

**Board of Election Supervisors  
City of College Park MD**

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## Introduction

The goal of the Board of Election Supervisors (BOES) is to provide all eligible citizens of the City convenient access to voter registration; provide all registered voters accessible locations in which they may exercise their right to vote; ensure uniformity of election practices; promote fair and equitable elections; and maintain election records, Campaign Finance Reports, and other election-related data accurately and in a form that is accessible to the public.

One way to ensure fair and equitable elections is to conduct open and transparent elections. To facilitate openness and transparency, Maryland law permits certain individuals (called challengers or watchers) to be present in polling places on election day and observe the opening, voting, and closing procedures conducted by election judges and allows any individual to observe other election processes. This manual is for individuals who wish to observe election day voting and the election process and those individuals and entities that are authorized to designate individuals as challengers and watchers.

In County, State and Federal elections, the authority of challengers and watchers is governed by Section 10-311 of the Election Law Article of the Annotated Code of Maryland and Regulation 33.07.07 of the Code of Maryland Regulations. College Park generally follows this law as an election practice but has not adopted the State law. Refer to Appendices C and D for the statutory and regulatory provisions on which the City bases procedures relevant to challengers and watchers. This document is based on the Maryland State Manual of the same name and is quoted verbatim in many places. References to electronic voting methods apply when that method of balloting is being used.

## I. General Information

### A. Who can observe the voting process?

State Election Law permits certain individuals to enter a polling place. Any individual can enter a polling place to challenge the right of any other individual to vote. To remain in a polling place and observe voting, you must be a City registered voter and be designated as a challenger or watcher. If you are not designated as a challenger or watcher, you are a non-accredited challenger or watcher and may not remain in a polling place to observe voting.

### B. Who can designate a challenger or watcher?

A person must be designated as a challenger or watcher by one of the following individuals or entities:

- BOES for any polling place in the City;
- Candidate;
- Any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot. (To be eligible to designate challengers and watchers, the group of voters must form a political committee under Section 34-11 of the City Code.

The individual or entity who designates a challenger and/or watcher can revoke the designation at any time.

If a person wishes that the BOES designate them as a challenger or watcher, they must submit their request in writing. They will be required to read this manual and may be required to attend a brief training session. Challengers/Watchers are strongly encouraged to submit the request at least one week before the election for which they wish to be designated.

### **C. What are the requirements required to become an accredited challenger or watcher?**

First, they must be a registered voter in College Park. Only registered voters can be accredited challengers or watchers.

Second, they must have a Challenger and Watcher Certificate. An individual or representative of an entity authorized to designate a challenger or watcher must sign the Challenger and Watcher Certificate and give it to their designated challenger or watcher. With this signed certificate, they are considered an accredited challenger and watcher. See Appendix A for the Challenger and Watcher Certificate. They must have this certificate on election day.

It is not necessary that each Challenger and Watcher Certificate have an original signature; the designating individual or representative of the designating entity may sign one certificate, make copies of the signed certificate, and complete the certificates for the registered voters the individual or entity will be designating as challengers or watchers.

### **D. What do election judges do and who is in charge of the polling place?**

Election judges (also called poll workers) are the individuals responsible for running the polling places. Most polling places have four kinds of election judges:

- Chief judges – There is one chief judge for each City District. The chief judges are the supervisors of each polling place and oversee all polling place activities.
- Check-in judges – These judges are responsible for verifying each voter who arrives to vote.
- Ballot judges – These judges issue the appropriate ballot to a voter.
- Voting unit judges – These judges escort voters to available voting units and answer questions about voting on the voting unit. They monitor the input to the ballot box or scanner.
- Provisional judges – These judges administer provisional voting. In some polling places, the chief judges may also serve as provisional judges.

Direct all questions to the chief judges.

## **II. Information for Individuals and Entities Designating Challengers or Watchers**

### **A. Why should I or my organization designate individuals as challengers or watchers?**

You may wish to designate individuals as challengers or watchers if you want your representatives to:

- Be present in the polling place and observe the opening, voting, and closing procedures on election day;
- Report who has voted on election day; or
- Provide you with election results from certain Districts.

Challengers and watchers cannot act as voter advocates or attempt to exercise political influence while in the polling place. This is not the role of a challenger or watcher, and they will be removed from the polling place if they engage in these or any other prohibited activities.

### **B. What should I do before designating an individual as a challenger or watcher?**

Before designating individuals as challengers or watchers, you should:

- Read this manual and understand the role of challengers and watchers;
- Contact the BOES or Chief Judge where you intend to have challengers or watchers;
- If you intend to distribute written instructions to your designated challengers and watchers, submit a draft of the instructions to BOES for review and comment;
- Do not provide information to your designated challengers and watchers that conflicts with any information in this manual; and
- Verify that the individual or individuals you intend to designate as challengers and watchers are registered City of College Park voters.

It is not necessary that each Challenger and Watcher Certificate have an original signature. You may sign one certificate, make copies of the signed certificate, and complete the certificates for the City registered voters you will be designating as challengers or watchers. An incomplete certificate may not be accepted by the election judges.

### **C. Who should sign the Challenger and Watcher Certificate?**

If a candidate is designating challengers and watchers, the candidate should sign the Challenger and Watcher Certificate.

If a political committee is designating challengers and watchers, the Certificate should be signed by an officer, the executive director of the entity, or other person authorized to sign a document on behalf of the entity. (The chairman or treasurer of a political committee formed by a group of voters supporting or opposing a candidate, principle, or proposition on the ballot can sign the certificate.)

### **D. Can I designate more than one challenger or watcher for the same District?**

Yes. More than one challenger or watcher may be assigned to the same District. Typically, there should not be more challengers than the number of check-in judges.

The election judges can limit the number of challengers and watchers to ensure the orderly flow of election business.

### **E. Should I notify the BOES that I will be designating challengers and watchers?**

We encourage you to provide the BOES with either copies of completed Challenger and Watcher Certificates or a list of the individuals you have designated to serve as challengers and watchers and the polling places to which they have been assigned. Alternatively, we encourage you to provide extra copies of the Certificates so that challengers and watchers can give the election judges at the polling places they visit a copy of their Certificates.

### III. Election Day

#### A. What are my rights as an accredited challenger or watcher? You have the right to:

- Enter the polling place 30 minutes before the polls open;
- Enter or be present at the polling place at any time when the polls are open;
- Remain in the polling place while the election judges perform the closing of the polls procedures and until they leave the polling place;
- Maintain a list of registered voters who have voted or individuals who have cast provisional ballots; and
- Enter and leave a polling place to take out information identifying who has voted.

You should be respectful of the responsibilities of the election judges. As an accredited challenger or watcher, you have certain rights, and election judges are required to protect you when you are exercising these rights.

The requirement that the election judges protect your rights, however, is not absolute. An election judge may remove you if you are exercising your rights in a manner that interferes with the work of the election judges in conducting the election and carrying out their assigned tasks.

#### B. What should I do when I arrive at a polling place?

You should introduce yourself to the chief judge and show them your Challenger and Watcher Certificate. **You will be given a Challenger and Watcher ID badge that you are required to wear visibly at all times while in the poll.** You are not required to give the certificate to the election judge as you may need the certificate if you go to a different polling place later in the day, but you are encouraged to provide a copy of the certificate to the chief judge. You may be asked for identification and the chief judge may check your qualifications.

If an election judge questions your accreditation as a challenger or watcher, you may remain in the polling place while one of the chief judges contacts the BOES.

#### C. What am I permitted to do in a polling place?

##### 1. Before the polls open:

If you wish to observe the election judges performing their election morning activities, you must be at the polling place 30 minutes before the poll opens. (If you arrive after that time, the election judges are not required to admit you into the polling place to observe the election morning activities until the poll opens.)

During this time, the election judges will be setting up the judges stations, posting polling place signs, checking ballot box security, and opening and preparing the voting areas for voting.

To facilitate your observation, if voting is being performed by other than paper ballot, election judges will read out loud the seal number and tamper tape number for each unit and verbally verify that the numbers match the numbers pre-recorded on the opening certificate. This enables you to record the seal and tamper tape numbers without delaying the election judges.

Accompanied by an election judge, you may also:

- Observe the election judges printing the Zero Report;
- Review (but do not touch) the Zero Report signed by the election judges;
- Verify that new tamper tape has been applied; and
- Verify that no voters other than absentees have been checked in on the poll books.

Keep in mind that, while you may look, you may not touch any election documents or equipment.

While you are permitted to observe the opening of the polls, it is important that you do not interfere with the work of the election judges. You may be removed from the polling place if a majority of the election judges in the polling place agree that your presence will prevent the timely opening of the polls.

## **2. During voting hours:**

- a) During voting hours, you must be positioned near the check-in judges and inside the voting room so that you can see and hear each person as he or she checks in to vote. You will not be allowed to see the Poll Books. If you do not believe that a voter is whom he or she claims to be, you may challenge the voter's identity. Refer to Question #18 for more information about the challenge process.
- b) Periodically throughout the day, you may ask:
  - (1) One of the chief judges to accompany you to voting units not currently being used by voters to verify the tamper tape and if used, public counter; and
  - (2) One of the check-in judges to allow you to see the number of voters who have been checked in to vote, if an electronic counter is being used.

While the election judges must accommodate your request, they have the sole discretion to determine when this occurs. When making your requests, consider how busy the polling place is. During peak voting times, an election judge will most likely not accommodate your request; ask to verify information during non-peak voting times or when there is no voting activity.

- c) Except as described above, you may not move about the polling place during voting hours. You must stay near the check-in judges when you are in the voting room. You are also prohibited from attempting to:
  - (1) Determine how a voter voted or intends to vote;
  - (2) Talk in the polling place with any voter;
  - (3) Assist any voter in voting; or
  - (4) Physically handle an original election document and equipment.

If you wish to talk with a voter, you must do so outside the polling place and outside the 100 foot "no electioneering" zone. If a voter initiates contact with you inside the polling place or within the "no electioneering" zone, advise the voter that you, as a challenger or watcher, are prohibited from talking to him or her inside the polling place and refer the voter to an election judge.

Remember, election judges are authorized to remove you if you are interfering with the election process.

### **3. After the polls close**

If you wish to observe the poll closing activities, you must be in the polling place before the close of the poll. If you are not in the polling place when the polls close, the election judges are not required to admit you into the polling place.

The election judges will not begin to “end the election” and close the voting units until the last voter in line at the designated closing time has voted. All voters in line at the designated closing time are allowed to vote.

To facilitate your observation, election judges will, if other than paper ballots are used, verbally verify that the seal and tamper tape numbers match the numbers recorded earlier in the day and will read out loud the tamper tape and seal numbers placed on the voting units so that you may record the seal and tamper tape numbers without delaying the election judges.

Accompanied by an election judge, you may also:

- Observe the election judges printing the Totals Report;
- Review (but do not touch) the Totals Report signed by the election judges;
- Verify that new tamper tape has been applied and seal affixed to outside of the unit; and
- Record the number of voters in the District who are recorded on the electronic pollbooks as having been checked in to vote.
- Observe the sealing of the ballot boxes prior to their transport to Election central.

Keep in mind that, while you may look, you may not touch any election documents or equipment.

If the chief judges must move a voting unit to another room in the polling place to transmit unofficial election results to Election central, you have the right to accompany the chief judges and observe the transmission process. After the results have been transmitted electronically the voting unit will be returned to the polling room and another Totals Report will be printed from the unit and posted with the first Totals Report. This second printing demonstrates that the results did not change when the voting unit left the polling room.

If the ballot box(es) are to be moved to Election central, you may accompany the chief judge transporting the ballot boxes.

#### **D. What am I prohibited from doing as a challenger or watcher?**

You are generally prohibited from interfering with the work of the election judges in conducting the election and performing their assigned tasks. Election judges are required to keep the peace and order the arrest of any person who violates any provision of State election law and interferes with their work.

In addition to the prohibited activities listed under IV.C.2.c, you are prohibited from using cameras and electronic devices, such as cellular telephones, pagers, laptops, and PDAs (i.e., Blackberries), in the polling place. You must be outside the polling place and the 100 foot “no electioneering” zone to use any electronic device. Lastly, you may not bring any political materials in the polling place or wear anything with a political message. This includes buttons, shirts, hats, stickers, and the like.



### **E. What can I bring with me to the polling place?**

You must bring your signed Challenger and Watcher Certificate and identification and should bring this manual. You can also bring with you a paper, pen, folding chair, and food. Remember, no newspapers or news magazines are permitted in the polling place.

### **F. What if I see an election judge do something improper or neglect to perform a required task?**

As a challenger or watcher, you do not have the right to challenge an act of an election judge. If, however, you are certain that an election judge either improperly performed a task or neglected to perform a required task, you should notify the chief judge or BOES or follow the instructions provided by the individual or entity who designated you as a challenger or watcher. Remember you may not have all of the information provided to the election judges or may be relying on outdated information.

### **G. I do not have a Challenger and Watcher Certificate. What can I do on election day?**

If you do not have a Challenger and Watcher Certificate, you are considered a “nonaccredited challenger or watcher.” Non-accredited challengers or watchers are permitted in a polling place for one purpose – to challenge an individual voter’s right to vote.

The only ground on which a challenge can be made is a challenge to the voter’s identity (i.e., that the voter is not whom he or she claims to be). Once a majority of the election judges resolves the challenge, the non-accredited challenger or watcher must leave the polling place. Refer to Item I below for information on how to make a challenge. You do not have the right to challenge an act of an election judge.

### **H. On what grounds can I challenge a voter?**

You can only challenge a voter on the grounds that he or she is not whom he or she claims to be. You cannot challenge a voter because you believe that he or she must vote by provisional ballot, that an election judge made a mistake when checking in a voter, or that the voter has moved or is ineligible to vote due to a criminal conviction, is under age, does not reside where they claim to, etc.

### **I. What can I do if I believe a voter is not whom he or she claims to be?**

You may challenge a voter’s identity if you believe that a voter is not whom he or she claims to be. Because you may be required to sign a statement under penalty of perjury, your challenge to a voter’s identity must be made in good faith. You may not arbitrarily challenge voters.

If you wish to make a challenge, you must notify an election judge that you wish to make a challenge before the voter has been issued a voter authority card<sup>1</sup> or voter access card<sup>2</sup> or provisional ballot.

Once you have notified an election judge of your challenge, the election judge will ask the challenged voter to provide identification. The acceptable forms of identification are:

- Voter registration card;
- Social Security card;
- Valid Maryland driver’s license or MVA-issued identification card;

- Any identification card issued by any unit of federal, State, or local (county or municipal) government;
- Any employee identification card with the individual's photo and issued to the individual in the ordinary course of the employer's business; or
- A copy of a current bill, bank statement, government check, paycheck, or other government document that shows the individual's name and current address.

If the individual presents one of the forms of identification listed above, the election judge must let the voter complete the check in process and vote. If the individual does not present one of the forms of identification, the election judge must:

- Require you to provide in writing and under penalty of perjury the reason for the challenge (see Appendix B for the Affidavit for Challenger and Challenged Voter);
- Offer the challenged voter the opportunity to cast a provisional ballot and submit a signed statement, witnessed by the election judge, of his or her identity; and
- Submit to the BOES the provisional ballot and other materials related to the challenge.

During the provisional ballot canvass (held after the election), the BOES canvassers will determine, based on the information submitted by you and the challenged voter, whether the voter is whom he or she claims to be and is otherwise qualified to vote.

#### **J. Can I stand within the 100 foot “no electioneering” zone?**

No. When you leave the polling room, you may not linger in the “no electioneering” zone. The 100 foot zone is measured from the entrance and exit of the building (not the voting room) that is closest to the part of the building in which voting occurs.

### **IV. Other Opportunities for Public Observation**

Throughout the election process, there are several opportunities for the public to observe the election process. In addition to serving as a challenger or watcher on election day, any individual may observe the following if they occur:

- Pre-election demonstration of voting system and parallel testing;
- Return of supplies on election night;
- Counting of provisional and absentee ballots; and
- Verification of vote count and certification of election.

All of these events are open to the public but are subject to certain restrictions. No designation forms signed by a candidate or political party are required to attend these events.

#### **A. Pre-Election Demonstration of Voting System and Parallel Testing**

In the event that an electronic voting system is used the BOES shall conduct a pre-election demonstration of the Logic and Accuracy (L&A) testing and parallel testing on the voting system and allow the public to inspect the printouts of the test results of the logic and accuracy testing. You should contact the BOES for the location and time of L & A testing.

<sup>1</sup> A voter authority card is a card issued by the check-in judge. The voter confirms the information printed on the voter authority card (i.e., name, address, date of birth) and signs the card.

<sup>2</sup> A voter access card is the card that enables voters to vote on an electronic voting unit. A check-in judge inserts it into the electronic poll book, which programs the voter's correct ballot style on the voter access card.

Logic and Accuracy (L & A) testing is the process by which voting equipment is configured, tested and certified for accuracy prior to an election. Each component is tested to verify that it is fully functional, accurately counts and records votes, and free from mechanical problems and that each voting unit contains the appropriate ballot styles for its designated polling place.

L & A testing includes multiple phases:

- Each voting unit (both touchscreen and optical scan) is prepared and configured.
- The correct ballot styles are downloaded to the voting units to be used in that election.
- On the touchscreen voting units, hundreds of test votes – more than the maximum number of voters that will use the voting unit on election day – are cast on each voting unit.
- On the optical scan units, test ballots are scanned, and the results printed from the unit are compared with the expected results. This ensures that both the touchscreen and optical scan units are recording votes accurately.
- These test votes are counted by each voting unit and if used, by a central tabulating computer. This ensures complete accuracy throughout the entire voting and vote counting process.
- All test votes are cleared, and the voting units are locked, sealed and secured ready to be used in the election.

Parallel testing is a method of testing an electronic voting unit by producing an independent set of results that can be compared against the results produced by the voting unit and is cited as a best practice by election administration and computer experts. This kind of testing confirms the accuracy of the voting unit in recording and tabulating votes. This test is not normally run unless there is reason to suspect a machine problem. The L&A test is deemed sufficient except under abnormal conditions.

During parallel testing of a touchscreen device, two individuals read aloud the votes cast on 50 paper ballots. Two people separately hand-tally the votes cast on paper, and two people cast the votes on a touchscreen voting unit. The teams periodically check to ensure that the two hand-tallies match and that the number of ballots cast match. At the conclusion of parallel testing, the two sets of hand-tallies are compared to the results generated by the voting unit. The hand-tallies and the voting unit totals should match.

## **B. Return of Supplies on Election Night**

You may also observe the return of polling place supplies on election night to election central.

Depending on the process for returning supplies and available space, you may be required to stand in a designated area. While you may observe this process, you are not permitted to touch any election document or equipment. You should direct all questions about the return of supplies to the BOES.

## **C. Counting of Provisional and Absentee Ballots**

The BOES canvassers meet in public session after each election to count or verify cast paper ballots, as well as provisional and absentee ballots.

You should contact the BOES for the location and time of the canvass.

The canvass is open to the public. You may observe all sessions of the canvassing board, including observing the canvassing teams review and open absentee ballot envelopes and provisional ballot applications. You may position yourself near the canvassing teams so that you may observe their review of envelopes and applications but are prohibited from trying to ascertain how a voter voted or physically handling an original election document. You must direct all questions concerning the canvass process to the Chief Election Supervisor or the individual organizing the canvass.

If you have information that you believe the BOES canvassers should consider or you want to challenge a decision of the canvassing board, you should notify the Chief Election Supervisor or the individual organizing the canvass. The Chief Election Supervisor or individual in charge of the canvass will put the ballot (and envelope) aside for consideration. The BOES will decide (by unanimous vote of those present) whether to accept or reject the ballot or ballots in question. If the board votes to accept the questioned ballot, the ballot will be separated in case a candidate or the absentee voter appeals the board's decision or a person files an administrative complaint.

#### **D. Verification of Vote Count and Certification of Election Results**

Before certifying an election, the BOES canvassers verify the vote count. After verifying the vote count, the members of the BOES certify that the election results are accurate and that the vote has been verified. This verification and certification generally take place at the conclusion of the ballot canvass.

Appendix A: Challenger and Watcher Certificate

**CHALLENGER'S AND WATCHER'S CERTIFICATE  
CITY OF COLLEGE PARK**

TO THE CITY OF COLLEGE PARK ELECTION JUDGES:

This is to certify that \_\_\_\_\_, a City registered voter, has  
*(Name of Challenger/Watcher)*

been designated by \_\_\_\_\_ to act as Challenger and  
*(Name of Candidate or Political Committee)*

Watcher for the \_\_\_\_\_ City of College Park Election, for District \_\_\_\_\_.  
*(Election Date)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate or Officer for Political Comm.

\_\_\_\_\_  
Office Sought or Name of Organization

A challenger or watcher has the right to enter the polling place one half-hour before the opening of the polls. However, if a majority of the election judges present find that the presence of the challengers or watchers in a polling place before it opens will prevent the timely opening of the polling place, the judges may direct all challengers or watchers to leave the polling place. Election judges are not required to admit to a polling place before the opening of the polls any challenger or watcher who was not present at the polling place at least one-half hour before its opening. A challenger or watcher has the right to enter or be present at a polling place at any time the polls are open, and may remain in the polling place until the returns are completed. It is unlawful for any challenger or watcher to inquire or ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling place with any voter or to assist any voter in the preparation of his ballot or in the operation of the voting machine. Any challenger or watcher who violates the restrictions of this paragraph may lawfully be ejected by the judges and is subject to the punishment provided for in this article.  
Annotated Code of Maryland §10-311

## Appendix B: Affidavit for Challenger and Challenged Voter

### Affidavit for Challenger and Challenged Voter

Under § 10-312 of the Election Law Article, an individual may challenge another individual's right to vote on the basis of the individual's identity. **If the challenged voter is unable to present one of the required forms of identification**, the challenger must complete Part I of this form, and the challenged voter must complete Part II. A Chief Judge must witness the challenger and the challenged voter signing the affidavit and may provide additional information in Part III.

#### **Part I: Affidavit by Challenger**

Name of Challenger: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City State Zip \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Name of voter whose identity is being challenged: \_\_\_\_\_

Why do you believe that the voter named above is not whom he or she claims to be? Be specific:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I do solemnly swear or affirm under penalties of perjury that the information provided in this affidavit is true.

\_\_\_\_\_  
Signature of Challenger

\_\_\_\_\_  
Date

Witnessed by: \_\_\_\_\_  
Name of Chief Judge (please print) Signature of Chief Judge

#### **Part II: Affidavit of Challenged Voter**

Name of Voter: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Provide any information that would help the Board of Election Supervisors in making a determination about this challenge:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I do solemnly swear or affirm under penalties of perjury that I am the voter whose name appears above.

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Date

Witnessed by: \_\_\_\_\_  
Name of Chief Judge (please print) Signature of Chief Judge

**Part III: Chief Judge Section Only** – If you have any information that would be helpful to the Board of Election Supervisors in making a determination about this challenge, please provide below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Appendix C: Relevant Provisions from the Election Law Article of the Annotated Code of Maryland

*In general, the City of College Park has not adopted Maryland Election Code. It is the practice of the BOES to use State Code as a guide where it does not conflict with existing policy or practice. The State Code as extracted and modified below is normal practice.*

### **Authority and duties of election judges**

- 1) Under the supervision of a chief judge, an election judge shall:
  - a) carry out the tasks assigned by the BOES, including those set forth in any election judge instruction manual, during the period of time that begins before the election through the close of the polls and the return of materials to the BOES; and
  - b) take measures throughout election day to assure that:
    - i) each voter's right to cast a ballot in privacy is maintained;
    - ii) the integrity of the voting process is preserved;
    - iii) the accuracy of the counting process is protected;
    - iv) order in the polling place is maintained; and
    - v) all election laws are observed.
  - c) (3) An election judge shall:
    - (1) keep the peace; and
    - (2) order the arrest of any person who:
      - 2) breaches the peace;
      - a) breaches any provision of this article; or
      - b) interferes with the work of the judges in conducting the election and carrying out their assigned tasks.
- 3) (4) An election judge shall protect a challenger or watcher in the exercise of the rights of a challenger or watcher.
  - a) An election judge is not required to admit a challenger or watcher to a polling place before the polls open if the challenger or watcher was not present at the polling place at least one-half hour before its opening.
  - b) An election judge may require challengers and watchers to leave a polling place before it opens if a majority of the election judges present agrees that the presence of the challengers and watchers will prevent the timely opening of the polling place.
  - c) An election judge shall designate reasonable times for challengers and watchers to examine polling lists.

### **Duties of police officers**

- (a) (1) A police officer who is on duty at a polling place shall obey the order of an election judge for that polling place.
- (2) A police officer making an arrest under an order of an election judge is fully protected in so doing as if the police officer received a valid warrant to make the arrest.
- (b) A police officer who is on duty at a polling place shall protect a challenger or watcher in the discharge of the duties of the challenger or watcher.

## **Access to voting room**

(a) An election judge shall allow the following individuals to have access to the voting room at a polling place:

- (1) a voter;
- (2) an individual who accompanies a voter in need of assistance in accordance;
- (3) polling place staff;
- (4) an accredited watcher or challenger;
- (5) an individual under the age of 18 who accompanies a voter in accordance provided

that the individual is in the care of the voter and does not disrupt or interfere with normal voting procedures; and

(b) Notwithstanding the provisions of subsection (a)(5) of this section, not more than two individuals under the age of 18 may accompany a voter.

## **Responsibilities of election judge on election day – Before the polls open**

(a) In accordance with instructions provided by the election director, an election judge shall arrive at the polling place and, under the direction of the chief judge, set up the polling place to assure that the polls will be open and operational at 7 a.m.

(b) Except as provided above, an election judge shall admit an accredited challenger or watcher one-half hour before the polling place is open.

## **Challengers and watchers**

(a) (1) The following persons or entities have the right to designate a City registered voter as a challenger or a watcher at each place of registration and election:

- (i) a candidate and;
- (ii) a political committee.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

(b) Except as provided above, a challenger or watcher has the right to:

- (1) enter the polling place one-half hour before the polls open;
- (2) enter or be present at the polling place at any time when the polls are open;
- (3) remain in the polling place until the completion of all tasks associated with the close of the polls and the election judges leave the polling place;
- (4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and
- (5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(c) (1) (i) A certificate signed by any candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The BOES shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(d) (1) A challenger or watcher may not attempt to:

- (i) ascertain how a voter voted or intends to vote;



- (ii) converse in the polling place with any voter;
- (iii) assist any voter in voting; or
- (iv) physically handle an original election document.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher

### **Challenge of an individual's right to vote**

(a) (1) The right of an individual to vote may be challenged at the polls only on the grounds of identity.

(2) An individual whose right to vote is challenged at the polls may establish the individual's identity by presenting any of the following forms of identification:

- (i) the individual's voter registration card;
- (ii) the individual's Social Security card;
- (iii) the individual's valid Maryland driver's license;
- (iv) any identification card issued to the individual by a political subdivision of the State, the State, the federal government, or any unit of a political subdivision of the State, the State, or the federal government;

(v) any employee identification card of the individual that contains a photograph of the individual and is issued by the employer of the individual in the ordinary course of the employer's business; or

(vi) a copy of a current bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the individual.

(3) If an individual establishes the individual's identity under paragraph (2) of this subsection, an election judge shall authorize the individual to vote a regular ballot.

(b) A challenge to an individual's right to vote shall be made before the individual is issued a ballot or a voting authority card.

(c) If a challenge is made, and the challenged individual does not present any of the forms of identification specified under subsection (a)(2) of this section, the election judge receiving the challenge shall:

(1) require the challenger to provide in writing, under penalty of perjury, the reasons for the challenge; See Appendix B.

- (2) offer the challenged individual the opportunity to:
  - (i) cast a provisional ballot; and
  - (ii) submit an attestation, witnessed by the election judge, of the individual's identity;

and

- (3) submit the provisional ballot and other materials related to the challenge to the

BOES.

(d) During the canvass of provisional ballots, the BOES shall determine, based on the information submitted by the challenger and the challenged individual, whether the challenged individual is:

- (1) the registered voter he or she claims to be; and
- (2) otherwise qualified to vote.

### **Closing of the polls**

(a) (1) The BOES shall provide election judges with detailed procedures for the closing of the polls, specific to the voting system used.

(2) The procedures shall include directions on:

- (i) the tabulation, recording, and reporting of votes if these activities are undertaken in the polling place;
- (ii) the preparation, signing, and sealing of documents and other election materials;
- (iii) the security of all equipment and materials in the polling place; and
- (iv) the return of equipment and materials to Election central.

(b) If election results are produced in the polling place, the election judge shall admit watchers to hear the announced results.

(c) A chief judge shall release an election judge from duty after the completion of the election judge's assigned tasks.

## Appendix D: Relevant Provisions from the Code of Maryland Regulations

### **01 Challenger/Watcher To Be Registered in State.**

An individual may serve as an accredited challenger or watcher only if that individual:

- A. Is a Maryland registered voter; and
- B. Has been designated as a challenger or watcher by:
  - (1) A candidate,
  - (2) A political committee

### **.02 Grounds for Challenge.**

An individual's right to vote may be challenged only on the ground that the individual seeking to vote is not the registered voter that the individual claims to be.

### **.03 Challenge Record.**

A. In General. If a challenge is made to a voter's identity and the challenged individual does not present any of the forms of identification specified in Election Law Article, §10-312(a)(2), Annotated Code of Maryland, the Chief Judge or Chief Judges shall record the proceedings on an identity challenge record, in the form that the State Administrator prescribes. See Appendix B for form

B. Contents. The form shall contain appropriate places for:

- (1) Each of the challenger and the challenged voter to sign an oath or affirmation, under penalties of perjury, that the individual's responses and statements will be the truth;
- (2) The signature of the Chief Judge who administered each oath;
- (3) The reason given for the challenge; and

### **Provisional Voting and Identification Requirements Provisional Voting**

Provisional voting is a safeguard that ensures that no individual who asserts that he or she is registered and eligible to vote is prevented from casting a ballot on election day. A provisional ballot will only be counted after the BOES has reviewed the provisional ballot application and made a determination that the individual is registered and eligible to vote.

An individual may be issued a provisional ballot for the following reasons:

1. The voter's name was not on the District register – The most common reason that an individual's name is not on the District register is that the individual moved and did not update his or her voter registration.
2. The voter was not able to provide required identification – See "Identification Requirements" below for an explanation of this requirement.
3. The voter has not yet met the verification requirement – An individual must provide a driver's license or social security number on his or her voter registration application and the number provided must be verified or the individual must present alternate

identification.<sup>4</sup>

4. The voter is not eligible to vote a regular ballot – The voter has either moved more than 28 days before election day and did not provide his or her new address to the Prince George’s County Election Board or the District register indicates that the voter received an absentee ballot or has already voted.
5. The voter’s identity was challenged.

## Identification Requirements

Under Maryland law, most registered voters do **not** need to present identification before voting. There are three categories of individuals who are required to show identification before voting:

1. Individuals who registered to vote by mail after January 1, 2003, and have not yet satisfied the federal identification requirement;
2. Individuals who applied to register to vote after January 1, 2006, provided a driver’s license or full or partial social security number that could not be verified by the Motor Vehicle Administration or Social Security Administration, and have not yet provided alternate identification; and
3. Voters whose identity is challenged by either an accredited or non-accredited challenger.

The individuals described in #1 and #2 above are clearly marked in the District register as needing to show identification. No other voter should be asked to present identification.

When a voter described in #1 checks in to vote, the election judge will ask him or her for acceptable identification. If the voter presents acceptable identification, he or she will be permitted to vote on the voting unit. If he or she does not provide acceptable identification, the voter will be required to vote a provisional ballot. The voter will have until the start of the provisional ballot canvass (4 PM on the Wednesday after election) to present acceptable identification and have his or her provisional ballot counted.

<sup>4</sup> An individual who does not have either a driver’s license or social security number must check the appropriate box on the voter registration application. Neither federal nor State law requires an individual to have a driver’s license or social security number to register and vote.

If an individual described in #2 checks in to vote, he or she will only be permitted to vote by provisional ballot because his or her registration is not yet complete. The provisional ballot judge will ask the individual to show identification and will record the identification presented on the back of the provisional ballot application. If the individual does not present acceptable identification, he or she will have until the start of the provisional ballot canvass (4 PM on the Wednesday after election) to present acceptable identification and have his or her provisional ballot counted.

The forms of acceptable identification are different for voters described in #1 and #2 than for challenged voters. Refer to **Challenge of an individual’s right to vote** of this manual for a list of acceptable identification for challenged voters. Voters described in #1 and #2 above will be asked to present one of the following forms of identification:

1. Current and valid photo identification (i.e., Maryland driver’s license or MVA-issued ID card, student, employee, or military ID, U.S. passport); or
2. Current utility bill, bank statement, government check, paycheck, or other government document with the voter’s name and current address