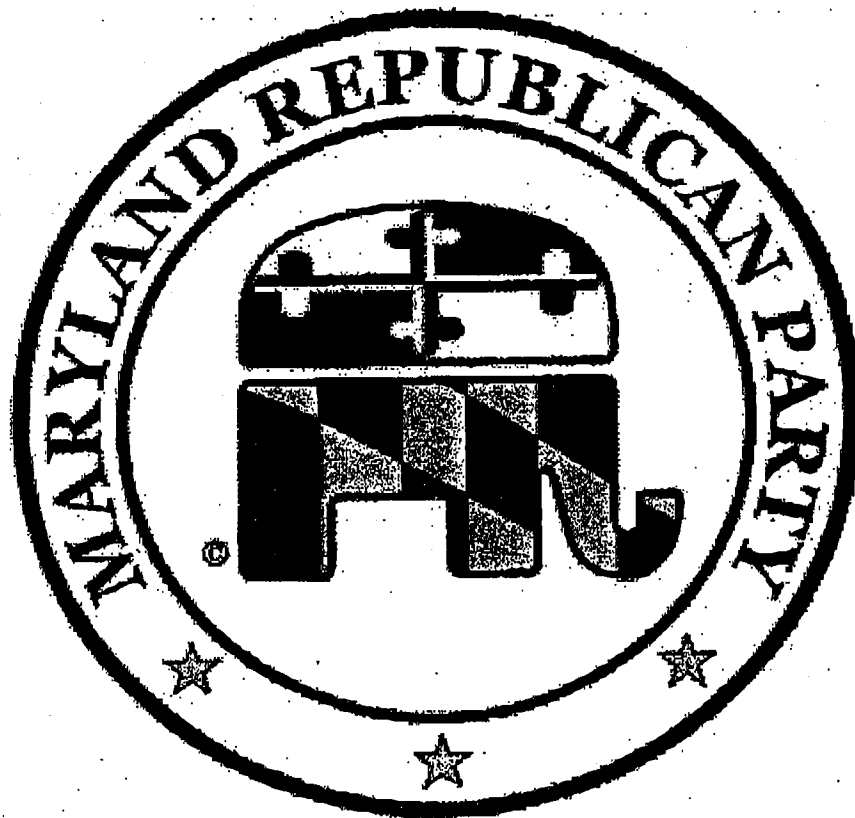


2006 MARYLAND REPUBLICAN POLL WATCHER PROGRAM
November 7, 2006 General Election



By authority: Maryland Republican Party, Robert C. Rosenthal, Treasurer

SUMMARY 2006 REPUBLICAN PARTY POLL WATCHERS MANUAL

The goal of the 2006 Republican Poll Watchers Program is to ensure that the 2006 General Election in Maryland is conducted by the book and that no person is denied his or her legal right to vote. The Manual for the 2006 Maryland Poll Watchers Program has been compiled to assist each volunteer poll watcher authorized by law to observe and, if necessary, challenge any illegal or perceived illegal voting practice conducted in the 2006 General Election. The entire poll watcher program has been put in place to ensure that the Election is conducted in a fair, legal and impartial manner.

PLEASE READ AND BE FAMILIAR WITH THE MANUAL You should have the Manual with you at your polling place. It contains detailed information vital to your job as a Poll Watcher This Summary is intended only as a quick reference on Election Day and is not a substitute for a complete reading of the Manual.

YOUR DAY AT A POLLING PLACE

Have with you at the poll: this Summary, a folding chair, your Challenger's Certificate, the Manual, any food you will need for the day, a pen and a cell phone. During the day if any incidents, problems or questions arise please call Legal Headquarters immediately at 1-866 511-9744.

1. ENTRY TO A POLL - In order to enter and remain at a polling place throughout the day you must have a "Challenger's Certificate" (attached to the Manual as Exhibit 1). This Certificate must be signed by you and be on your person at all times while you are inside the polling place.

2. OPENING A POLL - Polls open at 7 a.m. If you have agreed to open a poll you must be inside your polling place before 6:30 a.m. or you will not be permitted to enter. Try to arrive between 6 a.m. and 6:20 a.m... This is the time when election judges begin to set up the machines for the election. Your job during this time is to make sure no votes have been cast before the polls open. You must not interfere or obstruct the election judges in this process or you may be excluded. **BEFORE ELECTION DAY PLEASE STUDY THE MANUAL AT pp. 3-4 TO REVIEW HOW THE VOTING MACHINERY IS TO BE SET UP.**

3. THROUGHOUT THE DAY: - Your job as a poll watcher is to observe the procedures used for each person who casts a vote and to make periodic checks of the voting machines. Any malfunction of a voting machine; or violation or suspected violation of the Election Code should be raised with the Chief Election Judge on site and, if it is not remedied immediately, reported to Legal Headquarters immediately and recorded on an incident report. (Incident report forms are

attached to the Manual as Exhibit 3). Note carefully the checking in of each voter. If necessary, you may challenge the vote of any persons who attempts to vote without proper authorization. Please remember any challenge must be made before the voter is issued a "voter authority card".

Watch especially for

- 1 Any inoperable electronic poll book
2. Any voter not registered either in the precinct or anywhere in the State.
3. Any voter who cannot name his or her birth date or address
4. Any voter who cannot provide proper identification when called for
- 5 Any voter who must cast a provisional ballot
6. Any voter requiring assistance in voting
7. Any voter who wishes to vote a second time.

BEFORE ELECTION DAY PLEASE STUDY THE MANUAL AT pp. 5-11 TO REVIEW VOTING PROCEDURES

4. CLOSING A POLL - Polls close at 8 p.m. You **MUST** be inside the polling place before 8 p.m. or you will be locked out. The key thing to watch for is that no additional votes are cast after 8 p.m... Anyone not in line at 8 p.m. should not be permitted to vote. **If, for any reason, a poll remains open after 8 p.m. call Legal Headquarters immediately. Any voter who gets in line after 8 p.m. must vote by provisional ballot.**

BEFORE ELECTION DAY PLEASE STUDY THE MANUAL AT pp. 11-13 TO REVIEW THE STEPS FOR CLOSING A POLL.

Your efforts on Election Day represent the highest form of public service. Thank you.

By authority: Maryland Republican Party, Robert C. Rosenthal, Treasurer

2006 MARYLAND REPUBLICAN POLL WATCHERS' MANUAL

The goal of the 2006 Maryland Republican Poll Watcher Program is to ensure that the 2006 General Election in Maryland is conducted by the book. The Maryland Election Code must be scrupulously followed in every precinct in the State so that the final results of the 2006 General Election are viewed by all citizens of Maryland as completely accurate and devoid of any taint of irregularity.

Toward this end, the 2006 Poll Watcher Program has four broad objectives:

1. To guarantee a fair vote count.
2. To ensure that no voters are unjustly denied their right to vote.
3. To prevent unlawful election practices, errors and omissions.

Please read this manual carefully and take this manual with you to the polling place to which you have been assigned. The Maryland Election Code explicitly authorizes your activities as a Poll Watcher but it sets limits on your rights to act on Election Day, and you must take care not to overstep your bounds.

When you leave to go to your assigned polling place, you should be sure to take with you:

- * This manual
- * Your original signed Challenger's Certificate (discussed below)
- * A folding chair
- * A lunchbox containing any food that you will need during the day
- * A pen
- * A fully charged cellular phone

By authority: Maryland Republican Party, Robert C. Rosenthal, Treasurer

LEGAL AUTHORIZATION FOR POLL WATCHERS

Section 10-311 of the Maryland Election Code authorizes each political party and each candidate to designate a registered voter in Maryland as a Poll Watcher (also referred to as a "Challenger") at each polling place on Election Day. A copy of Section 10-311 is included in the attached Law Appendix. Accredited poll watchers are entitled to be admitted to the voting room in each polling place. Section 10-308, included in Law Appendix. In order to evidence your appointment as an official Poll Watcher of the Maryland Republican Party, you will find attached as Exhibit 1 several certificates signed by John Kane, the Chairman of the Maryland Republican Party and possibly by other candidates for public office. Please turn to one of the certificates and fill in the blanks; this completed certificate now constitutes your authorization to carry out your duties as a Poll Watcher. **IT IS IMPORTANT THAT YOU TAKE THE CERTIFICATE WITH YOU TO YOUR ASSIGNED PRECINCT ON ELECTION DAY.** You will probably be asked to show evidence of your appointment by the Maryland Republican Party as a Poll Watcher, and you should freely allow the election judges to inspect this certificate. You are not required to relinquish possession of your certificate to the election judges. The certificate is your evidence that you have a right to be in a polling place. If you hand over the certificate to one election judge, you cannot then present it to any other judge who questions your right to be present.

THE OPERATION OF THE POLLS

Each polling place is staffed by election "judges". One or more of the judges should be designated as the "Chief Judge." There should be a Republican Chief Judge and a Democrat Chief Judge. Generally the Chief Judges will make most of the decisions that have to be made in your precinct during the course of the day. The polls cannot be opened unless there is at least one Republican Judges and one Democrat Judges present. At the time that you are assigned to cover a particular precinct, you may be provided with the list of people who are scheduled to serve as election judges in your precinct and their party affiliation. (It is not unusual for there to be last minute substitutions of election judges due to illness, family emergencies and the like.)

Election judges are supposed to have received training in how to conduct the election. Because of the institution of the new Diebold machines in Maryland, however, some judges will lack knowledge and experience in the discharge of their duties. Beware of this. Generally, the Chief Judges should be better trained and have prior experience as an election judge.

It is important to try to get along with the election judges in your precinct. Your role as Poll Watcher is not inherently adversarial. The Election Code provides for Poll Watchers in order to complement the election judges. In fact, Sections 10-303(d)(1) and 10-304(b) of the Election Code provide that the election judges and any on-duty police officers shall protect the poll watchers in the exercise of their duties. See the attached Law Appendix. You should act in a professional manner at all times. Respect the election judges because they have a job to do, and hopefully they will respect you because you have a job to do also.

Frequently in this Manual, we cross-reference the section of the official Judge's Manual that instructs the election judges on the particular issue. In case an election judge disagrees with you on the issue, ask the judge to check the referenced page of the official Judge's Manual.

ARRIVAL AT THE POLLS

If you have agreed to be at the polling place when it opens, it is essential that you arrive at the precinct to which you have been assigned as close to 6:00 a.m. as possible. The election judges are supposed to arrive at 6:00 a.m., and you will miss critical opening procedures if you arrive later than 6:00 a.m.

Sections 10-309(b) and 10-311(b)(1) of the Election Code (see attached Law Appendix) provide that a Poll Watcher has the right to enter the polling place more than one-half hour before the opening of the polls. The statute is quite explicit, however, that the election judges are not required to admit to a polling place any Poll Watcher who was not working at least one-half hour before the opening. Because the polls in Maryland open at 7:00 a.m., your arrival at your assigned precinct *must occur before 6:30 a.m.* Due to possible confusion about the correct door to use and the like, we strongly urge you to be at your assigned precinct at 6:00 a.m. and in any event by no later than 6:20 a.m.

In recent years, the use of Poll Watchers has declined, and therefore some (and perhaps all) of the election judges in your assigned precinct may never have encountered a Poll Watcher before. Because of their unfamiliarity with Poll Watchers, they may try to exclude you from the polls until the polls open to the public at 7:00 a.m. Here is where tact and diplomacy will be very important. Show them your certificate of appointment, and if necessary, show them Section 10-311 of the Election Code (included in the attached Law Appendix). Ask them to read pages 4.2 and 5.3 of the official Judges Manual. They should let you in.

So long as you have arrived at the polls before 6:30 a.m., there is only one reason why you can be legally excluded from the polls. If a majority of the election judges at the precinct find that the presence of Poll Watcher(s) in a polling place before it opens "will prevent the timely opening of the polling place", the judges may direct "all" Poll Watchers to leave the polling place. See Section 10-303(d)(2) of the Election Code, included in the attached Law Appendix. Note that the decision to exclude you must be the decision of a majority of the election judges. The only grounds are that your mere presence will prevent the timely opening of the polling place. If an objection is raised to your presence, stress that you are there merely to observe and not to interfere or obstruct in any way. If you are excluded, all other Poll Watchers must be excluded as well.

If you arrived before 6:30 a.m. and are not permitted inside your precinct, please take the earliest opportunity to use your cellular phone to call Headquarters at the number provided in Exhibit 2 attached. We need an accurate list of all precincts where our Poll Watchers were not admitted to observe the setting up process. Also, please fill out one of the Incident Reports found in Exhibit 3 attached.

WHAT TO WATCH FOR BEFORE THE POLLS OPEN

The Election Code does not specify precisely what a Poll Watcher can do during the period before the poll opens at 7:00 a.m. So long as you do not "prevent the timely opening of the polling place", you should be free to observe the actions of the election judges. Therefore, we recommend that you do not engage in unnecessary conversation with the election judges and that you stay out of the way of the election judges as they unpack the boxes of election material and set up the voting apparatus. Do not touch any election document - you can be ejected from the polls for this infraction.

The most important thing before the polls open is to make sure that no votes have already been cast.

The only form of voting machine currently used in Maryland is the computerized free-standing machine. Each county in the State currently uses Diebold's AccuVote-TS voting machines. When set up, these machines look similar to the old lever machines used in Maryland for so many decades, but, instead of pulling levers, to vote on these machines, the voter presses in a designated space opposite the name of a candidate and a little arrow lights up pointing at the name of the candidate. After the voter has voted for all the candidates for whom the voter wants to cast a ballot, the voter presses a final button, and all the lighted arrows go out, indicating that the voter's vote has been recorded. Instead of being registered on machine counters, votes cast on the new machines are stored electronically in the computers contained inside the machines.

Starting at 6:00 a.m., the election judges are permitted to set up the voting machines. First, they check the number on the seal of each machine and match it with the number recorded on the Voting System Integrity Report. Then, they check the "tamper tape" covering the side compartment door to make sure it does not have "VOID" visible on it and also to make sure that the number on the "tamper tape" matches the number recorded on the Voting System Integrity Report. If either of the numbers don't match or the "tamper tape" shows "VOID", please note it on one of the Incident Reports found in Exhibit 3 and call Legal Headquarters immediately. Such a machine should not be used during the election. Official Judges' Manual at p 9.2.

Once a voting machine turns on, the "First Zero Report" automatically prints, and the judges will post it near the entrance to the polling place. It should show that the Public Counter is zero and that all voting positions are also zero. If you find that any machines have votes registered on them at this point, please fill out one of the Incident Reports found in Exhibit 3, and please use your cellular phone or find a telephone as quickly as you can and call Legal Headquarters at the number provided in Exhibit 2. Such a machine should not be used during the election. Official Judges' Manual at 9.7. This is a serious problem and needs immediate attention.

WHAT TO WATCH FOR WHILE THE POLLS ARE OPEN

A. Your Location. Section 10-311(c)(2) of the Election Code states that Poll Watchers "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." See the attached Law Appendix. Make sure you bring a folding chair to the polls with you. You cannot count on there being a chair at the polls for you to use, and there is no requirement that the election judges provide you with a chair. You have the right to sit in your chair near enough to the election judges to see and hear each person as he or she offers to vote. (Judges Manual, p. 5.3)

You may not interfere with the progress of the election and should therefore comply with reasonable requests to adjust your seating location to avoid any interference with the normal traffic of election judges and voters inside the polling place.

B. Things You Cannot Do. It is unlawful for you to inquire or ascertain for which candidate any voter intends to vote or has voted. It is also unlawful for you to converse in the polling place with any voter. It is also unlawful for you to assist any voter in the preparation of his or her ballot or in the operation of the voting machine. Further, it is unlawful for you to physically handle any original election document. If you do any of these things, you can be ejected from the polls. Your role is merely to "watch the polls" and call irregularities to the attention of the election judges so they can correct them.

C. Making Complaints About Observed Irregularities. In the event that you see anyone violating the law, please fill out one of the Incident Report forms found in Exhibit 3. You should approach the Chief Judge and bring the violation to the Chief Judge's attention, showing the Chief Judge your copy of the relevant section of the law from the Exhibits to this Manual, if necessary. If the Chief Judge does not take care of the problem immediately, you should approach the Republican judge(s) and bring the violation to their attention. In most cases, once they are made aware of the violation, the judges will take steps to correct the situation. If they do not correct the problem, however, and if you feel that the problem is sufficiently serious to possibly affect the election, please use your cellular phone or go to a telephone and call Legal Headquarters at the number provided in Exhibit 2.

The Election Code (at Section 10-303(c)) (see the attached Law Appendix) provides that the election judges have the authority to order the arrest of any person who breaches the peace or interferes with the work of the judges in conducting the election and carrying out their assigned tasks. There have been occasions when election judges under a lot of pressure have reacted in a hostile fashion to Poll Watchers trying to point out irregularities and have threatened to have the Poll Watchers arrested or expelled from the polling place. If this situation should arise, do not provoke a confrontation. Use your cellular phone or go to the nearest telephone and call Legal Headquarters at the number provided in Exhibit 2. We assist you as quickly as we can. In the meantime, continue to observe the irregularity, and fill out one of the Incident Reports found in Exhibit 3 with details of the problem.

D. Electioneering in the Polling Room. The Polling Room at all times should be free of any campaign material. Section 16-206(10) of the Election Code makes it a crime to canvass,

electioneer or post any campaign material in the polling place or within 100 feet from a polling place. (Judges Manual, p. 2.3) This prohibition includes efforts to hand out campaign or partisan literature in the polling room as well as the placing of any campaign or partisan literature anywhere in the polling room (except perhaps in a trash can). A copy of Section 16-206 of the Election Code is included in the attached Law Appendix.

The prohibition on electioneering also prohibits the judges (Judges Manual, p. 1.4), the Poll Watchers and any candidates from wearing any campaign or partisan material in the polling place (including hats, buttons, stickers, campaign tee-shirts and the like). The State Election Board has announced that voters who, *without lingering*, enter the polling place, vote and then leave may wear clothing, buttons and stickers containing political messages on them. (Judges Manual, p. 5.4) With that single exception, however, no other person, including the political workers handing out literature outside the polls, may enter the "No Electioneering Zone" while visibly wearing or carrying any clothing, button, sticker, sign or other paraphernalia that indicates support or opposition to a candidate, question or contest.

E. Exit Polling; Media Presence Pollsters conducting exit polls may station themselves within the 100 foot boundary but *outside* the voting room; they may not electioneer. Members of the media may come inside the voting room (with their cameras) so long as their activities do not cause disruption or infringe on voter privacy.

F. Periodic Checks of Voting Machines Computer experts have reported that the Diebold electronic voting machines can be compromised by knowledgeable hackers. These hackers allegedly can steal votes by opening up a voting machine and tampering with it. To foil any such attempt, during the opening procedure, the election judges placed "tamper tape" over the parts of the machines that would have to be opened by any such hackers. Periodically during the day, you should scrutinize the voting machines (at a time that no voters are voting on them) in order to check the "tamper tape" and assure yourself that it has not been removed. If the "tamper tape" is missing or shows "VOID" on it, call this fact to the attention of the Chief Judge(s) immediately, fill out an Incident Report (Exhibit 3) and call Legal Headquarters (Exhibit 2) to report the problem.

G. Voting Machine Malfunctions In the event one or more of the voting machines malfunction, it will be shut down until a repairman comes, or possibly the repairman will give telephone instructions to the Chief Judge as to how to make a repair. You should check the "tamper tape" and assure yourself that it has not been removed. If the "tamper tape" is missing or shows "VOID" on it, call this fact to the attention of the Chief Judge(s) immediately, fill out an Incident Report (Exhibit 3) and call Legal Headquarters (Exhibit 2) to report the problem. If the "tamper tape" is intact, please fill out an Incident Report about the machine malfunction (see Exhibit 3), carefully noting what the repairman or Chief Judge does to the machine to fix it.

H. Checking in the Voters Voters will be checked in at an electronic pollbook, unless they malfunction. If the electronic pollbooks in your precinct are inoperable, please fill out an Incident Report (Exhibit 3) and call Legal Headquarters (Exhibit 2) to report the problem. The backup plan is that each precinct will have in reserve paper precinct registers, blank voter authority cards and encoders so the election can be run the old-fashioned way. There must be

two judges at the check-in table, one from each party. (Judges Manual, p. 6.3) All persons who are registered to vote in a precinct can of course vote there. If the voter is not registered in the precinct, the judges must inform the voter that he or she can go to the correct precinct or can vote by provisional ballot. (Judges Manual, p. 11.15) If the voter does not appear to be registered anywhere in the State (this can be ascertained from the electronic pollbook), the voter must still be accorded the opportunity to vote by provisional ballot. (Judges Manual, p. 11.15)

It is critically important that only bona fide voters be permitted to vote on the voting machines. The State has converted to a new electronic pollbook that contains voter information from all jurisdictions in the State. If the electronic pollbook indicates that a voter has already voted, that voter *must* vote by provisional ballot.

The electronic pollbook contains a status column, an issued column and an IDR column.

The Status Column For each voter, the status column will read "Active", "Inactive", "Pend1" or "Pend2". A voter shown as "Inactive" must be required to sign an "Affirmation of Residency" before being permitted to vote. Judges Manual, p. 11.38. If "Pend1" or "Pend2" appears, the voter is *only* permitted to vote by provisional ballot. Judges Manual, p. 11.38.

The Issued Column For each voter, the issued column will read "None", "ABS Issued", "Already Voted" or "PROV". If it reads "None", the voter may vote. If it reads "ABS Issued", "Already Voted" or "PROV", the voter is only permitted to vote by provisional ballot. Judges Manual, p. 11.40

The IDR Column The IDR column may read "Show ID"; in this event, the voter must show proper identification. (Judges Manual, pp. 11.38-40) Only the following identification is acceptable: (a) the person's current (unexpired) Maryland drivers license or MVA-issued photo identification card; (b) a current (unexpired) student photo ID card; (c) a current (unexpired) employee photo ID card; (d) a current military photo ID card; (e) a current passport; (f) any other current (unexpired) county, state or federal-issued photo ID card; (g) a copy of a current (dated within the past three months) utility bill, bank statement, government check, paycheck or other government document that shows the name and current address of the person. The following documents are not acceptable: an out-of-state drivers license, an expired photo ID card, a non-photo ID document that is over three months old, a membership card (e.g., Sams Club), a social security card, a voter notification card, and a non-photo ID with an address that does not match the address on file with the Election Board. (Judges Manual, p. 6.6)

The electronic pollbooks are supposed to be linked electronically so as soon as a person checks in at one desk, the other electronic pollbooks in the polling place will also show the person has having voted. (If this didn't happen, a person could come back later and check in at a different desk and vote twice.) If the electronic pollbooks are synchronizing, a double-arrow should be shown on the lower right corner of the electronic pollbooks' screens. Check periodically to see that the double-arrow is present.

I. Challenging Voters. Your most important duty as a Poll Watcher is to challenge people who present themselves to vote but who are not authorized to vote.

When a voter arrives at the polling place, several things happen in quick succession. First, the voter is asked to provide his or her name ("What is your name?"), and the preprinted voting authority card matching the name is located. Second, the identity of the voter is established "by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register". Third, the voter is asked to verify his or her residence address (some voters will have their voter file marked "Confidential" and in these cases, the voters are not asked to volunteer their addresses). See Section 10-310(a)(3) and (4) of the Election Code, included in the attached Law Appendix; (Judges Manual, pp. 6.4, 6.5).

The second and third questions are the key. Any voter should know the month and day of the voter's birth and should know the voter's home address, but an imposter is not likely to know this information. The statute is clear that the election judge should not suggest the answers to the voter, as by saying "Is your birthday June 22nd?" or "Do you live at 433 Tenth Street?" Rather, the election judge is directed to establish the identity of the voter by asking the precise following question: "What is the month and day of your birth?" and the election judge is directed to establish the home address of the voter by asking the precise following question: "What is your address?" (Judges Manual, pp. 6.4, 6.5)

If the election judge manning the check-in table does not ask the voters to state the month and date of their birth and does not ask for the voters to volunteer their addresses, you should ask the judge to look at pp. 6.4, 6.5 of the Judges Manual or show the judge Section 10-310(a)(3) in the attached Law Appendix and remind the judge that the state law should be followed.¹ In the event of any reluctance on the part of the judge manning the check-in table to follow the law, you should calmly raise the point with the Chief Judge. In an extreme case, you might need to point out to the Chief Judge that if the election judges fail to follow the clear requirements of Section 10-310 of the Election Code, they would be committing a criminal offense punishable by not less than 30 days in jail. See Section 16-301 of the Election Code, included in the attached Law Appendix. In the event that the ultimate decision of the election judges is not to follow the law, please call Legal Headquarters at the number provided in Exhibit 2, and fill out one of the Incident Reports found in Exhibit 3.

¹ COMAR 33.07.03.01 provides:

.01 In General.

All local boards, their members, attorneys, election directors, staff members, and election judges shall faithfully and diligently perform all of the functions and duties that are assigned to them, collectively or categorically, by federal or State law or regulation, or by any manual, procedure, guideline, directive, or other instruction issued under federal or State law or regulation.

If the voter can't recall where he or she lives or volunteers an address different than the one in the electronic pollbook, you should become quite attentive.

Having heard all of the information volunteered by a voter, if you doubt that the voter is the person who is registered to vote, you should challenge that person's right to vote on the basis of identity. You must do this before the voter is issued a voting authority card. Section 10-312 of the Election Code sets forth your right to challenge a person's right to vote. See the attached Law Appendix. Please read Section 10-312 and be thoroughly familiar with it before you go to the polls. It provides that you will be required to put into writing under penalty of perjury your reason for the challenge. Of course, your reason will be that the challenged voter either incorrectly stated his or her name or his or her address or his or her month and day of birth or some combination of the above.

At this point, one of three things is likely to happen. The voter may depart (probably rapidly), may produce suitable identification that only the real voter would be likely to have on his or her person, or may state that he or she does not have any identification handy. In the first event (the fleeing voter), please fill out an Incident Report (Exhibit 3), and immediately call Legal Headquarters (using the telephone number in Exhibit 2) to report the incident. In the second event (the voter producing identification), only the following identification is acceptable: (a) a voter registration card; (b) a Social Security card; (c) the person's current (unexpired) Maryland drivers license or MVA-issued photo identification card; (d) a current (unexpired) student photo ID card; (e) a current (unexpired) employee photo ID card; (f) a current military photo ID card; (g) a current passport; (h) any other current (unexpired) county, state or federal-issued photo ID card; (i) a copy of a current (dated within the past three months) utility bill, bank statement, government check, paycheck or other government document that shows the name and current address of the person. The following documents are not acceptable: an out-of-state drivers license, an expired photo ID card, a non-photo ID document that is over three months old, a membership card (e.g., Sams Club), ~~a social security card~~, a voter notification card, and a non-photo ID with an address that does not match the address on file with the Election Board. (Judges Manual, p. 11.42) If the voter produces proper documentation, the voter can vote on the electronic voting machines. In the third event (the voter without proper identification), please fill out the paperwork documenting your objection. In such an event, the voter will not be permitted to vote on the computerized voting machines but will be permitted to fill out a provisional ballot application and then will be permitted to vote by provisional ballot. Whether or not the provisional ballot will be counted will be resolved several days later back at the offices of the election board.

Undoubtedly, the challenge process will be awkward and may cause consternation on the part of the challenged voter as well as the judges. Therefore, you should use discretion in challenging voters. If a voter whose registration shows him to be Elmer F. Fudd identifies himself as E. F. Fudd, and if he correctly identifies his address and month and day of birth, you probably should not make a challenge. On the other hand, however, if someone cannot remember his middle name or his birth date or his current address, a challenge may be in order.

Throughout this process, remember your statutory role as a "Challenger". This is your job. You should act in a professional manner at all times, but if there is cause to make a

challenge, you should not hesitate to do so merely because it upsets the challenged voter or the election judges. Once you make your challenge, the process set forth above **must** occur. If the election judges should try to ignore your challenge, point out that they would be committing a criminal offense punishable by not less than 30 days in jail. See Section 16-301 of the Election Code, included in the attached Law Appendix.

In the event that a number of voters are successfully challenged and you feel that there may be some sort of organized fraudulent activity going on, please use your cellular phone or go to the nearest telephone and call Legal Headquarters at the number provided in Exhibit 2.

K. Provisional Ballots If a person is not registered to vote in the precinct and a clerical error was not involved, or if the person is listed as an absentee voter or if the person was required to show identification and was not able to comply, or if the person was challenged by a pollwatcher and could not provide proper identification, the person will be allowed to vote by provisional ballot upon completing a provisional ballot application containing a written affirmation that the person is a registered voter elsewhere *in the State* and is eligible to vote in the election. *The person does not need to provide any identification in order to vote by provisional ballot.* Upon completing the provisional ballot application form, such a person will be issued a provisional ballot (which should resemble an absentee ballot) and should fill it out. Any such provisional ballots are to be sealed in special envelopes and placed by the voters into a secure provisional ballot bag. All of these ballots will be returned to the Election Board to be reviewed at the time of the canvas following the election. (Don't worry; we plan to scrutinize provisional ballots *very carefully* and raise any appropriate challenges before they are counted.)

Under no circumstances should voters qualifying for provisional ballots be permitted to vote on the computerized voting machines. If you become aware that a lot of provisional ballots are being used in your polling place or if a lot of people arrive all at once and demand provisional ballots, thus suggesting some sort of organized effort, please use your cellular phone or go to a telephone and call Legal Headquarters at the number provided in Exhibit 2. This is very important. In other states, when the supply of provisional ballots at a polling place ran short, efforts were made to permit the unregistered voters to cast their votes on the computerized election machines. This would be contrary to the law. We intend to be very pro-active about this potential problem, so it is very important that you notify us as soon as you see that this sort of problem may be materializing.

L. Assistance in Voting. One of the most frequently observed election irregularities occurs when election judges try to assist voters to vote and unfairly influence their voting. This is covered in Section 10-310(c) of the Election Code (included in the attached Law Appendix).

Only if requested by a voter, the election judges may instruct the voter regarding the operation of the voting machine. **This instruction must occur before the voter enters the voting booth.**

After a voter who is neither suffering from a physical disability nor unable to read English enters the voting booth, if he or she needs further instructions concerning the operation of the voting device, then, *only at the voter's request,* two judges of opposite political parties

may give such instructions but may not in any manner suggest how the voter should vote, and after giving the instructions must leave the voter alone to vote privately. (Judges Manual, p. 5.10)

A voter who is suffering from a physical disability or cannot read English may choose any person to render assistance in voting (other than the person's employer or agent thereof, and other than an officer or agent of the person's union). If the voter declines to select such a person, the voter may invite two judges of opposite political parties to accompany the voter into the voting booth to render assistance in voting. The judges may only follow the voter's instructions and may not suggest in any way how the voter should vote. (Judges Manual, p. 5.10)

M. Voting a Second Time Due in part to the confusing nature of the electronic voting machines, some voters will complain that their vote wasn't counted and that they want to vote again. Only the Chief Judge can authorize the issuance of a second voter access card to a voter, and then *only if the Chief Judge can verify that the voter's first ballot was cancelled before the voter was able to cast it.* Judges Manual, p. 11.29. There are two ways to verify that the first ballot was cancelled before the voter was able to cast it. One way is to physically count the voter authority cards issued to that voting unit and to compare the total with the "Ballots:" (total count) at the bottom of the touchscreen. If the total count is one less than the number of voter authority cards for that unit, the voter may be issued a second voter access card, but *if the total count is the same as the number of votes for that unit, the Chief Judge is not allowed to permit the voter to vote twice.* The other way is to re-insert the voter's access card into the voting machine. If the vote has been cast, the screen will display the message: "This Voter Access Card is already voted". If the vote has not been cast, the screen will read: "This Voter Access Card has been cancelled"; in this event the voter can be issued a new voter access card and can vote again.

WHAT TO WATCH FOR AFTER THE POLLS CLOSE

You must be inside the polling place before 8:00 p.m., or you will be locked out. You have the right to be inside the polling place to observe the closing of the polls and until the returns are completed. See Section 10-311(b)(3) of the Election Code, included in the attached Law Appendix.

The key things to watch out for after the polls close are to see that no additional votes are cast after-hours, to see that no improper tampering with the election machines occurs and to see that the process of tabulating the vote is conducted by the book.

The polls officially close at 8:00 p.m. At that time, the election judges should close the doors and not admit any more people into the polling place. Voters who are standing in line at 8:00 p.m. must be permitted to vote, but no one can arrive after 8:00 p.m. and vote. (Judges Manual, pp. 4.3, 5.13) As soon as the last voter casts his or her vote, the election judges are supposed to secure the voting system to prevent further voting. See Sections 10-301 and 11-202 of the Election Code, included in the attached Law Appendix.

In the unlikely event that a Court Order is entered directing the polls to remain open after 8:00 p.m., all votes cast by voters getting in line after 8:00 p.m. must be cast by provisional ballot. No voter who gets into line after 8:00 p.m. may vote on the electronic voting machines. Judges Manual, p. 14.15

The tabulation of the vote will proceed after the last voter departs. First, the judges record the Ballots Total ("Ballots:" at the bottom of the screen on each electronic voting machine) and the System Total ("Tot:" also at the bottom of the screen on each electronic voting machine). The Ballots Total will show how many voters voted on that machine. Then they check to make sure that the "tamper tape" on the voting machine does not show the word "VOID". Next, they open up the voting machine and press a button, causing it to print the Totals Report. A copy of this is posted. They will compare the total number of votes cast with the total number of voter authority cards that the electronic pollbooks indicate were issued during the course of the day. They should match. Please fill out an Incident Report (Exhibit 3) in the case of an irregularity in this process, and immediately call Legal Headquarters (using the telephone number in Exhibit 2) to report something that appears to be significant.

In some jurisdictions, the memory cards are then removed from the voting machines and inserted into one of the machines, designated as the "Accumulator Unit". An Accumulated Totals Report is generated which must be posted. This will provide the vote totals for all of the machines in the polling place and that result will be posted. The election judges will then either send the accumulated totals to the local board of elections via modem, or will deliver the accumulated totals, with the memory cards for the precinct to a central location - the local board of elections or a site established by the local board.

In other jurisdictions, the votes from all machines in a jurisdiction are not accumulated onto one machine and one memory card. The election judges print the totals for each voting machine and post them in the precinct. The memory cards are then physically delivered to the local board of elections or to a site established by the local board.

In either event, you must record the results of the Ehrlich/O'Malley race and the Steele/Cardin race, and call in the results by using the telephone number in Exhibit 2.

Finally, the election materials - provisional ballots, memory cards and the like - must be delivered to the local board of elections or to a satellite site established by the local board. In some jurisdictions - Baltimore City, for example - police officers are to pick up the memory cards. However, the bipartisan team of election judges must return all of the other supplies together, including the memory cards if a police officer has not picked them up. These materials must be delivered by the two chief judges. *It is vitally important that you follow the chief judges and ensure that the materials are actually received at the election office.* If they are not, please report the incident to Legal Headquarters using the telephone number in Exhibit 2.

At the end of the evening, the machines left behind should be locked by the election judges before they turn the lights out.

CONCLUSION

Through your efforts and the efforts of hundreds of other dedicated citizens across the State of Maryland, we will ensure that the 2006 General Election in Maryland is run "by the book." Your exercise of your statutorily-prescribed duties on Election Day represents the highest form of public service. We appreciate your assistance more than we can say.

Legal Authorities