

City of Springfield, Massachusetts  
*Election Warden's Handbook*



**September 2006**

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## THE CITY OF SPRINGFIELD, MASSACHUSETTS

Dear Warden:

Thank you for serving as a warden for the Springfield Election Commission. We are aware of the hard work, commitment and responsibility that this position requires and we are extremely appreciative of the professionalism that you have exhibited each election. The Election Office has developed a handbook containing important information regarding polling place and voting procedures. You will note that the handbook is more detailed and information about federal statutory requirements has been included. You will note that there will be a number of changes with regard to the conduct and staffing of the election. Certain aspects of the conduct of Springfield elections are currently subject to the terms of an Agreed Settlement Order in United States v. City of Springfield, C.A. No. 06-30123-MAP (D. Mass. August 29, 2006)(three-judge court). In addition, federal observers have been authorized to monitor election-day activities in various polling places.

As a warden you are charged with providing a safe environment for voting, accurate tabulation and reporting of vote counts, and a productive and positive working relationship among all poll officials assigned to the polling place. You are further charged with the responsibility of ensuring that every qualified voter is able to cast a ballot and the terms of the Agreed Settlement Order are met as to the election day activities occurring in the polling place to which you have been assigned. Specifically, it is the warden's responsibility to ensure that:

- The required materials are available and all signs in English and Spanish are prominently posted
- All voters are able to cast a ballot without interference or intimidation

- Any voter requesting assistance is permitted the “assistor of choice.”
- Any voter requiring Spanish language assistance is directed to the bilingual poll official or provided with telephone access to bilingual staff at the Office of the Election Commission
- No person leaves the polling place without having cast a ballot (regular or provisional) or being directed to the correct polling place.
- All voters are treated with respect and dignity and that all reasonable support and assistance is provided to all voters equally without regard to race, color, ethnicity, or language spoken
- All poll officials are assigned duties that are appropriate to their skills and abilities and the process of voting proceeds smoothly and efficiently and that voters are not unnecessarily waiting long periods of time prior to being able to vote.
- All reporting and communication requirements are fulfilled and that the Office of the Election Commission is fully and completely informed as to events, activities, and problems occurring in the polling place
- All forms are properly completed regarding challenges, provisional ballots, and affirmation of residence forms
- No campaigning-type activities are conducted or signs and literature espousing a particular candidate or position are displayed within 150 feet of the door to the polling place.

Please remember that the staff at the Election Office is available from 5:00 A.M. until your results are tabulated to answer any questions that arise on Election Day. It is important that you call (413-787-6190) with any questions or to resolve any uncertainty about the appropriate and lawful voting procedure.

Sincerely,

Kathy Hoar Fleury  
Election Commissioner

## **Job Descriptions**

### **Warden**

- The warden is the chief election officer at the polling place.
- The warden supervises the clerk and poll officials and is responsible for ensuring that there is a positive working relationship among all poll officials
- The warden is responsible for maintaining order and handling violations of election law.
- The warden is responsible for ensuring that the terms of the Agreed Settlement Order are met as to the election day activities conducted and occurring in the polling place
- The warden is responsible for ensuring that the Election Commission and its staff are informed of all election day activities, problems, challenges, and shortage of staff or supplies
- The warden is responsible for ensuring that the state and federal rights of voters are recognized, respected and provided for
- The warden is responsible for ensuring that all voters are treated with equal respect and dignity and that all reasonable requests for assistance are met
- The warden is responsible for ensuring that all voters are able to cast a ballot and that applicable procedures are followed and fully explained to voter

### **Clerk**

- The election clerk keeps a record of the proceedings of the election as required by the law and the Office of the Election Commission, including challenged ballots and provisional ballots. (Appendix A and B)
- The clerk is responsible for maintaining the “Election Record”

- The clerk will assist in any of the other of the voting procedures that occur in the polling place, including checking-out voters, assisting voters in completing or correcting ballots that are rejected as improperly marked by voter tabulation machine, and providing voters with any other assistance as needed

### ***Job description, clerk (cont'd)***

- The clerk is responsible for maintaining records of voters who are not permitted to vote at the polling place, voters required to provide identification, and inactive voters who signed affirmation of residence forms prior to voting

### **Poll Officials**

- At least one poll official will be assigned to the check-in area at the entrance to the voting area, where the voter's name will be located in the voter list, "crossed-off," and a ballot is provided to the voter
  - Where a voter's name does not appear on the voter list, poll official will referred voter to the warden who will contact the Office of the Election Commission to confirm registration status and/or correct polling place
  - Where a voter is required to produce identification, poll official will provide appropriate "hand-out" (Appendix D) explaining the applicable statutory requirements that necessitate a need for a particular voter to provide identification
  - Where a voter is unable to provide appropriate identification, poll official will refer such voter to the warden who will provide greater explanation to the voter as to identification requirement and alternatives available to voter
  - Where a voter wishes to cast a provisional ballot, poll official will refer such voter to the warden
  - Where a voter is on "inactive list" and where assisting the voter in properly completing affirmation of residence form (Appendix E) would delay check-in for voters waiting in line, poll official will refer such voter to the warden

- Where voter has indicated a need for bilingual assistance or appears to have difficulty communicating in English, poll official will refer such voter to the bilingual poll official or warden, where there are no bilingual poll officials assigned to the poll place
- At least one poll official will be assigned to the check-out table where the voter “casts” his/her ballot by placing it in the election tabulator and where his/her name is “crossed-off” voter list

***Job description, poll officials*** (cont'd)

- One poll official will be assigned to monitor the voter tabulator and ensure that voters properly insert ballots and each ballot is “counted.”
  - Where tabulator indicates that ballot is not marked correctly or completely, poll official will advise voter, provide voter with opportunity to “correct” the ballot and/or provide a new ballot and furnish assistance as necessary
  - Where voter appears to be having difficulty completing or marking ballot, poll official will offer assistance (bilingual or otherwise) as needed

**Bilingual Poll Officials**

- Bilingual poll officials will help all voters who request Spanish language assistance
- Bilingual poll officials will identify voters who need some Spanish language assistance – but may not have requested it -- and offer assistance as necessary
- Bilingual poll officials will keep records of the number of voters requiring bilingual assistance and the type of assistance needed
- Bilingual poll officials will assist at check-in area when not assisting voters who need Spanish-language assistance

- Bilingual poll officials must be fluent in written and spoken English and Spanish

## *United States v. City of Springfield*

On August 2, 2006, the Department of Justice, Civil Rights Division, Voting Section sued the City of Springfield, alleging that the City had failed to provide to Spanish-speaking voters with limited proficiency in English bilingual assistance as required by Section 203 of the Voting Rights Act. In addition, the United States alleged that the City failed to permit voters to receive assistance from the person of the voter's choosing in violation of Section 208 of the Voting Rights Act. Finally, the United States charged that the City's poll officials were rude to Spanish-speaking voters. In other documents that the Voting Section has provided to the City, the United States alleged that the City has unlawfully denied or failed to make available provisional ballots.

*Section 203* requires, as it applies to Springfield, that the City must provide "any registration or voting notices, forms, instruction, assistance, or other materials or information relating to the electoral process, including ballots" in both English and Spanish. In essence, Section 203 requires that anything provided to voters in English must also be provided in Spanish in the City of Springfield. This, of course, requires that anything written that relates to registration, voting, elections, and candidate qualification must be provided in Spanish. In addition, any announcements or notices that inform the public about any voting-related activity, rights, responsibility, or procedure must be provided in Spanish in a media that is as available to, relied upon, and is as "effective" as is the media used for the publication of information in English. Finally, where there are a significant number of voters who are not sufficiently "proficient in English" to understand any directions or explanations by English-speaking poll officials, bilingual poll officials must be provided. Springfield has been subject to Section 203 as to its Spanish-language citizens since 1992.

*Section 208* provides that "[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or agent of the voter's union." This provision was enacted, in part, to respond to yet another procedure utilized by southern jurisdictions to prevent newly registered voters from electing African American candidates. In such jurisdictions elderly African American persons who were unable to read or write were either not permitted to have assistance in voting in the polling place or were required to accept "assistance" in marking and reading the ballot from white poll workers or white "employers" of the voter. Over the years, however, the Voting

Section, Department of Justice, has interpreted this provision to permit *any* person who requests assistance to receive assistance from *any* person of the voter's choosing."

*Rudeness* is not specifically prohibited by the Voting Rights Act. Nevertheless, a pattern and practice of poll workers who are rude to a group of persons defined by race, ethnicity, or membership in a language minority group can be argued to be discriminatory and a violation of the Voting Rights Act. Since it is not a policy or practice of the City to tolerate rude or disrespectful treatment of *any* voter by a poll official, such conduct on the part of poll officials will constitute grounds for removal from the list of persons qualified or eligible to serve as bilingual poll officials.

### **City's Bilingual Election Program**

On August 30, 2006, the United States and the City of Springfield signed an Agreed Settlement Order that requires, among other things, the creation of a Spanish Language Coordinator, Ms. Gladys Oyola, an Advisory Committee, which will be chaired by Mr. Jose Claudio, the provision of more Spanish language signs and notices in Spanish language newspapers and radio prior to every election and in the polling places during the election, and the assignment of at least one bilingual poll official in almost every polling place. The goal to which the City agreed would require the City to have 95 bilingual poll officials assigned to polling places by the November, 2006, election and all subsequent elections. Where a bilingual poll official is not assigned to a polling place, bilingual assistance will be provided by telephone.

On election day, numerous signs and notices (in English and Spanish) will be posted, in the polling places, and explanations (in English and Spanish) will be available to voters, regarding provisional voting, identification requirements as applied to certain voters who registered by mail after January 1, 2003 and "blue list" or "inactive" voters, and the challenged ballot/voter procedures. Prior to the election, there will be Spanish-language notices posted in various locations frequented by Hispanic citizens of Springfield. In addition, Spanish language notices will be published in Spanish language newspapers and broadcast over Spanish language radio. As before, there are two bilingual staff persons available to answer questions and render assistance at the Office of the Election Commission. Ballots will continue to be in English and Spanish and a Spanish-language "version" of the Election Commission's website is currently available. Spanish-speaking

voters with limited proficiency in English are now able to check their registration status and the polling place to which they are assigned. The Election Commission's website further provides a link to Mapquest, which will provide a map and/or directions to that polling place.

## **Bilingual Assistance**

It is incumbent upon every poll official to ensure that any voter who requests bilingual assistance is provided with the requisite assistance from the bilingual poll official(s) assigned to the polling place or from bilingual Election Commission staff persons, by telephone.

***Even where a voter does not request assistance, but rather appears to have difficulty in understanding English, poll officials must offer bilingual assistance to the voter.***

A voter may need assistance in “checking-in,” in reading or understanding the ballot, properly marking a ballot, and in casting a ballot. Poll officials should ensure that such assistance is available and provided where requested.

A voter may need assistance in understanding why his/her name is not on the voting list, whether he/she should cast a provisional ballot, the directions to the polling place to which he/she is assigned, provisional balloting procedures, why he/she is being asked to provide identification, what forms of identification are acceptable, what is a affirmation of residence form and why the voter is being asked to sign such a form, what the voter can do if he/she did not yet return an absentee ballot or wishes to cancel an absentee ballot already cast, and what it means when a person challenges his/her right to vote and what the voter will be asked to do. Poll officials should offer bilingual assistance as to these more complicated and less familiar voting procedures even to voters who did not experience any trouble understanding English with regard to the far simpler procedures of checking-in or casting a ballot.

In assisting a voter in reading a ballot and identifying electoral choices, the bilingual poll official should NEVER advocate for a position, proposition, initiative, constitutional amendment or for a particular candidate. The bilingual poll official may answer simple factual questions about a candidate, where the poll official is knowledgeable. Poll officials should otherwise refrain from comment, representation of the candidate’s position on a policy issue, or any other discussion of one candidate’s qualifications as compared to another. The bilingual poll official is only permitted to read the text of a constitutional amendment, proposition, referenda question, or initiative. Poll official should refrain from any explanation or interpretation of a constitutional amendment, proposition, referenda question, or initiative, even where the voter asks for such explanation or interpretation.

***Bilingual Assistance*** (cont'd)

All of the signs provided to each polling place must be posted and prominently displayed. Indeed, there should be no information regarding voting provided in a sign or notice in the polling place that is not available in Spanish. Poll officials must ensure that all signs are posted and/or prominently displayed throughout the election day.

The poll official is prohibited from saying or doing anything that can be construed as challenging a voter's right to bilingual assistance or critical of a voter's need for bilingual assistance even where instructions and information is already provided in Spanish.

Such poll official conduct will NOT be tolerated.

## *Assistor of Choice*

The poll official MUST permit any voter requesting assistance to choose an individual to assist him/her.

This “assistor of choice” need not be a registered voter in the City of Springfield or even an individual who – for one reason or another – is eligible to register to vote in the City of Springfield.

This “assistor of choice” may be someone who has already assisted numerous voters at the polling place

This “assistor of choice” may be a child.

A poll official MUST permit a voter to receive assistance from an individual of his/her choosing even though the poll official knows that the voter does not require assistance.

A poll official is only permitted to ask the voter whether he/she wishes that the indicated individual assist him/her. If, however, the poll official cannot ask the voter the question in a manner that is not intimidating, judgmental, or appears to challenge the voter’s right to assistance, the poll official should refrain from inquiring into the voter’s choice.

The poll official is prohibited from doing or saying anything to the voter or to anyone in the polling place that can be construed as challenging the voter’s right to assistance or the “assistor of choice”

Such poll official conduct will NOT be tolerated.

## **Federal Observers**

This Agreed Settlement Order also permits federal observers to monitor election day activities in the City of Springfield. Federal observers are provided for and authorized by the Voting Rights Act. The “deployment” federal observers in Springfield will be largely comprised of Spanish-speaking non-attorney employees of the federal government from any part of the country other than Springfield. No fewer than two federal observers will be assigned to a polling place and it is not likely that any federal observers will be assigned to polling places in which there is not a significant number of Spanish-speaking, Latino voters.

Federal observers are only authorized to “observe.” They will be taking notes and at the end of the day (before they go to sleep) will be required to write relatively lengthy reports about many aspects of the voting process in the polling place to which they were assigned. They have no authority with regard to the conduct of elections. Poll officials should not ask federal observers questions about certain voting procedures – even the provision of bilingual assistance. Federal observers have been instructed not to provide any specific information or to otherwise interfere in the election day activities.

Poll officials should answer federal observer questions about voting procedures, certain incidents, or the name of particular voters. Poll officials should be polite and reasonably helpful but no further accommodation to their presence is required of the poll officials. The warden should take note of the names of federal observers and make sure that they provide their identification or credentials. The warden should further note their activities throughout the day and report to the Election Commission any activities that the warden believes to interfere with the conduct of elections.

Federal observers are authorized to observe any aspect of the voting procedure. Federal observer may “observe” voter check-in or voter “check-out.” Where Section 203 has provided the legal basis for federal observers, federal observers may attempt to “observe” the provision of assistance by an election official. If the federal observer does not introduce himself, the bilingual poll official rendering the assistance, may inform the voter that such individual is a federal observer. The bilingual poll official may further explain to the voter that the federal observer is authorized to observe the provision of bilingual assistance by the poll official. In addition, the bilingual poll official may explain that the voter may consent to having the provision of assistance observed, but he/she has the right to the privacy of

the ballot and may, therefore, the voter may inform the federal observer that he/she does not consent to the federal observer's presence or "observation" while

### ***Federal Observers*** (cont'd)

the voter is making his/her choices and marking his/her ballot. It is essential that the bilingual poll official convey this information to the voter in a manner that merely provides the information, but cannot be interpreted to encourage or recommend that the voter deny federal observer permission to "observe" the provision of assistance in marking the ballot.

Federal observer may also attempt – after the voter has cast a ballot – to interview the voter. While it is appropriate for a federal observer to obtain the name and address of the voter in the polling place, the warden should notify the Election Commission if it appears that the federal observers are attempting to conduct a more lengthy interview of the voter in the polling place and such interview is interfering with the conduct of the election.

Poll officials should not view the presence of federal observers as a challenge to their authority or a negative reflection on current election day processes and procedures. Poll officials should not interpret any request for information from federal observers or any attempt to interview voters as an indication that poll officials have not adequately provided for bilingual assistance or not otherwise complied with applicable state and federal laws.

That said, poll officials should understand that almost everything they say or do may be recorded by a federal observer, including the length of a poll official's lunch or dinner break, the frequency the poll official is not otherwise at his/her post, behavior or conversation intended only for other poll officials or friends, and most particularly anything that is said or done that may be interpreted by voters (or Department of Justice attorneys) as disrespectful or unhelpful to voters. Federal observers will be looking for evidence that Springfield poll officials treat voters needing bilingual assistance differently and rudely. Poll officials need to understand that their conduct may subject the City to sanctions or an extension of the terms of the Agreed Settlement Order. Great care should be taken to comply with the requirements, procedures, and instructions provided in the following pages of this handbook and to treat all voters with respect.



## **Poll Official Conduct and Deportment**

It is important that poll officials remember that they are representing the City and are facilitating one of the most important individual rights – the right to vote.

At all times, poll officials must conduct themselves in a professional manner.

Poll officials **MUST** be

- Polite and cheerful
- Patient and helpful
- Treat all voters, regardless of race, ethnicity, or language spoken with equal respect and deference

Poll officials must **NEVER** argue with voters or display any contempt, lack of tolerance, or prejudice

It is the role of the poll official to *facilitate* the process of voting. Poll officials **MUST** offer and provide whatever reasonable support and assistance is necessary to ensure that all qualified voters are able to cast a ballot.

A poll official must **NEVER** turn a voter away from a polling place without having confirmed with the Office of the Election Commission that a voter is registered to vote in another precinct/polling place and/or without offering that voter a provisional ballot.

Poll officials must **NEVER** tell or advise a voter as to the candidate(s) for whom the voter should cast a ballot or the position a voter should take as to a proposition, initiative, referendum, or constitutional amendment -- even where the voter has requested the poll official provide such advice or information. While in the polling place, a poll official should not tell a voter how to vote, recommend a candidate, discuss the advantages or disadvantages, justifications or lack of justification, pro's or con's of any position or proposition as to which a voter is required to make a choice – even where the voter is a member of the poll official's family or a friend.

*The degree to which the public believes that it can rely upon the reported election results as reflective of the choices of all of the voters is dependent upon the public's view of the professionalism, impartiality, and honesty of those persons who administer the election*

**Poll Official Conduct and Deportment** (cont'd)

There will be no smoking in the polling place even where smoking is permitted in the building in which the polling place is located or in any area outside the polling place where voters are waiting to check-in.

Poll worker cell phones must be turned off. If it is important for a family member to contact the poll official in an emergency, he/she should provide the Election Commission phone number. Staff of the Election Commission will contact warden with message for poll official and/or need to call home.

While voters are present in the polling place and when poll workers are assisting voters, "checking-in" voters, "checking-out" voters, and monitoring the voting procedures at the vote tabulator, poll officials should not be engaged in personal conversation with one another that diverts their attention from the voter or any aspect of the voting procedure in the polling place. Voters should **never** have to wait, while poll workers "finish" a personal conversation.

While in the polling place, poll officials are prohibited from conducting any personal business, soliciting clients, and discussing the services that the poll worker's business provides.

Poll workers will be provided a lunch break and a dinner break. The time provided to the poll worker for these breaks and the scheduling of these breaks will be at the discretion of the warden, who is charged with the responsibility of ensuring that an adequate staff is always available at the polling place. Neither lunch nor dinner should include alcoholic beverages.

There will be no breaks other than those authorized by the warden.

## *Before The Polls Open*



**It is the responsibility of all poll officials to be at your polling location at 6:30 a.m.!!!!**

Do **not** agree to work as a poll official unless you are *sure* that you will be able to be at the polling place by **6:30 a.m.**

If there is an **emergency** and you will be late or cannot serve as a poll official, you must call the Office of the Election Commission as soon as possible. You will be provided a phone number to leave a message should this **emergency** occur prior to 5:30 a.m.

## *Pre-Polls Open Responsibilities*

The warden will



Take attendance at 6:35 a.m. and immediately inform the Office of the Election Commission if an assigned poll worker is not present



Make sure that the correct ward and precinct information is on the voting machine and immediately inform the Office of the Election Commission if the information on the voting machine is inaccurate



Make sure that the supply box and everything included in it is labeled with the correct ward and precinct identification and immediately inform the Office of the Election Commission if the information is inaccurate



Mark sure that the supply box contains the following items:

1. Pink poly bag
2. Election record book
3. Report forms for warden/clerk, and bilingual poll official (**Appendix A, B, and F**)
4. Envelope containing provisional ballot supplies (**Appendix G**)
5. Envelope containing affirmation of residence forms (**Appendix F**)
6. Envelope containing badges and other supplies
7. Signs and envelope containing written materials (in English and Spanish) to be displayed at polling place and checklist identifying all signs that will need to be posted and information displayed (**Appendix C, D, H, and I**)
8. An extra copy of the Warden's Handbook
9. Poll worker evaluation forms and Citizen Comment forms (**Appendix J and K**)

Contact Election Commission immediately if any of the above supplies are missing



Check the ballots to make sure that the correct ballots for the polling place are provided. The ballots should then be counted. Clerk should

record the actual number of ballots received in the polling place in the “Election Record”



### **Set Up Check-in and Check-out Tables**

#### **Check-in Table**

Place “check-in” voters list and one stack of optical scanner ballots and secrecy sleeves on the check-in table.

Place bilingual signs informing voters that if they need Spanish-language assistance to indicate by pointing to sign and assistance will be provided and sign identifying check-in table

Place information (Spanish and English) about provisional balloting, identification requirement, challenge ballot or voter procedures, and process of and reason for completion of affirmation forms for “inactive voters” in a location on or near check-in table. (Appendix C, D, G, and H)

Place affirmation of residence forms and provisional ballots in a location on or near check-in table. (Appendix E)

Place black markers on or near check-in table

#### **Check-out Table**

Place the “check-out” voters list on table near the ballot box.

Place bilingual sign explaining and illustrating the process of “casting” ballot, i.e., placing ballot in box.

Citizen Comment forms (Appendix K) should be placed in a location near the exit of the polling place.

## **Post Signs and Provide Information**



The warden will

Post the following the signs (in English and Spanish) in prominent locations on the walls of the polling place near the entrance and/or in the area where voters will be waiting to check-in:

- Provisional ballot
- Assistance
- Identification requirement
- Prohibition against displaying campaign materials
- Identification of ward and precinct and name of polling place
- Sample ballot in English and Spanish
- Inactive voting list procedures

Place the “Vote Here” sign (in English and Spanish), in an appropriate location outside the polling place and make sure that any additional signs in English instructing voter as to location of voting area are also provided in Spanish

Place the following signs on the check-in table:

- Identification of check-in table
- Availability of bilingual assistance

Post the Map of the City with the location of all of the polling places in a location near the check-in table

Post the following signs in the area of the voting stations

- Explaining how to mark the ballot
- Informing voter to request another ballot if he/she makes a mistake
- Explaining write-in ballot procedures
- Offering bilingual assistance, if help is needed in reading ballot or in marking ballot

Post a sign near check-out table explaining how to cast a ballot and informing voter to wait until the machine indicates that the ballot has been read and identifying the check-out table.

### **Post Signs and Provide Information** (cont'd)

Place blank Citizen Comment forms (Appendix K) near the exit of the polling place

The Warden will:

Place written explanations (in English and Spanish) of the following on or near the check-in desk for

- Provisional balloting procedures (Appendix G)
- Requirement that certain voters will need to provide identification (Appendix D)
- “Inactive” voter list procedures (Appendix H)
- Challenged ballot and voter procedures (Appendix C)

Place affirmation of residence forms (Appendix E) on or near check-in table

Warden will complete checklist (Appendix I) and ensure that every sign is posted, all information is available, and there is no other information provided in English in the polling place regarding voting that is not also provided in Spanish

### **Badges**

The warden should ensure that every poll official is wearing a badge indicating his name and designation: warden, clerk, or poll official

The warden should ensure that every bilingual poll official is wearing a badge that provides “I speak Spanish” in Spanish.

### **Reporting Forms**

The warden should provide to each bilingual poll official a reporting form (Appendix F) and ensure that each have an adequate means for recording the provision of assistance

The warden should provide reporting forms (Appendix A and B) to the clerk and instruct him/her as to what is required and ensure that he/she has adequate means for recording requested information



### **Ballot Box**

The warden and another poll officials must open the ballot box and examine it and remaining poll officials and police officer must witness and attest that it is empty and that the register is set at zero.

Place the “zero tape” in the pink poly bag and return to the supply box.

***The warden will close and lock the ballot box*** and give the ballot box key to the police officer, who will keep the ballot box key until the polls close.

### **Oath**

Warden will administer the oath to all poll officials

### **Poll opening Call-in**

When all of the above before-the-polls-open tasks have been completed, when the polling place is set-up, and poll officials have been assigned tasks and are in place, the warden will call the Office of the Election Commission and inform staff that he/she is ready to declare the polls open at 7:00 a.m.

7:00 a.m.



## Declare Polls Open 7:00a.m.

***The warden will declare in loud voice that the polls are open***

Open On Time!

### ***Routine Voter Check-In***

A poll official seated at the check-in table will address each voter appropriate to the time of day, i.e., “good morning,” “good afternoon,” or “good evening,” and ask for the voter’s name – *in a pleasant, cheerful, and respectful manner*

If the voter indicates the need for bilingual assistance, a bilingual poll worker or the warden (where there are no bilingual poll officials assigned to a polling place) should be immediately summoned. The poll official will refer voter to bilingual poll official in a *manner that is pleasant, helpful, and respectful.*

If the voter appears to need bilingual assistance, but does not request it, poll

official should point to the bilingual assistance sign and ask the voter whether he/she is in need of Spanish language assistance. Poll official should *NOT indicate a lack of tolerance for voters with limited proficiency in English.*

Any clarification of spelling or pronunciation of the voter’s name or request for address should be solicited in a *pleasant, cheerful, and respectful manner*

Once the voter's name is located on the check-in list, the voter's name and his/her political party should be announced clearly, as provided by state law.

The poll official will draw a line through name of the voter (**Not through bar code**)

## **Identification Requirement**

Voters are not required to provide any identification with two exceptions:

### **Voters, indicated by “ID”**

“ID” will appear next to the name of the following voters:

1. Any voter who registered by mail on or after January 1, 2003 and who has not registered previously in Massachusetts or
2. Any voter who registered by mail on or after January 1, 2003 and has not voted in presidential primary, state primary or state election
3. Any voter who registered by mail on or after January 1, 2003 and has not mailed a copy or provided a copy of identification to the Office of the Election Commission

The poll official will inform such voters that they must provide identification, because they registered to vote by mail on or after January 1, 2003 and they have not voted since that time. The poll official will ask voter for identification in a manner that is *friendly and non-confrontative*. The poll official must ask all voters whose names are followed by “ID” to provide appropriate identification, even where the poll official is personally acquainted with voter and knows voter to be who he/she claims to be.

Poll official will provide to each voter from whom identification is required a written explanation (in English and Spanish) of this requirement (Appendix D). Acceptable forms of identification must include the voter’s name and address. The address should be the same as the voter’s registration address. For example the following are acceptable forms of identification: a current and valid driver’s license, photo identification, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address. M.G.L. c. 54, §76B.

If the voter has acceptable identification, but the address is different than the address provided by that voter at the time of registration, the warden should be summoned. The warden will call the Office of the Election Commission who will speak to the voter and attempt to confirm his/her identity. If the staff of the Office of the Election Commission are satisfied

that the voter is who he/she claims to be, that voter will be required to complete an affirmation of residence form providing the “new” address.

If a voter does not have in his possession an acceptable form of identification, the warden should be summoned. The warden will suggest (*as politely as possible*) that the voter should return home to obtain the appropriate identification, since without such identification it is likely that his vote cast on a provisional ballot would not

**Voters, indicated by “ID”** (cont’d)

“count.” Nevertheless, the warden will offer the provisional ballot alternative and explain and guide the voter through the process.

If there are any questions, concerns, or objections, summon the warden who will further assist or inform the voter. Do NOT argue with the voter or otherwise demonstrate impatience or respond in a rude manner. Do NOT summon the police stationed in the polling place.

Clerk will maintain a record of those individuals who have attempted to vote at the polling place and who have been required to provide identification, in addition to information regarding whether (and what kind of) identification was provided by voter and whether the voter cast a regular or provisional ballot. (Appendix B)

## **“Blue List” or “Inactive” Voters**

If a person’s name is on the “inactive” voter list, M.G. L. c.51, §37, it is necessary for the voter to execute a written affirmation of residence and provide identification. Poll workers will explain to the “inactive” voter that once he completes Affirmation of Residence form (Appendix E) and provides identification, his/her name will be returned to “active” voter list.

Poll officials will provide voter with explanation (in English and Spanish) of “inactive” voter list, purpose of the affirmation of residence prior to casting a ballot, and acceptable forms of identification. (Appendix H) Poll official can explain that voter’s name is on the “inactive” voter list because that voter failed to return the annual city census card and respond to follow-up inquiries that had been sent to the voter’s registration address. Poll official should explain that the voter is a registered voter and identification and affirmation requirement is only intended to provide Election Commission with same information as to current residence as would the annual city census cards.

Acceptable identification includes the voter’s name and address. The address must be the same as the voter’s registration address. For example, the following are acceptable forms of identification: a current and valid driver’s license, photo identification, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address.

If the voter has acceptable identification, but the address is different than the address provided by that voter at the time of registration, the warden should be summoned. The warden will call the Office of the Election Commission who will speak to the voter and attempt to confirm his/her identity. If the staff of the Office of the Election Commission are satisfied that the voter is who he/she claims to be, that voter will be required to complete an affirmation of residence form providing the “new” address.

If a voter does not have in his possession an acceptable form of identification, the warden should be summoned. The warden will suggest (*as politely as possible*) that the voter should return home to obtain the appropriate identification, since without such identification it is likely that his votes cast on a provisional ballot would not “count.” Nevertheless, the warden should offer the provisional ballot alternative and explain and guide the voter through the process.

If there are any questions, concerns, or objections, summon the warden who will further assist or inform the voter. Do NOT argue with the voter or

**“Blue List” or “Inactive” Voters** (cont’d)

otherwise demonstrate impatience or respond in a rude manner. Do not summon the police stationed in the polling place.

Make sure that the voter completes Affirmation of Residence form prior to being provided a ballot. (Appendix E)

Clerk will maintain a record of the names of all of those individuals whose names appeared on “inactive” voter list; whether individual completed affirmation of residence and provided (and what kind of) acceptable identification; and whether voter cast a regular or provisional ballot  
(Appendix B)

Place all completed Affirmation of Residence forms (Appendix E) in an envelop marked completed affirmation forms

### **Check-in Where Voter's Name Not on Voter List**

When the name of a person attempting to vote is not on the voting list:

Poll official will check to make sure that voter's name is spelled correctly

Poll officials will ask voter for his address and/or ask whether he/she has moved since the last time that he/she voted

Poll official will check the active and inactive voting list again

Poll official will ask voter for the last election and the polling place at which he/she voted

Where voter's name is not on either voter list, poll official should summon the warden

Even where it is "clear," based upon the voter's address, that that voter is assigned to another polling place, warden will call the Election Commission to ensure that that voter will be permitted to vote at the polling place to which he/she is being sent.

Warden will ask the voter if he knows where the "new" polling place is. In the event, that the voter is unsure of the directions or location of the "new" polling place, warden should bring voter to Map and point out the location of the "new" polling place and briefly indicate on the map the best route to the "new" polling place.

Where it is not possible to determine the correct polling place, warden will call Election Commission, but may question voter as to whether there has been a recent name change, when and where the voter registered, when and where the voter last voted, and any other information that might better inform the Election Commission's search.

Where Election Commission has no information as to the correct polling place or where the voter insists upon voting at this location, the voter should be provided with the provisional ballot alternative. (Appendix G) (See Discussion at Pg 29)

Do not argue with voter. Poll officials should solicit and provide information in a manner that is *helpful, respectful, and patient*.



### **Casting a Ballot**

In a primary election, the voter is provided a ballot of the party for which he/she is registered. An “unenrolled” voter may choose to vote a ballot of either party. Mark the appropriate party letter (“D” for Democrat or “R” for Republican) next to the name of “unenrolled” voter when he/she indicates a party preference. The voter’s status, however, will be returned automatically to “unenrolled.” Poll official should explain to such voter that his/her name will be returned to “unenrolled” status, even though he/she has chosen a party ballot for this election.

In all elections: Poll official should provide ballot and secrecy sleeve to voter. Voter is not required to use secrecy sleeve. Poll official should indicate the locations of the voting stations where the voter can mark his ballot and where there are signs explaining how to mark the ballot, where to bring the ballot once completed, and the availability of assistance.

If the voter appears to be confused or uncertain how to mark the ballot and it appears that voter has limited proficiency in English, the poll official should offer the assistance of the bilingual poll official. Where the voter is confused but language is not the problem, summon the warden who will either assist the voter or assign another poll worker to provide this assistance. A voter need not be “handicapped” or have “limited proficiency in English” in order to be provided assistance. It is sufficient that a voter requests help or appears confused.

The warden, poll officials at the check-out table, and bilingual poll officials should be watchful for any voters who appear to be uncertain as to how to mark the ballot or confused as to information provided on the ballot.

Wardens should ensure that polling place does not run out of ballots. Check-in poll officials should inform warden when there are fewer than 50 ballots. Wardens should inform Office of Election Commission and election captains will bring additional ballots as soon as possible. Do not wait until you run out of ballots. *We do not want a situation in which voters are waiting for the arrival of ballots in order to vote.*

## **Spoiled Ballots**

If a voter mis-marks a ballot or makes a mistake, voter can request another ballot. Signs in the voting station will provide this information.

If the vote tabulator rejects a ballot because of stray marks or voting for too many candidates for an office, the poll official should explain to the voter the reason that the tabulator rejected the ballot and provide the voter with a “new” ballot and retain the “spoiled” ballot. Poll official should ask voter if he/she needs any assistance.

Note: the vote tabulator may reject a ballot, because voter did not make a choice in every contest. Poll official should inform voter that vote tabulator indicated that he/she did not make a choice in every contest. Poll official should inform voter that he/she may complete his ballot. Poll official should, however, explain to the voter that he/she is free NOT to vote in all contests and may submit the ballot without making any changes.

There is NO limitation on the number of “replacement” ballots that a voter may receive. Nevertheless, poll official should ask the voter, requesting a “replacement” ballot, if he/she needs assistance.

Voters should be provided with a replacement ballot(s) in a manner that is helpful, non-judgmental, solicitous, and pleasant. Poll officials are reminded that everybody makes mistakes.

“Spoiled” ballots should be exchanged for “replacement” ballots. All “spoiled” ballots should be placed in “spoiled ballot” envelope by poll official.

**Do not place spoiled ballots in the ballot box.**

***It is the responsibility of every poll official to ensure that every voter is able to cast an effective ballot reflecting all of his/her choices. It is important that a voter’s failure to cast a vote in all contests is the choice of the voter and not the result of his/her inability to understand the ballot and/or any of the***

*information provided on the ballot where such lack of understanding can be remedied by poll worker assistance*

## *Provisional Ballots*

The following persons should be *offered* a provisional ballot

- Any person whose name is not on the voter list for the polling place or on any other precinct voting list
- Any person whose name is not on the voting list for the polling place, but is on the voting list for another precinct
- Any person who is required to provide identification, but who is not able to produce acceptable identification

The warden should, however, explain that under state law a ballot cast in a precinct other than the one to which a voter is assigned will not “count.” It is important that where the voter who is offered a provisional ballot has limited proficiency in English, bilingual assistance is provided.

Prior to casting a provisional ballot, the poll official should provide the *Notice to Voters* (Appendix G) in which the Secretary of the Commonwealth has provided information regarding the process of casting a provisional ballot and of determining whether the provisional ballot is “counted.” Such instructional sheet provides the toll free number of the Secretary of State for the purposes of determining the status of the provisional ballot. M.G.L. c. 54 §76C. It is necessary for the warden to ensure that the voter receives **all** of the relevant information regarding provisional voting. The warden should, further, provide such information in a non-biased manner. Under no circumstances should the warden argue with the voter’s choice.

Once a voter indicates that he/she wishes to cast a provisional ballot, the warden will ask the voter to

- Read the first page; in some circumstances the warden may want to read the first page to the voter or ask a bilingual poll official to read the first page in Spanish to the voter
- Complete the top half of the “Provisional Ballot Affirmation”
- Sign his/her name to the provisional voter roster and provide required information: name, address, date of birth, and party affiliation.

## Provisional Ballots (cont'd)

The warden will ensure that a voter with limited proficiency in English is provided bilingual assistance in reading and in completing the required form, even where forms are in Spanish. Likewise, the warden will ensure that **all** voters are provided adequate assistance in reading and completing the required form. The warden must remember that this is an unfamiliar and confusing process to most voters.

The warden will then provide the voter with a ballot and a *blank white envelope*. The warden (or a bilingual poll official) will show the voter the toll free number for the Office of the Secretary of the Commonwealth “Provisional Ballot Information” and ensure that the voter notes the “ballot number” and the ward and precinct number on the “Provisional Ballot Information.” The poll official will inform voter that the completed ballot must be placed in the white envelope, which then must be sealed by the voter and returned to the warden.

The warden should make sure that the voter is provided the “Provisional Ballot Sheet” before he/she departs the polling place. Warden should explain to voter that the “Provisional Ballot Sheet” provides the toll free number of the Election Division, Office of the Secretary of State where he/she can find out whether the ballot has been “counted.” Warden should further explain that the voter will be asked for his/her name, address, date of birth, and provisional ballot number prior to receiving information about the status of his/her provisional ballot.

Once the warden receives the *sealed white envelope*, he/she must complete the form on the bottom of “Provisional Ballot Affirmation” indicated as “Election Official Use Only” The warden will attach completed “Provisional Ballot Affirmation” form (with a paper clip) to *white envelope* in which voter has placed ballot.

## Challenges

According to state law, any election official or other person may challenge a person's right to vote. M.G.L. c. 54, §85(a).

There is **NO** cause for a poll official to challenge a voter's right to cast a ballot where

Voter's name is on "active" voter list and there is no indication that the voter has cast an absentee ballot or has already voted

Voter's name is on "inactive" voter list (**blue list**) and voter presents appropriate identification and completes and signs an affirmation of residence form

Voter's name is followed by "ID" and voter presents appropriate identification

**Unless** the poll official knows – **with certainty** -- that

The voter is not the person that he/she claims to be

The voter has otherwise misrepresented information provided on the registration form, including age, citizenship status, residence, etc.

Where a poll official has grounds to believe that a voter's right to cast a ballot should be challenged, the poll official will convey that information to the warden, who will speak with the voter and the Office of the Election Commission to resolve any questions or concerns regarding the voter's eligibility to vote at that polling place at the time of the challenge.

Where the challenger is *a person other than a poll official*, he/she must state the reason for challenging the voter's right to cast a ballot. It is not sufficient for the challenger to merely claim that a voter is not qualified; rather the challenger must provide the specific reason, grounds, basis for his/her claim that the voter should not be permitted to vote.

The warden will provide the challenger with "handout" entitled "Challenged Ballots and Voters" (Appendix C) of the challenger's rights and duties and inform the challenger that a challenge made to intimidate a voter or to

ascertain how he/she voted or for any other illegal purpose may be subject to a \$100 fine, under state law. M.G.L. c. 56, §31.

### ***Challenges*** (cont'd)

The warden will promptly notify the Office of the Election Commission of the challenge, name of the challenger, basis of challenge, and the name of the voter.

### **Challenge procedure**

When a voter's right to cast a ballot is challenged, the warden will quietly take the voter aside and provide the voter with the basis of the challenge and the "handout" entitled "Challenged Ballots and Voters" Prior to casting a ballot, the warden will administer the following oath as provided by M.G.L. c. 54, §85:

**"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, that you are registered in this precinct (or town) and that you have not voted at this election."**

The warden will require the challenged voter to write his/her name and current residence on the back of a ballot. The warden will write the name of the challenger and the cause of the challenge on the back of the same ballot, which will then provided to the voter.

The Clerk will record in the "Election Record" the name and address of every person who is challenged and has voted. The appropriate poll officials will mark the letters "CV" next to the challenged voter's name on the check-in and check-out voting list.

The challenged ballot will be placed in a separate envelope that should be marked "challenged ballot."

***Wardens are reminded that any challenge to a voter's right to cast a ballot is likely to be distressing to a voter and, therefore, the warden should strive to handle the situation in a manner that minimizes the stress and embarrassment to the voter and that accords the voter appropriate respect. Where the voter demonstrates any indication of having a limited proficiency in English, a bilingual poll official should assist in all aspect of the challenge process.***

### *Challenges* (cont'd)

Under state law, absentee ballots may be challenged, as well. If a poll official has any question about an absentee ballot “cast” in the polling place to which the poll official is assigned, such information should first be communicated to the warden who will contact the Office of the Election Commission. M.G.L. c.54, §96.

Where an absentee ballot is challenged, the name of the challenger and the cause of the challenge should be written on the back of the ballot, prior to its being deposited in the “challenged ballot” envelope.

## Absentee Ballots

### Processing absentee ballots

The absentee ballots will be delivered during the election day.

The warden will process absentee ballots during periods of time when there are few persons voting in the polling place. The warden should not process absentee ballots during a period of time when his/her attention is required to monitor polling place activities and/or when there are numerous voters.

The warden will:

- Check the voting list to be sure that the name of the person who signed the ballot envelope is on the voting list and that an “AV” has been written beside the name of the voter. The warden should call Office of Election Commission when there is an absentee ballot for a voter not designated by “AV”
- Draw a line through the name of the voter (not the bar code), indicating that he/she has voted

The warden will

- Remove the ballot from the absentee ballot envelope. The warden must not unfold or otherwise examine the ballot. *The voter's right to the privacy of the ballot must be respected at all times.*
- Present the ballot to the poll official who will deposit the ballot in the ballot box
- Return absentee ballot to envelope and attach a note indicating that the ballot is “defective,” if the ballot cannot be read by the vote tabulator. The Election Commission should be informed that an uncounted “defective” absentee ballot will be returned.
- Deposit in the supply box the absentee ballot envelopes of all of the ballots that have been processed or counted. Do not discard the envelopes.



### **Absentee voters, who seek to vote in person**

When a voter wishes to vote in-person at the polling place, but the voting list indicates (“AV”) that his/she has been sent an absentee ballot, the warden should be summoned.

If the absentee ballot has NOT been processed at the polling place – either because it has not yet been counted by poll officials or because it was not received by poll officials. M.G.L. ch. 54, §100

-or-

If the absentee ballot has been determined to be defective and has been rejected by the warden at the polling place. M.G.L. ch. 54, §100.

-or-

If the absentee ballot has not been received by the Office of the Election Commission and the voter claims that he/she has lost the absentee ballot or made a mistake on the absentee ballot

- The warden will call the Office of the Election Commission to be authorized to permit voter to cast a ballot at the polling place.
- The voter will then be provided a ballot and regular voting procedures will be followed
- Where the warden is in possession of the voter’s absentee ballot, the warden will mark envelope with information as to when voter cast a ballot at the polling place and will mark the absentee ballot “canceled”
- The cancelled absentee ballot and envelope should be placed in a separate envelope marked “cancelled absentee ballots”
- Where the voter has returned a spoiled absentee ballot, the warden will retain the ballot in the envelope marked “canceled absentee ballots.”

If the voter is in possession of the absentee ballot, he/she may complete ballot and provide ballot to warden, who will call Office of the Election Commission to inform them that he is in receipt of an absentee ballot.

## Campaign literature

State law prohibits the display of campaign signs or the distribution of materials endorsing a particular candidate or proposition within 150 feet of the *entrance of the building* in which the polling place is located.

The warden and the police officer should, at the beginning of the day, mark off this area, so that there is no dispute as to how close to the entrance campaign workers may stand and signs may be placed and literature may be distributed.

Police officer should ensure that an adequate “path” is maintained among campaign workers and signs to facilitate access of voters to the polling place.

This state law has also been interpreted to prohibit the wearing of buttons, t-shirts, hats, or the display of completed sample ballots or other election materials endorsing particular candidates within a polling place.

- The warden will ask voters wearing such campaign buttons, t-shirts, hats, or openly displaying sample ballots endorsing a particular candidate to remove buttons and hats, cover-up wearing apparel endorsing a candidate, and place sample ballots in a pocket, handbag, or an envelop.
- The warden should instruct voters in a pleasant, non-confrontative manner and explain that this is a state law requirement and that he/she apologizes for any inconvenience that it may cause the voter. The warden should assist the voter as appropriate in complying with this requirement.
- Where a voter appears to have a limited proficiency in English, the warden should obtain the assistance of a bilingual poll official to ensure that the voter understands the request.

Poll officials should check the voting stations and other areas of the polling place to ensure that campaign literature and sample ballots have not been left behind or improperly discarded.

## **IMPORTANT**

### **Sample ballots**

Voters are permitted to bring into the polling place sample ballots and any other literature or aids to assist in the process of voting.

The warden should never inform or imply to the voter that his/her request that such information should not be openly displayed means that the voter is not permitted to access or refer to such materials when casting a ballot in the privacy of the voting station.

The warden should ensure that such materials, including sample ballots, are available to the voter during the process of casting a ballot.

Where a voter appears to have a limited proficiency in English, the warden should obtain the assistance of a bilingual poll official to ensure that the voter understands that he/she is permitted to use sample ballots or any other aid in casting his/her ballot.

### **Checkers or poll watchers**

While a campaign worker or even a candidate is not permitted to engage in campaigning-type activities within 150 feet of the entrance of the building in which the poll place is located, such worker or candidate is permitted to enter the polling place as a “checker” or poll watcher.

While serving as a “checker” or poll watcher, the campaign worker or candidate **cannot** solicit votes, distribute literature (even upon voter request), and cannot wear or display campaign related materials. The “checker” or poll worker is not permitted to engage the voter in other than clearly non-campaign related conversation.

The “checker” or poll watcher may stand close enough to the check-in table to record the names of the voters as they check-in. Where a “checker” or poll watcher insists upon standing within the voting area to observe the check-in procedure and the marking of the voting list, the warden should call the Office of the Election Commission for guidance.

Should a checker, poll watcher, candidate, or any other non-federal election monitor become confrontative or disruptive or comment or

criticize a voting procedure, the warden should immediately intervene. If warden's explanation of

### **Checkers or poll watchers** (cont'd)

procedures and state and federal law requirements do not satisfy the checker, the warden should contact the Office of the Election Commission where a staff

member will attempt (via telephone) to address checker's or poll watcher's criticisms or respond to his/her suggestions.

No checker or poll watcher or candidate should be removed from the polling place by the police until a representative of the Election Commission or election captain has arrived.

Wardens should remain polite and calm and should not engage in argument with checker or poll watcher or candidate.

### **Assistance by candidates and checkers**

"Checkers" or poll watchers or even candidates may assist voters, where the voter clearly indicates that such "checker," poll watcher, or candidate is the person whom the voter chooses to assist him/her.

A "checker" or poll watcher or candidate may ask a voter if her/she needs assistance, may offer assistance, or may volunteer assistance. The poll official

-- in a manner that is pleasant, neutral, and non-judgmental -- may ask the voter whether he/she would like "checker," poll watcher, or candidate to assist him/her. Once the voter has indicated his/her choice, poll officials should not challenge the voter's right to assistance or his need for assistance or his choice of assistors.

<p>The voter's request for assistance must be honored, even though the poll official knows that the voter is not disabled, does not have difficulty reading, is not handicapped, or is not limited in his proficiency in English. Likewise the voter's request for "assistor" must be honored, even though that assistor has already assisted numerous voters or is someone who is not eligible or registered to vote in the City of Springfield</p>
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While a candidate is permitted to assist a voter under applicable federal law, warden should attempt to speak with candidate and suggest that he/she delegate someone else to assist the voter to avoid the appearance of impropriety or unduly influencing a voter's choice. If the candidate refuses and does not claim to be a family member or a close friend of the voter, the warden should call the Office of the Election Commission for guidance, but permit the assistance to proceed.

## Staffing

Warden will determine the lunch and dinner break schedule but will ensure that there is adequate staff in the polling place at all times.

Warden will make poll worker assignments and ensure that the tasks assigned to poll officials is one for which the poll official has adequate skills and abilities. For example it is not advisable to assign a poll worker with some hearing difficulties to “check-in” and “check-out” duties. Voters should not have to repeat their names several times or in a voice louder than a normal speaking voice. Further poll workers assigned to “check-in” or “check-out” table duties should be able to locate a voter’s name on the voter list quickly and easily. Poll workers assigned to monitor the voter tabulator must be able to easily read the tape on which the problem with the ballot is provided

If at all possible, there should be at least one bilingual poll official on duty in the polling place at all times. While bilingual poll officials will be primarily responsible for ensuring that persons with limited proficiency in English are provided necessary help, they must also be assigned to regular polling place duties.

Warden is responsible for creating a positive, cooperative working relationship among **all** of the poll officials. It is the warden’s duty to ensure that any poll official who is “new” to that polling place or to serving as a poll worker feels and is treated as an integral part of the polling place election team.

Where there is only one bilingual poll official assigned to the polling place, the warden must make sure to schedule breaks at times of least voter demand.

The warden should further alert election captain or the Office of the Election Commission – at least an hour in advance -- as to the period of time when a bilingual poll official will not be available at the polling place. The warden should contact election captain or Office of the Election Commission if bilingual assistance is needed during a period of time when the bilingual poll official is on “break.” Election captain may be sufficiently close to polling place to provide for bilingual assistance under these circumstances. The warden should apologize for the inconvenience and encourage the voter to wait and ensure the voter that

bilingual assistor is on his/her way and will be at the polling place momentarily.

Bilingual assistance is always available from staff at Office of Election Commission via telephone.

## **Reporting Requirements**

**Clerk:** The clerk (in coordination with the warden) is required to maintain a record (Appendix A and B) of the following information regarding actions taken and assistance offered by poll officials and name of any voter

- Who casts a provisional ballot; and reason that voter is not permitted to cast a regular ballot
- Who attempts to check into the polling place, but leaves without voting
- Who desires to vote in-person at the polling place, but to whom the Election Commission reported sending an absentee ballot
- Whose name does not appear on either the active or inactive voting list for that precinct.
- Who is required to show identification and information regarding type of identification produced
- Who is required to complete affirmation of residence form prior to being provided a ballot

**Bilingual poll official:** Each bilingual poll official is required to maintain a record (Appendix F) of the number of persons to whom the poll official provided assistance in Spanish and the type of assistance

### *Communication with Office of the Election Commission*

The warden is required – as a matter of routine -- to call the Office of the Election Commission at the following times:

- Before the polls open; to inform the Election Commission staff that all of the bilingual signs have been posted, all election staff is present and in place; and the polling place is ready to receive voters
- Mid-morning; to provide Election Commission with information about turn-out, the number of requests for assistance, the number of provisional ballots cast, and the number of persons completing the affirmation of residence form, in addition to any instance where a voter did not have proper identification
- Mid-afternoon; to provide Election Commission staff with updated information about turn-out, the number of requests for assistance, the number of provisional ballots cast, and the number of persons completing the affirmation of residence form, in addition to any instances where a voter did not have proper identification
- Close of polls; to provide Election Commission staff with information about how many voters are waiting in line to vote at 8:00 P.M.
- Departure; to inform the Election Commission staff that the warden is ready to depart for City Hall, whether any poll officials will be needing a ride home, and that warden will be the last poll official to leave polling place

The warden is further required to call the Office of the Election Commission if:

- Any poll officials assigned to his/her polling place has not arrived by 6:35 p.m.
- Any of the identified supplies have not been included in the yellow supply box
- The ballots and ballot box are not identified with appropriate ward and precinct identification of the polling place to which the warden is assigned
- There is a need for more supplies or ballots
- The vote tabulator is not functioning properly
- There is an unusually long line of voters waiting to cast ballot
- There is an insufficient number of bilingual poll officials to meet the demand at the polling place

- There is insufficient staff to conduct election day activities at the polling place

*Communication with Office of the Election Commission* (cont'd)

- There is any difficulty with a poll official who is not executing his/her duties as instructed, who refuses to refer voters with limited English proficiency to bilingual poll officials, who is not referring voters whose names are not on either the active or inactive voting list to the warden, and/or who is rude and disrespectful to the voters
- A voter's names does not appear on either the active or inactive voting list for that precinct
- A voter seeks to vote in-person at the polling place, but where there is an indication that that voter has applied for an absentee ballot
- A voter's right to cast a ballot is challenged
- A voter disputes any actions taken by poll officials
- Federal observer activities are interfering with the conduct of the election
- Any other person's activities are interfering with the conduct of the election and the right of all voters to cast a ballot free of intimidation or coercion and in a manner the ensures the secrecy of the ballot
- There are any problems with the facilities or building in which the polling place is located or if there is an event that threatens the safety of voters and poll officials
- The press is seeking a statement or interview from any of the poll officials stationed at the polling place
- There are any other questions or problems as to which the warden is not certain as to the appropriate response
- There is an emergency situation that required the assistance of police or the fire department or an ambulance.



## *Closing Of The Polls*

### **Declare Polls Closed 8:00 p.m.**

The warden will declare in a loud voice the polls are closed.

Voters waiting in line to vote at 8:00 p.m. will be permitted to vote – even though voter line is long. The police should be stationed at the end of the line, to ensure that late-comers after 8:00 p.m. are not permitted to vote, unless voters waiting in line are sufficiently few as to wait inside polling place (with door closed)

The warden should make sure that he does not close the polls before 8:00 p.m. even if there are no voters waiting in line.

Once the warden has declared the polls closed at 8:00 p.m., he/she should call the Office of the Election Commission and report the number of voters waiting in line to vote.

Voters casting ballots after the close of the polls

- Should be treated with the same respect as have those casting ballots earlier in the day
- Should not be hurried or rushed
- Must be provided with the same assistance and attention as was available to voters earlier in the day

## *Write Ins*

### Process of counting

Ballots on which a candidate's name was been "written in" by hand or by a sticker must be counted at the polls after the close of the polls. These ballots will be located in "Bin 1" of the ballot box.

The clerk will document totals and the names of the candidates in the clerk's record and return book. There will be a page for every office. It is important to ensure that "write-ins" are recorded on the correct pages.

Once recorded, "bin 1 ballots" should be placed in a "counted bin 1 ballots" envelope, which should then be sealed. These ballots will be hand delivered to Office of the Election Commission with the rest of the election day materials and results of tabulation.

If there is not adequate time due to a long line of persons waiting to vote after the close of polls or because of any other close-of-polls problems, the Office of the Election Commission may authorize the warden to place "uncounted" write-in bin 1 ballots in an envelope, clearly indicating that the write-in votes have not been "counted." Auditors located at the Office of the Election Commission will tally the results of the write-in votes.

Where there are write-in candidacies, it will be necessary to check all of the bin 2 ballots for the write-in votes where the voter neglected to "connect" the arrows, but where it is clear that the voter intended to cast a ballot for the write-in candidate

### *Lack of agreement of intent of voter*

If there is any question as to the name of the candidate "written in," the warden should be consulted.

Where an agreement cannot be reached among poll officials as to the identity of the candidate "written in," the ballot should be set aside and placed in a separate envelope for Auditors to make the final determination.

## **Tabulation of votes**

### General public

The general public is permitted inside the polling place after the polls are closed.

The public must observe from a distance determined in advance by the police officer and the election captain or warden.

- ❖ The area for observation by the public should be determined with consideration to the ability of the public to see and hear the process and discussions and announcements of poll officials
- ❖ The area of observation by the public should not be so close as to interfere with the process of tabulation

***A warden will address the public and ask whether there is anyone present who would like the assistance of a bilingual poll official to translate (in Spanish) the results as reported by the tabulator and the process as explained and announced by the warden and poll officials. If there are persons present who would like bilingual assistance, the warden will request that they congregate in a particular area, where the bilingual poll official will translate information, discussion, and announcements provided by the warden.***

### Ballot box register and vote tabulation

The tabulation of the votes is to occur in the polling place after all voters have left the polling place. The tabulation will continue without interruption until all the votes are counted and the results are announced loudly, clearly and distinctly.

Only the election officers may operate the voting machine.

If the voting machine should “break down” or cease to function before the tabulation has been completed, immediately inform the Office of the Election Commission and an election captain or Election Commissioner will come to the polling place to assist you and to complete the process of counting the votes.

In order for citizens of Springfield to have confidence in the integrity of the election process and that the final results represent the collective electoral choices of voters, it is imperative that the process of counting, including any machine malfunctioning, be in full view of the public, who should be fully and completely informed as to the process and any problems.

**Tabulation of votes** (cont'd)

Voting lists

The election official in charge of each of the two voting lists will count loudly, clearly, and distinctly the number of names “checked off” as having voted. The poll official will announce the total number.

The total number of voters who were “checked-in” and the total number of voters who were “checked-out” as provided on the two voting lists should be equal.

- In the event that they are not equal, poll officials should recount each list.
- In the event that the total number of voters who checked-in does not equal the total number of voters who checked-out, poll officials should proceed name by name to identify the discrepancy.
- The check-in and check-out totals will be recorded by the clerk in the Election Record
- It may be helpful for the warden to ask for totals throughout the day to minimize the possibility of problems at the end of the day and to identify the period of time in which such discrepancy occurred.

**The total number of ballots tabulated on ballot box register must equal the number of voters as indicated on the voting lists**

The warden will report any discrepancies between these totals to the staff at the Office of Election Commission, who will advise the warden how to proceed.

Record of results and tally sheet

The vote tabulator will print the results of the election contests on a paper tape (“final tape”). This tape will be provided to the clerk.

The vote tabulator will print another copy of the total in the various election contests, which will be marked “unofficial results.” The warden will post the “unofficial results” on the wall of the polling place in a manner that will permit the public to view the results.

### **Tabulation of votes** (cont’d)

The warden will read the results of each election contest as provided on the paper tape. The warden will speak loudly, distinctly, and slowly and repeat information upon request. The warden should ensure that he/she provides for sufficient time – between statements – for the bilingual poll worker to provide Spanish language translation

The warden will read aloud:

- The total number of votes received by each candidate
- The total number of votes in favor of or opposed to each proposition, referendum question, initiative, or constitutional amendment – as identified by the number assigned on the ballot
- The total number of ballots read or counted and the total number of ballots that the tabulator was unable to read or count.
- The total number of write-in candidate choices.

The clerk will record the totals on the tally sheet as they are read.

When the process of tallying the results of election contests is complete and results announced and posted, the warden will remove the memory pack and place it in the pink poly bag. The warden will also place the “final” tape in the pink poly bag.



### **Final preparation**

Poll officials will place the following in the yellow supply box which should include:

- Voter check-in and check-out lists
- Pink poly bag, in which will be placed
  - memory pack
  - “zero” tape and
  - “final” tape with election totals
- Provisional ballots that have been cast (in yellow envelope), completed forms in Notice to Voters and Provisional Voter Roster in envelope marked “provisional ballots cast” (**Appendix G**)
- Provisional ballot supplies, including unused Notice to Voters and yellow envelopes in envelope marked “provisional ballot supplies”
- All spoiled or defective or canceled absentee ballots in envelope marked “spoiled ballots”
- All completed affirmation of residence forms in envelope marked “completed affirmation of residence forms” (**Appendix F**)
- All completed write-in bin 1 ballots and all write-in bin 1 ballots that poll officials were unable to discern the intent of the voter or did not have the opportunity to “count”
- All of written explanations (in English and Spanish) that had not been distributed to voters regarding a) identification requirement (**Appendix D**); b) challenged voter procedure (**Appendix C**) and c) completed checklist of signs to be posted (**Appendix I**) in envelope marked “bilingual information”
- All completed Citizen Comment forms (**Appendix K**) in envelope marked “completed citizen comments”
- Keys returned to envelope marked “keys”
- Completed payroll sheet in envelope marked “payroll”. Names and addresses should be legible in order to ensure timely payment

- Supplies, including badges
- Bilingual official and warden/clerk reporting forms (**Appendix A, B, and F**) (completed and unused supplies) in envelope marked “Report forms”

### **Final Preparation** (cont'd)

The following items should be returned to the Pink Poly bag: memory pack, zero tape, and final tape

Blank ballots should be returned to the ballot box, which will remain at the polling place.

Poll officials will be provided with an evaluation form (Appendix J), which the warden will encourage the poll officials to complete prior to departure. Warden will collect completed evaluation forms and return them with other supplies to the Office of the Election Commission

### **Departure**

The warden should determine if there are any poll officials who are waiting for transportation home. No poll official should remain at the polling place after the warden departs for City Hall, Office of the Election Commission.

Once all of the materials, ballots, envelopes, supplies, etc. have been returned to the yellow supply box, the warden should contact the Office of the Election Commission and report that poll officials are prepared to leave the polling place. Election Commission staff should be informed of any poll official who still does not have a ride home. Transportation home for poll officials will be provided from City Hall.

Accordingly, any poll official without transportation should accompany the warden to City Hall. The warden should be the last person to depart from the polling place.

### **Delivery**

The warden will hand deliver the yellow supply box to a member of the Election Commission or Election Commission staff person. Warden should not depart the Office of the Election Commission until appropriate staff person records the return of the yellow supply box and any problems or inconsistency encountered in tallying the election results. If members of the Election Commission are in no immediate need of information from the warden, appropriate staffperson will formally “release” the warden of his/her responsibilities and duties.

