

Voter Protection FAQs and Training Hypotheticals

Voter ID (NYDLC Voter Protection Manual pp. 20-22)

Under what circumstances may a poll worker ask a voter for ID? And what counts as a valid ID?

In general, ID is NOT required to vote in New York State.

Limited Exception: In order to cast a regular ballot on the machine, voters who registered by mail and who did not provide ID/SS# when they registered must show ID the first time they appear to vote. For these voters, the words “ID REQ”, “ID”, or an ID icon will appear next to or in the signature box at the polls.

Acceptable ID can be **EITHER**: (1) A current and valid photo ID with the voter’s name and picture **OR** (2) a copy of a current utility bill, bank statement, government check, paycheck or government document (such as a voter registration card, hunting or fishing license, tuition statement, Medicare or Medicaid card etc.) that shows the name and address of the voter.

A first-time voter unable to present any of the above has a legal right to vote an Affidavit Ballot.

Voters Who Have Moved (NYDLC Manual pp. 22-23)

What are the rights of a registered voter who has not updated their voter registration after moving... A) Within the same Election District? B) Within the same county but different Election District? C) Across county lines or interstate?

A) Voters who move within the same Election District (and thus the same county) are still registered and vote a regular ballot on the machine. Because they are within the same Election District, their name appears in the ED registration book. They report their new address, but check in normally and vote a regular ballot.

B) Voters who move within the same county but different Election District are still duly registered voters and have a right to vote, but **ONLY** at the poll site assigned to their current (new) address. Since they’ve moved to a new Election District, voter’s name won’t be in the registration book. Therefore, voter votes by affidavit ballot, which if filled out correctly, will count. The voter checks the “I have moved” box on the Affidavit Envelope and fill out that section of the envelope. Thereafter the Board will use address info from the completed affidavit ballot to update voter’s registration.

C) Voters who move across county lines or interstate and who fail to submit a fresh voter registration form to the Board in their new locality by the registration deadline are not registered voters. A person willing to swear under penalty of perjury that they have properly registered and are in the correct poll site for their address has a right to an Affidavit Ballot, but that ballot will not count unless the Board can confirm timely registration. The affidavit serves as a registration form.

Voters Missing from Registration Book (NYDLC Manual pp. 23-24)

What are the rights of a person who lives in the Election District and says they registered but whose name is missing from the check-in book? Can they vote?

If the voter's name is not in the registration book at the Election District table and it is not found in an addendum, the poll workers should first check to see whether the voter's current address is in that Election District. *If voter is at the wrong poll site, make sure they are directed to the correct poll site, or the vote won't count!*

If the voter's current address is indeed located in that Election District but the voter is not in the Voter Registration book and are sure they are registered, the poll workers are **required** to offer the voter an Affidavit Ballot.

However, before concluding that the voter's name is missing, the poll worker should double-check to make sure that the voter hasn't had their first name/last name reversed or listed by a maiden name. Also check any Addendum.

Inactive Voters (NYDLC Manual p. 24)

What are the rights of a voter if the poll book indicates that the voter's status is "Inactive"? Can that person vote a regular ballot?

A voter on "inactive status" is a voter whose registration the Board of Elections has flagged as inactive because an address confirmation letter sent to the voter's address was returned as undeliverable to the Board of Elections. An inactive voter is not listed in the voter registration book on Election Day.

As a result, if voter has not moved, voter may vote by **Affidavit Ballot**. The vote will count and voter will appear in the book the next time s/he appears to vote.

Name Changes (NYDLC Manual pp. 23)

A voter has gotten married (or divorced) and changed her name without updating her voter registration. Can she vote a regular ballot on the machine?

Yes, name-change voters cast a regular ballot, provided they are found in the registration book (voter needs to flag this for poll worker). Once the "old" name is located, voter signs the registration book with the old name, and then signs their new name. The registration is updated. No proof of change is required to vote.

Challenged Voters (NYDLC Manual pp. 24-26)

What are the rights of a voter who is challenged at the check-in table?

If there is any question about a duly registered voter's eligibility, the required due process is to bring a formal "challenge". To protect rights, there should be no informal determination. Unfortunately, poorly trained staff may fail to use this process. *A challenge does not deprive a voter of the right to cast a regular ballot on the machine.* If there is a challenge, the voter is asked take a Challenge Oath under penalty of perjury. If they do so, they vote by regular ballot. If they refuse, they may only vote by affidavit. *Alert Boiler Room and document all challenges!*

Affidavit Ballots vs. Emergency Ballots (NYDLC Manual, 35-39; 43-44)

What is an Affidavit Ballot and when is a voter required to vote by Affidavit?

An **Affidavit Ballot** is segregated instead of being scanned instantly and will be scrutinized later for validity/eligibility by the board of elections before being counted, if at all. It is a different ballot altogether, and is placed in an Affidavit Ballot Envelope, which must be filled out completely/correctly by the voter.

Here are the situations in which an **Affidavit Ballot** is used:

- a. Voter is in the correct poll site and election district for their address, but voter's name is missing from the election district's Voter Registration Book;
- b. The voter has moved into the election district from another address within the county (see (a), name missing from the book);
- c. The voter's signature is missing, or the wrong signature is in the record;
- d. First-time voter ("ID REQ" notation) refuses to present photo/non-photo ID;
- e. The voter is on "inactive" status (see (a), name missing from the book);
- f. A duly enrolled voter is challenged and refuses to take the Challenge Oath.

Please speak to all voters who are not permitted to vote by regular ballot (go outside if needed). Is voter at the correct poll site? If so, as long as voter believes they are registered, they have a right to vote by affidavit ballot. Please do your best to persuade them to do so, in order to preserve their rights. Then, gather voter's contact info, file an incident report, and alert the Boiler Room. *If affidavit ballots are being used frequently/systemically, this is a sign of a problem. Alert the boiler.*

In the following situations, voters are entitled to vote by **regular ballot**:

- Voter has moved addresses, but within the same Election District;
- Voter has changed his or her name or gender;
- First-time voter (with "ID REQ" notation) presents photo/non-photo ID;
- Voter is "Challenged" on any basis and takes appropriate Challenge Oaths;
- Ballot scanner malfunctions, but voter's registration status is not in question.

What is an Emergency Ballot and when should Emergency Ballots be used?

An **Emergency Ballot** is a regular paper ballot (typically) identical to the one instantaneously counted by the Ballot Scanner. It may be used when a Ballot Scanner malfunctions/jams, but poll workers have discretion during the first hour of machine breakdown. The designation “Emergency Ballot” refers to *the status* of the ballot. It does not impugne a duly registered voter’s eligibility.

- During a breakdown in DS200 jurisdictions (Eg. NYC, Nassau): 1) voters should be directed to any other available scanner in the poll site. 2) If this causes long lines or all scanners break down, poll workers should start emergency procedures—A secure box on the scanner is used to store completed ballots until the scanners are fixed (they are scanned by a bipartisan team later).
- During a breakdown in ImageCast jurisdictions (Eg. Westchester, Suffolk): 1) An Emergency Ballot is scanned on the “Plan B machine” (aka the Ballot Marking Device has an attached scanner in these jurisdictions). If Plan B scanner fails, ballot should be placed in a secure slot on the Plan B machine.

Voters should NEVER be given an Affidavit Ballot because a machine fails. Voting should never stop and no voter should be told to “come back later”.

Long Lines (NYDLC Manual p. 43)

What is a long line? What can I do to help address it?

The post-2012 Presidential Commission on Election Administration deems a long line to be **30 minutes** from the time the voter arrives to the time they complete scanning their ballot.

If a long line develops, take the following steps: 1) Find out why there is a long line. Did something happen or is it just a capacity/volume issue? If poll workers or materials are missing or machines are broken, inspectors should inform the Board of Elections. 2) Is there a bottleneck or facility layout issue making it difficult for voters to get to their ED tables? If so, are there suggestions to ease the congestion? Use discretion: Perhaps the facility isn’t an ideal shape/size, so not much can be done. Or, it may be less disruptive to wait until things quiet down to rearrange the site. 3) Lines outside are a source of voter suppression. Can lines be moved inside? 5). Document all incidents by reporting long lines to the boiler room (with pertinent details).

There’s a line at my poll site at 9 p.m. Which voters are entitled to vote at that point?

Any voter who is in line at 9 p.m. is entitled to vote regardless of the length/location of the line.

Offer to help voters check their registration and where to vote!

NYS voter registration and poll sites: <https://voterlookup.elections.state.ny.us/votersearch.aspx>

NYS Voter Protection Training Hypotheticals

1. Poll Watcher is told to sit in a chair in a corner of the poll site where you cannot hear what is happening at the check-in tables. What should you do?
2. Poll worker asks a NY voter for ID to confirm the spelling of her last name. Voter left her license at home. What should voter do? What should you do?
3. A voter is found in the registration book and signs in. A GOP poll watcher is suspicious that the person is not who they claim to be and insists that the inspector ask for ID. Before the poll worker says anything, the voter refuses to present ID and starts to leave. What is the law? What should you advise?
4. You convince this voter to stay. Poll worker tells the GOP watcher that voter ID isn't required, but based on voter's actions the GOP Watcher proposes that poll worker issue an affidavit ballot as a compromise. Is this correct?
5. Voter moved from NYC to Westchester last summer and didn't register to vote in Westchester until one week before Election Day. Can they vote on the machine? Can they vote by Affidavit Ballot?
6. A registered voter moved between two Westchester towns and forgot to update her registration. Can she vote? If so, where? What type of ballot?
7. Voter is turned away because his name isn't found in the poll book. To help the voter, what steps should you take? What should you advise poll worker?
8. What should you do if you notice that one of the ballot scanners has jammed?
9. You overhear a poll worker telling a voter that she is ineligible to vote because she is on "inactive" status. Is that true? What should you do?
10. You go outside and see volunteers handing out campaign literature near the door to the poll site. What is the law? What should you do?