Chapter 9 – Provisional Judges and Provisional Voting

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Pre - Election Set-Up

On the Monday night before election day all judges will report to their assigned precinct to set up the polling place. The standard meeting time is 6:30 p.m.; however chief judges will contact each judge at least one week prior to the election to confirm the exact time of the pre-election meeting.

**Attendance at the pre-election meeting is MANDATORY.** The meeting will last about 2 hours. All tasks are directed by and supervised by chief judges.

The Equipment Transfer Cart will be delivered to the precinct and will contain: 2 scanning units, 1 ballot transfer bin in each unit, and the ballot marking device(s). The BMD/ADA Table will be packed on the top of the cart. Any additional ballot transfer bins will be delivered with the pollbooks. All supply bags will be picked up by the chief judges.
Setting Up the Provisional Area

1. Set up a table for provisional voting as an extension of the check-in table as indicated on the polling place diagram so a provisional voter never goes to the regular voting area. One of the electronic pollbooks, set up following the procedures in Chapter 10 - Electronic Pollbooks, will be used to check-in provisional voters. Use orange tablecloths to designate the provisional area.

2. Place chairs at the table for the voters completing provisional ballot applications as well as a chair for the provisional judge.

3. Set up provisional voting area with privacy screen(s) for voters completing their ballots. Place it near the provisional table, so that it is under the supervision of the provisional judge. Privacy screens are in the Blue Sign Bag.

4. Locate and open the Orange Provisional Voting Supply Bag containing the following supplies:
   - Provisional Job Guide;
   - Orange Provisional Ballot Bag (for voted provisional ballots);
   - Provisional ballot applications (with envelope and instructions);
   - Security seals - one (red) for the ballot bag (election night) and two for the provisional supply bag (one (blue) for Monday night and one (red) for election night);
   - Spoiled provisional ballot log and envelope;
   - Magnifying sheet;
   - Pens for voters to complete applications;
     - Black pens for voters to complete provisional ballots;
     - Permanent black marker for spoiled ballots.
   - Orange Privacy Sleeves;
   - Orange tablecloths;
Obtain the following items from the chief judges.

- *Provisional Ballot Sign-in Sheet;*
- *Provisional Ballot Certificate – Opening and Closing;*
- Provisional VAC (Voter Authority Card) Envelope

5. The chief judges will remove the ballot packs from the Equipment Transfer Cart and supply a designated amount of each ballot style to be used for provisional voting.

6. Remove the rolled and rubber-banded Orange Provisional Ballot Bag from the supply bag.

7. Verify the security seal number on the zipper on the top of the Orange Provisional Ballot Bag is the same number as indicated on the “Opening” section of the *Provisional Opening & Closing Certificate.*

8. Verify the Orange Provisional Ballot Bag is empty and put a checkmark on the “Opening” section of the *Provisional Opening & Closing Certificate.*

9. Verify the bottom of the orange Provisional Ballot Bag is locked.  
   Do not break the seal.
10. Pack the ballots, ballot applications and the locked Provisional Ballot Bag in the Orange Provisional Supply Bag. Seal the supply bag.

11. Place the sealed Orange Provisional Supply Bag in the Equipment Transfer Cart for secure overnight storage.

Election Morning

Chief judges supervise all tasks.

Arrive by 6:00 a.m.

Make sure you sign the Payroll Sheet.

1. Assist in setting up for the election as assigned by the chief judges.
2. Complete and use the name badges provided. Do NOT indicate a party affiliation on the badges. Indicate any additional language proficiency.
3. Retrieve the Orange Provisional Supply Bag from the Equipment Transfer Cart.
4. Remove the seal from the Orange Provisional Supply Bag.
5. Remove the Provisional Ballot Application and Instructions (envelope is attached).
6. Remove the Orange “Provisional Ballot Bag for voted Provisional Ballots. Verify that bag is locked and sealed.
7. Break the seal on the top of the bag to expose the slot. During the day, voters place voted Provisional Ballots into the bag. Do not attempt to open the bottom lock.

Leave the Extended Voting Hours Envelope in the Orange Supply Bag. DO NOT OPEN the sealed Extended Voting Hours Envelope unless instructed by the chief judges.
During Voting Hours

Provisional Voting Check-In Procedures

A check-in judge should alert a chief judge if the voter may need to vote provisionally. Once it has been determined that the voter should be issued a provisional ballot, the voter will be escorted or directed to the Voting Operations Judge - Provisional (VOP-P). The provisional judge will follow these steps:

1. Look up the voter in the electronic pollbook (see Checking-In Voters in Chapter 10 - Electronic Pollbook).
2. Verify the voter’s information on the “Voter Details” tab in the “Voter Record” screen.
3. Tap “Issue Provisional Ballot” button.
4. The “Select Ballot” screen will appear.
5. Tap on “Select Ballot Reason” to access a drop-down menu of provisional ballot reason codes.
6. Select the appropriate provisional ballot reason code. It is very important to enter the correct reason code. See the *Special Situations Requiring Provisional Voting* section of this chapter for full descriptions.

**Note:** In some cases, there may be more than one reason for the voter to vote a provisional ballot. However, the pollbook will only print one reason on the VAC. Write the code for any additional reason(s) on the VAC, next to the printed code.
7. Tap the “Select Paper Ballot” button.

The “Select Paper Ballot” button will become only available after a provisional ballot reason code is selected.

⚠️ Tapping the “Cancel No Ballot Issued” button will return you to the “Find Voters” screen.

<table>
<thead>
<tr>
<th>Reason Code</th>
<th>Provisional Ballot Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Not listed on the precinct register</td>
</tr>
<tr>
<td>2</td>
<td>Listed on the precinct register but indicated a change of address</td>
</tr>
<tr>
<td>3</td>
<td>Listed but claims to have a different party affiliation (primary election only)</td>
</tr>
<tr>
<td>4</td>
<td>Listed as an absentee voter or as having already voted (“ABS Issued,” “Reg Issued,” “PROV”, or “Voted Early”)</td>
</tr>
<tr>
<td>5</td>
<td>Listed as “Active” or “Inactive” and “Show ID” and unable to provide acceptable ID</td>
</tr>
<tr>
<td>6</td>
<td>Listed as “Pend1” (“Show ID” on Voter Details screen)</td>
</tr>
<tr>
<td>7</td>
<td>Listed as “Pend2” (“Need DL#/SSN#” on Voter Details screen)</td>
</tr>
<tr>
<td>8</td>
<td>Identity challenged and cannot provide acceptable form of ID</td>
</tr>
<tr>
<td>9</td>
<td>Other</td>
</tr>
<tr>
<td>10</td>
<td>Voted during extended hours</td>
</tr>
<tr>
<td>11</td>
<td>Not prequalified for same day registration (early voting only)</td>
</tr>
<tr>
<td>12</td>
<td>No proof of residency for same day registration (early voting only)</td>
</tr>
</tbody>
</table>
8. The voter authority card will print.

⚠️ The reason code will print on the voter authority card. The provisional judge needs to enter the same reason code on the voter’s provisional ballot application.

9. Circle “PROVISIONAL BALLOT” and the reason code.
• Write in any additional reason code next to the printed reason code.

• **In primary elections**, also circle party, district/precinct, and ballot style.

10. Have the voter review and sign the VAC.

11. The provisional judge will initial it on the check-in line (as the provisional check-in judge) and place it in the front pocket of an orange privacy sleeve. The electronic pollbook will return to the “Find Voters” screen.

12. The voter will now be marked as “PROV” in the “Issued” column on the “Find Voters” screen.

⚠️ Under federal law, every voter who claims to be registered and eligible to vote **MUST** be given an opportunity to vote. The local board of elections will review the voter’s application and voter registration record before deciding whether to open and count the ballot.

⚠️ If a voter’s name is not listed in the statewide register, he or she will not have a printed voter authority card and will have a hand-written **orange** voter authority card. A chief judge will tell you when a voter does not have a voter authority card and will supply you with the orange voter authority card to complete with the voter.

**Provisional Ballot Application and Voting Procedures**

Once the voter has been checked - in and has a voter authority card, the provisional judge (VOP-P) will:

1. Verify the voter authority card has “**Provisional Ballot**” printed near the top and the voter has signed his or her name.
2. Have the voter print and sign their name on the *Provisional Voter Sign-in Sheet*. Use the voter authority card to record the voter ID number and ballot style.

![Provisional Voter Sign-in Sheet](image)

3. Use the reason code(s) on the voter authority card to complete the “Election Judge” section on the back of the *Provisional Ballot Application* (see image below). Put a check mark next to the reason code on the application;

![Provisional Ballot Application](image)
4. Write the district/precinct number, the ballot style issued, and your initials in the boxes in the top right corner OR verify that there is a pre-printed label with the correct district/precinct numbers and write the ballot style issued and your initials in the boxes in the top right corner.

5. If the voter needs to show ID, you must record the type of ID that the voter provided in item #6 on the back of the Provisional Ballot Application. See Standards for Acceptable Forms of ID in this chapter.

6. Put the voter authority card in the “Provisional VAC Envelope” before giving the Provisional Ballot Application to the voter.

7. Before giving a Provisional Ballot Application to the voter, show the voter the instructions on the application and tell the voter to:
   • Read the instructions page;
   • Tear off and keep the instructions page;
   • Completely fill out and sign the provisional ballot application; and
   • DO NOT detach the application (voter registration application) from the envelope.

   \[\text{Tell the voter to sign the application.}\]

8. Check the application to make sure the application is completed and signed.

9. When the application is complete, select the correct provisional ballot. Fold the ballot and place it in the application envelope and place the envelope into the orange provisional privacy sleeve.

10. Tell the voter to take the application envelope and the ballot to the provisional voting area.
If the voter makes a mistake on the ballot, tell the voter to overvote every contest. Write “Spoiled” across the ballot and put it in the “Spoiled Provisional Ballot Envelope” before issuing the voter a replacement ballot.

11. A voter may not receive more than three ballots without the assistance of two election judges of different party affiliation.

12. Instruct the voter to insert his or her voted ballot into the ballot application envelope and seal the envelope.

13. Tell the voter to put the sealed application envelope into the slot in the provisional ballot bag.

If the provisional ballot bag is full, notify the chief judges immediately and request an additional bag.

14. Make sure the voter does not leave the provisional voting area until the voter puts the voted ballot and sealed application in the orange provisional ballot bag.

Provisional ballots do not go into the scanning unit. Make sure provisional voters do not put their voted ballots into the scanning unit.

Monitor the unvoted ballots and provisional ballot bag(s) always. Keep all provisional ballot supplies secure. Notify the chief judges immediately if any provisional ballot supplies are missing or show signs of tampering.

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**Spoiled Provisional Ballots**

All voters, regular and provisional, who make a mistake while voting their ballot (spoiled ballot) do not need to be checked-in at the pollbook again to receive a replacement ballot.
If a voter makes a mistake on the ballot:

1. Tell the voter to **over vote every contest**;

2. Write “Spoiled” across the ballot using the permanent marker and place it in the “Spoiled Provisional Ballot Envelope” **before** issuing the voter a replacement ballot;

3. Remove the voter’s voter authority card from the **Provisional VAC Envelope** and write the ballot sequence number from the voter’s provisional VAC onto the front of the Spoiled Provisional Ballot Envelope;

4. Draw a single line through the original ballot sequence number on the VAC;

5. Write the **new** ballot sequence number on the VAC;

6. Record the new ballot sequence number on the **Spoiled Provisional Ballot Log**.

7. Draw a single line through the Provisional Judge’s initials (even if it is the same judge issuing the new ballot) and write in new initials.

8. Return the VAC to the “Provisional VAC Envelope”.

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![Voter Authority Card Example](image-url)
Provisional ballots do not go into the scanning unit. Make sure provisional voters do not put their voted ballots into the scanning unit.

Provisional Ballots Reasons and Instructions to Voters

The following chart shows the reasons voters are issued provisional ballots and instructions to be given to the voter for each reason. Note that the “Reason Codes” are the same as the codes listed on the back of the Provisional Ballot Application.

A voter may be issued no more than three ballots. A voter who has spoiled two ballots should be offered assistance.

<table>
<thead>
<tr>
<th>Reason Code:</th>
<th>Tell the voter:</th>
</tr>
</thead>
</table>
| 1 Not listed on the precinct register. | 1. If you are registered and in the correct precinct, your entire ballot will be counted.  
2. If you are registered but in the wrong precinct and choose to vote here (instead of going to your correct precinct), only those contests that would appear on the ballot issued at your correct precinct will be counted.  
3. If you are not registered, your provisional ballot will not count but the application will serve as a voter registration application for future elections. |
<table>
<thead>
<tr>
<th>Reason Code:</th>
<th>Tell the voter:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>You indicated that you moved more than 21 days before the election, did not notify election officials of the change, and are in the wrong precinct for your new address. If you choose to vote a provisional ballot here (instead of going to your correct precinct), only those contests that would appear on the ballot issued at your new precinct will be counted.</td>
</tr>
<tr>
<td>3</td>
<td>Your provisional ballot will be counted if the local board of elections determines that you are registered with the party that you claim, and the party affiliation listed in the precinct register was incorrect due to clerical error.</td>
</tr>
<tr>
<td>4</td>
<td>Your provisional ballot will only be counted if you did not vote by absentee ballot or have not previously voted.</td>
</tr>
<tr>
<td>5</td>
<td>If you provide the local board of elections with the required ID before the canvassing of provisional ballots, which begins on the 2nd Wednesday after the election, your ballot will be counted.</td>
</tr>
<tr>
<td>6</td>
<td>If you present acceptable ID now or to the local board of elections before the canvassing of provisional ballots which begins on the 2nd Wednesday after the election, your ballot will be counted. If you do not provide acceptable ID before the canvassing of provisional ballots, your ballot will not be counted.</td>
</tr>
<tr>
<td>Reason Code:</td>
<td>Tell the voter:</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td>7</td>
<td>If the local board of elections can verify the number you provided in Box 6a or 6b, you will be registered to vote, and your ballot will be counted. If you marked Box 6c, you will be registered to vote, and your ballot will be counted. If you do not complete any box in section 6 before the canvassing deadline or the number you provided could not be verified, you will not be registered to vote and your ballot will not be counted.</td>
</tr>
<tr>
<td>8</td>
<td>If the local board of elections determines that you are the registered voter you claim to be and are otherwise eligible to vote, your ballot will be counted. You should provide an acceptable form of ID to the local board of elections before the canvassing of provisional ballots, which begins on the 2nd Wednesday after the election.</td>
</tr>
<tr>
<td>9 (Other)</td>
<td>[Note to provisional ballot judge: The chief judges will provide you with instructions if #9 is printed on the voter authority card.]</td>
</tr>
<tr>
<td>10</td>
<td>You are voting during extended voting hours ordered by court.</td>
</tr>
</tbody>
</table>
Special Situations that Require Provisional Voting

The electronic pollbook has been set up so that a check-in judge can follow procedures to issue either a regular (i.e., not provisional) ballot or a provisional ballot. Wherever possible, instructions are provided in the top section of the screen.

In certain cases, the electronic pollbook will allow only a provisional ballot to be issued to a voter. The voter should be directed to the provisional judge (VOP-P) for check-in and ballot issuance.

1. Voter Moved

If the voter’s current address is different than what is shown in the electronic pollbook, ask the voter WHEN he or she moved to the current address.

- If the voter moved within 21 days of election day, complete a Voter Update Form. If the voter completes and signs the Voter Update Form, issue the voter a regular ballot. **If the voter refuses to complete and sign the Voter Update Form, issue the voter a provisional ballot.**

- If the voter moved more than 21 days before election day, the voter must be issued a provisional ballot. The provisional ballot application will serve to update the voter’s information and no Voter Update Form is needed. Use Provisional code 2.

⚠️ “21 Day” dates for the 2018 elections:

**Primary Election** – If the voter moved prior to June 5, 2018, the voter must be issued a provisional ballot.

**General Election** – If the voter moved prior to October 16, 2018, the voter must be issued a provisional ballot.
2. **Voter Claims a Different Party Affiliation or Whose Party Does Not Have a Ballot (Primary Election Only)**

These are voters who claim a party affiliation that is different than what is indicated in the electronic pollbook or who want to vote a ballot that is not for the party indicated in the electronic pollbook (this includes voters whose party does not have a ballot for the primary election).

- If a voter insists on voting a ballot for a party that is different from the one for the party affiliation shown in the electronic pollbook, or if the voter’s party does not have ballot for the primary election, he or she must vote a provisional ballot. **Use provisional code 3.**

3. **Voter’s Status is “Pend1”, “Pend2”, “ABS Issued”, or “Voted Early”**

A. **Pend 1:** The voter may only be issued a provisional ballot.

   The voter’s driver’s license number or social security number could not be verified. **Use provisional code 6.**

   - The voter can present acceptable ID now or to the local board of elections before the canvassing of provisional ballots which begins on the 2nd Wednesday after the election to complete the voter registration.
B. **Pend2**: The voter may only be issued a provisional ballot. The voter’s driver’s license number or the last four digits of his or her social security number was not provided by the voter during registration. **Use provisional code 7.**

- If the voter provides either a Maryland driver’s license number or the last four digits of his or her social security number, and if the local board of elections can verify the information on the Provisional Ballot Application, the ballot may be counted.
- If the voter has never been issued a Maryland driver’s license or a social security number, the voter will be registered to vote and the ballot may be counted.
- If the voter does not provide either a verifiable Maryland driver's license number or last four digits of his or her social security number before the canvassing deadline, the voter will not be registered to vote, and the ballot will not be counted.

C. **“ABS Issued”**: The voter may only be issued a provisional ballot. The voter has been issued an absentee ballot. **Use provisional code 4.**
D. **Voted Early:** The voter may only be issued a provisional ballot. The voter has voted during early voting. *Use provisional code 4.*

4. **Inactive Status Voters (“ID Required” box is blank)**

A. **Issue a regular ballot, NOT a provisional ballot, to Inactive Status voters when:**

- The voter did not move and signs the Affirmation of Residency for Inactive Voter. The affirmation is automatically printed on the voter authority card for “Inactive” status voters when a regular ballot is issued; or
• The voter moved within 21 days of election day. The voter must complete a *Voter Update Form* and must sign the Affirmation of Residency for Inactive Voter on the voter authority card.

**B. Issue a PROVISIONAL BALLOT to Inactive Status Voters when:**

• The voter moved more than 21 days prior to election day.

  **Use provisional code 2.**

  ![Affirmation of Residency for Inactive Voters]

  If the voter refuses to sign the affirmation of residency, alert a chief judge immediately.

  The Affirmation of Residency will not print on the voter authority card for provisional voters.

5. **“Issued” Box is “Reg Issued” or “PROV”**

The pollbook indicates that the voter has been previously issued a ballot. Inform the voter that he or she is marked as having already been issued a ballot.
A. **Reg Issued:**

- If it can be confirmed that the voter’s ballot has not been cast, a regular ballot, not a provisional ballot, may be reissued by a chief judge. See *Chapter 5 – Chief Judges* for instructions. **Only chief judges can reissue a ballot.** (a supervisor password is required).
- If the ballot has been cast, or it is uncertain if the ballot has been cast, the voter may only be issued a provisional ballot. **Use provisional code 4.**

B. **PROV: Provisional ballot issued:**

A voter who is checking-in whose status is “Prov”, and who insists that he or she has not voted or attempted to vote, **may only be issued a provisional ballot by a chief judge** (a supervisor password is required).

⚠️ If the voter insists that he or she has not voted or attempted to vote, alert a chief judge immediately. The chief judge will contact the local board of elections for additional instructions.
6. **ID Require – Show ID (Active or Inactive)**

If an “Active” or “Inactive” voter is listed as “Show ID,” ask the voter for ID.

- If the voter presents acceptable ID (see the chart below), issue the voter a regular ballot. A *Voter Update Form* must be completed to record this information.

- If the voter does not present an acceptable ID, issue the voter a provisional ballot. **Use provisional code 5.**

![Voter Record](image-url)

- **Precinct:** 001-001-1  
  **DOB:** 06/15/1901  
  **Status:** Inactive - ID Required

- **Registered name:** John Adams  
  **Party:** Republican  
  **ID Required:** Show ID  
  **ID Issued:** None

- **Comments:**
  - Issue Standard Ballot (ID was Provided)
  - No ID Issue Provisional
  - Vote: TOT 1
  
  **Date:** 11/20/2015 11:33:02 AM
### Standards for Acceptable Forms of ID

<table>
<thead>
<tr>
<th>Standards for Acceptable Forms of ID</th>
<th>Does the voter’s <strong>name</strong> on the ID have to match the electronic pollbook or the new name on the Voter Update Form?</th>
<th>Does the voter’s <strong>address</strong> on the ID have to match the electronic pollbook or the new address on the Voter Update Form?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A “current” <strong>photo ID</strong> is an ID that has not expired</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A “current” <strong>non-photo ID</strong> is dated within 3 months of election day</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A current Maryland driver’s license</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A current MVA-issued photo ID card</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A current student photo ID card</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A current employee photo ID card</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A current military photo ID card</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A current passport</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Other current State or federal-issued photo ID card</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A current utility bill [gas, electricity, water, waste, cable, telephone (land line or cell phone)]</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>A current bank statement</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>A current government check</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>A current paycheck</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Other current government document</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Standards for Unacceptable Forms of ID

<table>
<thead>
<tr>
<th>Standards for Unacceptable Forms of ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>An <strong>out-of-state</strong> driver’s license</td>
</tr>
<tr>
<td>An <strong>expired</strong> photo ID card</td>
</tr>
<tr>
<td>Any non-photo ID that is <strong>more</strong> than 3 months’ old</td>
</tr>
<tr>
<td>A <strong>membership</strong> card (Sam’s Club, gym…)</td>
</tr>
<tr>
<td>A Voter Notification Card</td>
</tr>
<tr>
<td>A Social Security Card</td>
</tr>
<tr>
<td>Any non-photo ID with an address that does <strong>NOT</strong> match the electronic pollbook or the new address on the <strong>Voter Update Form</strong></td>
</tr>
</tbody>
</table>

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**Closing the Polls**

1. Return all unvoted ballots back to the ballot judge/issuance table.
2. Count the voter authority cards (from the **Provisional VAC Envelope**) and record the number on the “Closing” section of the **Provisional Opening & Closing Certificate** for each type of voter authority card listed.
3. Count the number of voters on the **Provisional Voter Sign-in Sheet** and record the number on the “Closing” section of the **Provisional Opening**
& Closing Certificate for each type of provisional ballot put into the orange provisional bag.

4. Verify the total number of voter authority cards against the number of provisional ballots in the orange provisional bag.

5. Make sure all spoiled ballots are put back into the spoiled ballot envelope.

6. Place all remaining provisional voting supplies in the orange provisional supply bag.

7. Place a red security seal over the opening in the Orange Provisional Ballot Bag. Record the seal number on the Provisional Ballot Certificate-Opening and Closing.

8. Complete and sign the “Closing” section of the Provisional Opening & Closing Certificate.

9. Give the completed and signed certificate, the sealed Orange Provisional Ballot Bag, Provisional VAC Envelope and the Orange Provisional Supply bag to the chief judges.

⚠️ Continue to assist the chief judges with assignments they may give. It is important to complete all tasks quickly and efficiently.