

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Voters' Rights to Access the Polls on Election Day:

1. It is after 7:00 AM and the polling place is not open – what should I do?

Call the County Election Official immediately: http://www.sos.ca.gov/elections/elections_d.htm. If there is an on-call attorney in that jurisdiction, advise him/her of the problem.

2. The polling place is open but the voting machines aren't here – what should I do?

Call the County Election Official immediately: http://www.sos.ca.gov/elections/elections_d.htm. If there is an on-call attorney in that jurisdiction, advise him/her of the problem.

- Voters should be permitted to vote by back-up paper ballots or by provisional ballots.

3. It's not 8:00 PM yet, but my precinct is closed or closing and they will not let people vote – what should I do?

Call the County Election Official immediately: http://www.sos.ca.gov/elections/elections_d.htm. If there is an on-call attorney in that jurisdiction, advise him/her of the problem.

4. There are equipment problems at my precinct and voters cannot vote - what should I do?

If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

- Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot.

Identification and Provisional Ballots:

1. I do not have any identification with me. Can I vote?

Yes. However, if the voter is a first-time voter who registered by mail and did not present sufficient identification at that time, the voter may vote only by provisional ballot.

- If possible, a first time voter who registered by mail should be encouraged to go and get ID and NOT cast a provisional ballot.

2. Poll workers are turning voters away because they don't have photo ID – what should I do?

Encourage the voter to go back inside the polling and demand the right to vote by a REGULAR ballot (unless the voter is a first-time voter who registered to vote by mail and has not previously provided a copy of the voter's ID, in which case the voter can vote by provisional ballot).

Contact an Election Protection Call Center Captain immediately to report the problem. Where there is a legal field program, an attorney will be dispatched to the polling place. If the issue cannot be resolved at the polling place, a member of the Election Protection leadership may call the local board of elections to ensure that the voter is able to cast a REGULAR ballot (again, unless the voter is a first-time voter who registered to vote by mail and has not previously provided a copy of the voter's ID, in which case the voter can vote by provisional ballot).

3. I am a registered voter who is not on the rolls at my precinct. Can I vote?

Yes. If there is any question about a voter's right to vote at a polling place, s/he has the right to cast a PROVISIONAL ballot. (See directly below for important information regarding provisional ballots.) When voting a provisional ballot, the voter must execute, in the presence of an elections official, a written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

4. I have been offered a provisional ballot. What should I do?

Provisional ballots are a LAST resort because they will not be counted unless they “pass” a post-election research inspection by election officials. Thus, voters should always request a REGULAR ballot first.

If the elections official refuses to give the voter a regular ballot, the voter should demand that the elections official explain the reason for such refusal. If the reason for such refusal is that:

- there is a question about the voter's right to vote at the polling place, such as the absence of the voter's name on the voter rolls at the polling place;
- the voter is a first-time voter who registered to vote by mail, has no ID and has not previously provided a copy of the voter's ID in connection with the voter's registration; or
- the voter moved from one address to another within the same county without updating the voter's address for voter registration purposes;

Then the voter should follow the elections official's instructions to vote the provisional ballot.

If the elections official gives the voter *any other reason* for refusing to give the voter a regular ballot, contact a Call Center Captain immediately so that an attorney can go to the precinct to check on the problem.

Where to Vote:

I. Where do I vote (for voters who have not moved since they registered or last updated registration)?

You can look up polling locations by county at http://www.ss.ca.gov/elections/elections_ppl.htm.

2. I moved from one address to another within the SAME county but did not update my address for voter registration purposes. Where should I vote?

Voters can vote by PROVISIONAL ballot at the polling place for their NEW address, or at their county election official's office or other central location designated by that elections official. Voters will need to provide their new *and* prior addresses on the provisional ballot envelope, which will be verified after the election.

If a voter moved within 14 days before the election and did not inform his/her county election official of the change in address, s/he can vote at his or her OLD polling place by REGULAR ballot. At the polling place, the voter will need to file a change-of-address notice to indicating the new address.

3. I moved from one county to another county and I have not re-registered to vote. Where do I go to vote?

A voter can vote by REGULAR ballot at the voter's OLD polling place ONLY IF the voter moved less than 14 days before the election.

If the voter moved from one county to another more than 14 days before the election and did not re-register to vote in the voter's new county, the voter may not vote in the November 2008 election.

Assistance at the polls:

1. I am physically disabled and need assistance; will my polling place be accessible?

The back page of all sample ballots includes information about polling place accessibility.

For polling places that do not meet accessibility requirements, voters will be allowed to vote "curbside" (outside of the poll location) if they cannot get inside the polling place because of architectural barriers or other limitations -- a poll worker will bring a ballot and punching device outside and assist the voter in casting the ballot. Voters also may be allowed to vote at the nearest accessible polling place.

If a polling place is not accessible and the poll workers will not provide assistance, immediately contact a Commander so an attorney can get in touch with the responsible election official to report the problem immediately.

2. I am blind, physically disabled, or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?

If a voter requires assistance at the polls for any of the reasons stated above, s/he may bring a person of their choice into the voting booth (except an employer, an agent of employer or an offer or agent of their union). All voters requiring assistance must take an oath stating the reason why assistance is required. Election Protection volunteers can serve as assistants to disabled or language minority voters *if* asked to do so by the voter.

Throughout the state of California, voters who do not read English but who can read Spanish may request a Spanish ballot or other materials.

Other non-English ballots, instructions and voting materials in are available in certain counties, as follows:

- **Chinese:** Alameda, Los Angeles, Orange, San Francisco, San Mateo & Santa Clara counties;

- **Filipino:** Los Angeles, San Diego & Santa Clara counties
- **Korean:** Los Angeles & Orange counties
- **Japanese:** Los Angeles county
- **Various Native American:** Imperial & Riverside counties
- **Yuman:** Imperial county.

Contact a Call Center Captain immediately if a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth, or if a poll worker refuses to provide a ballot in Spanish (or in other language in certain counties, as described above).

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls – is this OK?

All poll monitors, including Election Protection volunteers, must stay at least 100 feet from the entrance to the polling place. As long as they comply with this rule, they can solicit voters.

If they are violating the 100-foot requirement, contact a Commander to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

2. What if I requested a vote-by-mail ballot but I want to vote in person on Election Day?

If a voter wants to vote in person at the polls on Election Day, s/he must return the UNVOTED vote-by-mail ballot to the poll officials. S/he will then be permitted to vote by REGULAR ballot.

If s/he can not find (or never received) the vote-by-mail ballot, s/he can vote by PROVISIONAL ballot. After the election, if the election officials can confirm that the particular voter never received the vote-by-mail ballot, the provisional ballot should be counted.

3. There are people at the polls trying to intimidate voters.

Contact a commander immediately. An attorney will be dispatched to the polling place.

If the voter agrees, put the voter on hold while you contact a commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

4. I have a felony conviction. Can I vote?

Once an individual has completed a felony sentence, including any parole, s/he may re-register to vote. In this circumstance, the voter must re-register before the registration deadline. If someone was sentenced only with probation, s/he remains eligible to vote.

- An individual may register and vote if: he or she is in a local jail as a result of a misdemeanor conviction; he or she is awaiting trial and have not yet been convicted of a crime; he or she has completed parole for a felony conviction; or he or she is on probation.

5. I am a college student, can I vote where I go to school?

Yes. College students may register and vote where they go to school, provided that they meet the state's residency requirements (citizenship, age, lack of criminal status). Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction.

If a student is turned away at the polls, ascertain whether the student has fulfilled all of the registration requirements and that the student registered on time for this election -- If s/he meets the requirements, contact the Legal Command Center to dispatch an attorney to the location and contact the appropriate election official. Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.