

Checklist for Special Situations at the Polls

Voter Challenges at the Polls

The qualifications of any voter can be challenged at the polls. The basis for a challenge is

- signature does not match the one in the register
- someone using that name already has voted
- the belief that the person doesn't live at the address given
- because the persons name appears on a list of voters provided by the BOE to the Election Inspectors

A challenge can be brought by an Inspector, a Poll Watcher, or any registered voter who lives within the polling district. It must be made before the person votes.

If someone is challenged, then he is asked to confirm, under oath, specific information that bears on whether or not he is qualified to vote. If he answers the questions then he is permitted to vote normally, but if he refuses, then he cannot vote. The Challenge Report is completed for each challenged voter.

When is a Voter required to provide ID and what ID is adequate?

Voters who [have never before voted](#) in a federal election and who registered by mail [may](#) be required to provide ID at the polls. These voters have a special notation by their names in the poll register. Proper ID is defined by the statute (NYS Election Law § 8-303) as follows for people who appear in person to vote:

In the case of an individual who votes in person:

- presents to the appropriate election inspector, clerk or coordinator a current and valid photo identification; or
- presents to the appropriate election inspector, clerk or coordinator a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name [and address](#) of the voter

Note that even if a first time voter does not bring the proper ID with them to the polls, they should be permitted to vote by Affidavit Ballot. Any voter who has previously voted in any General Election in NY State is not required to provide and ID at the polls.

Affidavit Ballots

Affidavit ballots must be used if there is some irregularity in the voter's name and address. Specifically, an affidavit ballot is required when:

- The voter is voting under court order and the court orders that an affidavit ballot be used;
- The voter must provide identification (see above) and is unable to do so;
- The voter now lives within the election district but, until recently lived in a different election district within the same county, and has not re-registered at his new address.

(Note: if the voter has moved [within](#) the election district, he can vote on the machine.)

[If an affidavit ballot is used, the voter must complete the information on the affidavit envelope and the attached registration form. If this information is not completed in full, then the ballot will not be counted!](#)

The voter should be given a private place to complete the ballot and seal the completed ballot it in the envelope. An inspector must sign the affidavit envelope after it has been sealed, and then the envelope is set aside to be delivered, unopened, to the BOE after the polls close. The voter's name and address is entered in the appropriate section of the Challenge Report ([but not on the envelope](#)).

Emergency Ballots

[Emergency ballots are paper ballots that can be used only if a voting machine malfunctions.](#) If there is a break down for less than one hour, then it is up to the inspectors to determine if emergency ballots should be used; however, if the breakdown persists for an hour or more, then emergency ballots *must* be provided to voters. Voters are provided with the paper emergency ballot and a special emergency ballot envelope. The face of the envelope must be completed by the voter. The voter must be allowed to complete the ballot itself privately, and then he or she seals it in the envelope, and returns the sealed envelope to the Election Inspector. The Inspector checks to make sure the envelope is properly completed and then signs the envelope as a witness. Any emergency ballots are delivered, unopened, to the BOE after the polls close