

Provisional Ballots and Political Biases

John R. Lott, Jr.
American Enterprise Institute
1150 17th Street, NW
Washington, DC 20036
jlott@aei.org

February 22, 2005

I. Introduction

Provisional ballots help guarantee that individuals who should be allowed to vote are in fact able to do so. There are many bureaucratic mistakes that prevent legitimate voters from voting, such as when late registered voters names are not properly included on a precinct's voter roles. On the other hand, concerns about voter identification as well as vague and ambiguous standards for how to handle and count provisional ballots may possibly create opportunities for fraud in close races. Yet, even if these problems exist, the outcomes of elections depend upon whether there is a systematic benefit obtained by one party over the other.

This initial examination of provisional ballots looks at data from 2004 for five states (Florida, New York, Ohio, Pennsylvania, and Washington), though Pennsylvania did not count their provisional ballots so they only have data on the number of provisional ballots cast. The simple questions that this paper addresses are: 1) whether the rate at which provisional ballots are found to be valid vary with the closeness of the race and 2) whether counties the rate at which they are found to be valid varies with political party strength in a county. Ideally for this last question a more direct measure would be to measure not just whether the number of counted provisional ballots increased but whether that party also picked up more of those votes.

II. Empirical Evidence

Three different types of data are examined for these states. First, I examine the relationship across states between the closeness of races and the rate which provisional ballots are counted. Second, the within state variation across counties between party strength and the rates at which provision ballots are voted, rejected, and found valid. Finally, I use polling data for two states that was done shortly before the election that accounts for voter characteristics that are related to their eligibility to use provisional ballots. For example, the probability of being eligible to use provisional ballots is higher when one registers shortly before the election, whether they registered during a registration drive, whether they had already asked for an absentee ballot, whether they had already voted early, and whether they have moved since registration are all related to whether they will be asking for a provisional ballot when they voted.

Table 1 provides the simplest examination of the data, showing just the weighted average that provisional ballots are deemed valid across four states. The weighting is by the number of provisional ballots issued in each county. There is a large difference between each of the states. In Florida, only 38 percent of provisional ballots were deemed valid to count. For New York it was 63 percent; Ohio 77, percent; and Washington, 86 percent. In fact, the difference between each state is statistically significant. While the sample is too small to attach statistical significance, it is interesting that the two states with the highest valid provisional ballot rates had the closest political elections with the state of Washington, which experienced the closest election, having the highest rate of valid provisional ballots. Whether the higher rate was simply because election official were more careful at checking ballots or whether the closeness of the election caused election

officials to approve provisional ballots that they otherwise wouldn't have chosen is not clear.

Of additional interest is that King County in Washington, the county where there were claims that provisional ballots were improperly counted, had a significantly higher valid provisional ballot than the mean in Washington or in other counties in these four states. For either case the differences are statistically significant at higher than the .04 percent level.

Table 2 examines whether the differences in the number of voted provision ballots, rejected provisional ballots, or valid provisional ballots across counties varies with the political strength of the different parties. There are two sets of regressions for each category that account for either just the party votes and the number of registered voters or those variables as well as the distribution of voter ages (number of people in the county between 20 and 34, 35 and 44, 45 and 54, 55 and 64, and 65 and over), the number of African-Americans, whites, and males. When demographics are accounted for, only Ohio shows any statistically significant differences between counties that are more heavily Republican or Democratic, with more Republican votes associated with more . Yet, even then the impact is extremely small. For example, the estimate for specification 12 for Ohio shows that the difference between Republican and Democrats amounts to only 225 votes, while the difference between Bush and Kerry was 118,775.¹

Finally, for two states, Florida and Ohio, I have polling data provided by the Winston Group that was conducted the week before the November 2nd election. Doing this produces conflicting results, with more heavily Democratic counties appearing to reject fewer provisional ballots than Republican ones in Florida and the reverse being true in Ohio. Again, however, the effects are extremely small.

III. Conclusion

Obviously more work needs to be done on this issue, but with the possible exception of more provisional ballots being found valid in the closest election, it is hard to see any systematic political biases in how provisional ballots were issued or counted. One possible conclusion is that if problems arise, they only arise when the election is extremely close.

¹ <http://www.cnn.com/ELECTION/2004/pages/results/states/OH/P/00/index.html>

Table 1: The Rate that Provision Ballots were Counted Across Counties in Four States (Florida, New York, Ohio, and Washington): So as to obtain the rate that Provisional Ballots are used in each state weighted averages are reported where the weights are given by the number of provisional ballots (standard deviations are shown in parentheses)

Florida	.376 (.172)
New York	.634 (.193)
Ohio	.773 (.0945)
Washington	.859 (.124)
F-test that King County in Washington is different from other Counties in that State	15.49 Probability = 0.0004 percent
F-test that King County in Washington is different from other Counties in these four states	322.50 Probability = 0.0000 percent

Table 2: Within State County Level Estimates to Explain the Number of Issued, Rejected, and Valid Provisional Ballots (Negative Binomial regressions are used with the coefficients reported as incident rate ratios)

		Provisional Ballots Voted		Provisional Ballots Rejected		Provisional Ballots Valid	
		Party Controls only	Include Demographics	Party Controls only	Include Demographics	Party Controls only	Include Demographics
Florida		(1)	(2)	(3)	(4)	(5)	(6)
	Bush	1.000029 (1.62)	.9999985 (.05)	1.00003 (1.58)	.9999901 (.33)	1.000029 (1.56)	1.000013 (.27)
	Kerry	1.000016 (.61)	.9999545 (2.27)	1.000019 (.67)	.9999589 (2.11)	1.000012 (.44)	.999941 (2.36)
	Registered Voters	.9999906 (.61)	1.000025 (1.43)	.9999891 (.66)	1.000026 (1.67)	.999993 (.46)	1.000026 (1.15)
	F-test	1.10 (.2945)	1.71 (.1906)	.78 (.3768)	1.17 (.2787)	1.19 (.2749)	1.85 (.1736)
	Pseudo R2	0.0688	0.1093	0.0742	0.1194	0.0623	0.105
Ohio		(7)	(8)	(9)	(10)	(11)	(12)
	Bush	1.000042 (2.81)	1.000033 (1.74)	1.000068 (3.79)	1.000042 (1.67)	1.000036 (2.48)	1.000031 (1.70)
	Kerry	1.000024 (1.78)	.9999945 (.20)	1.000053 (3.42)	1.000016 (.43)	1.000017 (1.22)	.99999 (.40)
	Registered Voters	.999985 (1.74)	.9999995 (.05)	.9999681 (3.26)	.9999764 (1.62)	.9999892 (1.25)	1.000005 (.56)
	F-test	5.98 (.0145)	4.78 (.0287)	2.48 (.1152)	.87 (.3516)	7.79 (.0053)	7.05 (.0079)
	Pseudo R2	0.0965	0.1279	0.1065	0.1273	0.0946	0.1273
Washington		(13)	(14)	(15)	(16)	(17)	(18)
	Rossi	1.000106 (1.44)	.9998982 (.70)	1.000041 (.86)	.9998907 (.62)	1.000138 (1.41)	.9999106 (.61)
	Gregoire	1.000013 (.25)	.9998823 (.96)	.9999737 (.68)	.9999299 (.50)	1.000032 (.49)	.9998661 (1.08)
	Registered Voters	.9999644 (.75)	1.000125 (.74)	1.000003 (.10)	1.000004 (.02)	.9999455 (.89)	1.000169 (.98)
	F-test	9.82 (.0017)	.13 (.7222)	9.77 (.0018)	.33 (.5636)	7.68 (.0056)	1.33 (.2482)
	Pseudo R2	0.0715	0.1055	0.0679	0.085	0.072	0.1096
Pennsylvania		(19)	(20)				
	Bush	1.000006 (1.61)	.9999975 (.40)				
	Kerry	.9999729 (3.84)	.9999898 (.78)				
	Registered Voters	1.000017 (4.96)	.9999902 (.54)				
	F-test	12.12 (.0005)	.16 (.6886)				
	Pseudo R2	0.0758	0.0924				

Table 3: Using Polling Data that Accounts for Voter Characteristics that are Related to Their Eligibility to Use Provisional Ballots (Negative Binomial Regressions with incident rate ratios)

	Florida			Ohio		
	Provisional Ballots Voted	Provisional Ballots Rejected	Provisional Ballots Valid	Provisional Ballots Voted	Provisional Ballots Rejected	Provisional Ballots Valid
	(1)	(2)	(3)	(4)	(5)	(6)
Number of Votes for Bush	0.9999912 (3.73)	1.000036 (2.23)	1.000061 (5.32)	1.000018 (2.58)	1.000014 (1.80)	1.000009 (1.45)
Number of Votes for Kerry	.9999853 (3.39)	1.000008 (.55)	1.000084 (5.50)	1.00001 (1.39)	.9999999 (.02)	.9999941 (1.36)
F-Statistic	1.63 (.2011)	28.23 (0.00)	17.98 (0.00)	16.59 (0.00)	14.23 (0.00)	13.03 (.0003)
Total Provisional Ballots Issued		1.001405 (3.95)	1.00139 (6.01)		1.000243 (4.95)	1.000132 (3.64)
Number of Registered Voters	1.000012 (5.88)	.9999839 (1.36)	.9999451 (5.27)	.9999953 (1.09)	.9999949 (1.44)	1.00 (.07)
Registered to Vote since 8/1/04	.9088917 (.95)	1.071599 (.78)	.9628739 (.40)	1.061913 (1.09)	1.097084 (1.17)	1.095442 (1.55)
Registered to Vote DK/Refused	1.21888 (1.50)	.8078482 (1.28)	.8834313 (1.09)	1.423374 (2.25)	1.483697 (1.91)	1.706281 (3.12)
Gender female	.9701362 (.74)	.9892798 (.30)	.9516222 (1.34)	.9661547 (1.22)	.9771898 (.63)	.9516014 (1.71)
Not moved since registration	.9665097 (.61)	1.039126 (.72)	.975314 (.53)	.9400661 (1.53)	.87705 (2.14)	.9421303 (1.54)
Moved since registration DK/Refused	1.291154 (.83)	.8007426 (1.23)	.1541059 (1.41)	.8775162 (.41)	.9493879 (.40)	.9673343 (.30)
Reregister No	.9603193 (.57)	.9995415 (.01)	.8939218 (1.56)	1.139849 (2.15)	1.291118 (2.66)	1.127563 (2.48)
Reregister DK/Refused	.9923108 (.05)	1.099034 (.44)	.8524329 (1.14)	1.530979 (2.57)	1.32446 (1.25)	1.371962 (2.20)
Did not register by Mail	1.146933 (1.42)			1.028004 (.51)	1.01326 (.22)	1.009801 (.20)
Mail DK/Refused		1.060453 (.96)	1.083078 (1.01)	.99817 (.04)	1.043252 (.88)	1.020639 (.51)
Did not Register in Registration Drive	.9306009 (1.42)	1.026759 (.66)	.9760292 (.43)	1.005528 (.08)	1.088511 (.91)	1.041689 (.73)
Registration Drive DK/refused	.976863 (.27)	1.029866 (.47)	.9586607 (.64)	1.010196 (.17)	1.066987 (.81)	.9824389 (.31)
Did not use an Absentee ballot	1.101833 (1.46)	1.037215 (.67)	1.077941 (1.37)	.9283757 (.34)	.7943825 (.80)	.7960036 (1.52)
Absentee ballot DK/refused	1.689769 (1.98)	1.072846 (.31)	.9768058 (.12)	1.080173 (1.61)	1.110053 (1.95)	1.034409 (.69)
Registration card No	1.058973 (.78)	.9944006 (.09)	1.086245 (1.34)	1.167703 (1.20)	1.318948 (1.43)	1.135619 (1.20)
Registration card DK/Refused	1.159026 (.88)	.8452752 (1.13)	.9422895 (.34)	.9366974 (.84)	.9035511 (.92)	.9734392 (.41)
Early voting No	.9332587 (1.16)	9788715 (.47)	.9772988 (.35)	.9807154 (.12)	1.096662 (.28)	.8418813 (1.52)
Job approval Bush DK/Refused	1.371677 (1.83)	1.149013 (.91)	1.032253 (.24)	1.038928 (.46)	.9671622 (.27)	1.123019 (1.38)
Job approval Bush disapprove	1.244044 (1.80)	1.01631 (.16)	1.01552 (.13)	.9565588 (.38)	.8189374 (1.24)	1.046303 (.53)
Likely vote President Lean	.8814348	.8311853	1.291783	.943211	.7588563	.7452314

Bush	(.58)	(1.06)	(1.60)	(.26)	(1.18)	(1.76)
Likely vote President Undecided	.5014741 (2.20)	.9185167 (.48)	.7476095 (1.33)	.8946548 (1.00)	.8637592 (1.29)	.8418312 (2.28)
Likely vote President Lean Kerry	.8419805 (.73)	.7821144 (1.07)	1.094292 (.54)	.867661 (1.10)	.8754421 (.72)	.8983479 (.94)
Likely vote President Kerry	.8632061 (.80)	1.139635 (.97)	1.242122 (1.32)	.9818911 (.20)	1.039804 (.30)	.9218965 (1.20)
Likely vote President Nader	1.065517 (.19)	.9107256 (.44)	1.343371 (.96)			
Likely vote President DK/Refused	.8790869 (.60)	.9728086 (.15)	1.441107 (2.34)	.906734 (1.22)	.8995923 (.76)	.9476925 (.63)
Likely vote Senate Lean Martinez	131341 (.96)	1.135565 (.57)	1.352863 (1.43)			
Likely vote Senate Undecided	.9531048 (.38)	.9224376 (.81)	1.008188 (.07)			
Likely vote Senate Lean Castor	.673229 (1.79)	.9760625 (.16)	.7496569 (1.38)			
Likely vote Senate Castor	.9139274 (1.02)	1.083987 (1.12)	.858646 (1.61)			
Likely vote Senate DK/Refused	.9131393 (.84)	1.005632 (.08)	.8134908 (1.95)			
Likely for Congress Lean Republican	1.300656 (1.25)	1.049872 (.30)	.9612669 (.20)	1.272618 (1.93)	1.450072 (2.33)	1.248397 (1.88)
Likely for Congress Undecided	1.086908 (.94)	1.074696 (1.33)	.9785605 (.29)	1.062532 (1.24)	1.126778 (1.81)	1.075954 (1.57)
Likely for Congress Lean Democrat	1.247712 (1.15)	1.266976 (1.74)	1.383494 (1.82)	.9469752 (.50)	.9592519 (.25)	.9921242 (.08)
Likely for Congress Democrat	1.066038 (.58)	1.010735 (.13)	1.090574 (.84)	1.064436 (.76)	1.157469 (1.55)	1.054993 (.83)
Likely for Congress DK/Refused	.9725648 (.28)	.9902026 (.12)	.9975491 (.03)	.9585481 (.36)	.9522195 (.34)	.8740576 (1.39)
Chance Vote in election very likely	.9899516 (.11)	1.124438 (1.39)	1.044063 (.59)	1.080854 (1.08)	1.155189 (1.41)	1.046749 (.62)
Chance Vote in election about 50/50	.9414963 (.20)	.9866694 (.06)	.5904373 (1.93)	.8591511 (1.95)	.8446918 (2.46)	.8850631 (1.80)
Chance Vote not very likely				1.673959 (2.88)	1.482272 (1.71)	1.575253 (2.34)
Chance Vote in election probably won't vote	1.173224 (.76)	1.094485 (.55)	.8820487 (.67)	.9564658 (.38)	.8631753 (1.27)	.9407985 (.61)
Chance Vote in election Dk/Refused	.8303893 (1.36)	1.112686 (1.40)	.7277593 (2.38)	.6711318 (1.96)	.6199181 (2.13)	.656132 (2.13)
age	.9970168 (1.11)	.9993412 (.36)	1.000467 (.22)	.9995846 (.34)	.9983463 (1.18)	.9994661 (.45)
Party Affiliation Democrat	1.168806 (1.21)	1.023843 (.32)	.8604363 (1.51)	1.122109 (1.80)	1.228818 (2.72)	1.165815 (2.32)
Party Affiliation Independent	1.101046 (.77)	1.089658 (1.06)	.8864278 (1.79)	1.04316 (.79)	1.093341 (1.45)	1.043207 (.88)
Party Affiliation Other	1.332275 (1.48)	1.031156 (.16)	.9080103 (.43)	.9816472 (.22)	.9385706 (.55)	1.026752 (.37)
Party Affiliation Dk/Refused	1.149125 (.97)	1.094165 (.95)	.9766273 (.18)	1.183819 (1.55)	1.171481 (1.18)	1.192812 (1.84)
Political Beliefs Moderate	.9780345 (.34)	.9979493 (.04)	1.022756 (.42)	.9282326 (1.15)	1.024021 (.47)	.9571758 (1.00)
Political Beliefs Conservative	1.109384 (.27)	1.070858 (1.50)	.9871405 (.20)	.8940217 (1.76)	.9229637 (.92)	.9150855 (1.69)
Political Beliefs	.9165218	1.038139	1.039119	.9436683	1.124563	.9669227

DK/Refused	(.95)	(.61)	(.48)	(.77)	(1.44)	(.65)
Children under 18 NO	.9535391 (.57)	.8529932 (1.99)	.9646287 (.51)	1.016448 (.34)	1.016867 (.28)	1.028729 (.61)
Children under 18 DK/Refused	1.643338 (1.61)	.5330483 (1.06)	1.68116 (1.54)	2.075043 (5.01)	2.792546 (6.41)	1.739085 (3.29)
Marital Status Married	.8771004 (1.34)	.9396482 (.85)	1.085086 (.98)	.918104 (1.52)	.9632839 (.71)	.9475869 (1.45)
Marital Status Separated	.921136 (.35)	.9860914 (.08)	1.424639 (2.06)	1.204753 (.85)	1.250701 (.99)	1.373787 (1.98)
Marital Status Divorced	.9993952 (0.00)	.9781052 (.23)	.9384895 (.67)	.8883456 (1.29)	.9572882 (.61)	.9299553 (1.40)
Marital Status Widowed	.8615435 (1.43)	.9341017 (.74)	1.026236 (.24)	.9228213 (1.28)	1.062858 (.70)	.9245221 (1.45)
Marital Status DK/Refused	.5188822 (1.97)	.6210735 (1.44)	.9501707 (.15)	.5817874 (1.09)	.8939699 (.47)	.899152 (.51)
Income 15K-30K	.940098 (.54)	.9526506 (.59)	.7675254 (2.00)	1.183138 (1.59)	1.199425 (1.30)	1.090372 (1.12)
Income 30K-50K	.8596514 (.98)	.9309779 (.83)	.7613988 (2.12)	1.001678 (.02)	1.037888 (.36)	.9153576 (.98)
Income 50K-75K	.9417742 (.42)	.8778686 (1.42)	.8330055 (1.58)	1.054434 (.63)	1.036827 (.42)	.997449 (.03)
Income 75K-100K	.9913696 (.06)	.9570052 (.40)	.9441834 (.52)	1.176834 (1.18)	1.179276 (1.34)	1.032469 (.35)
Income Over 100k	.9470398 (.30)	.8414456 (1.57)	.7477091 (1.85)	1.176834 (1.18)	1.186176 (1.17)	1.035103 (.40)
Income Dk/Refused	.8871486 (.70)	.8853103 (1.23)	.7545135 (2.15)	.9604369 (.63)	.9381221 (.87)	.9209543 (1.15)
Religion Mainline Protestant	1.141714 (1.40)	.9768036 (.32)	.9985147 (.02)	.9508037 (1.20)	.9556953 (.81)	.9609544 (1.06)
Religion Catholic	1.035688 (.44)	1.083984 (1.38)	1.062322 (.83)	.9695574 (.66)	1.037275 (.60)	.9920417 (.16)
Religion Jewish	.9245399 (.73)	.8901364 (.94)	1.104885 (.99)	.7945533 (1.55)	.8336763 (1.45)	.8771509 (1.34)
Religion Mormon	1.427725 (1.36)	1.303581 (1.16)	.9817014 (.07)	1.304099 (.63)	.8526923 (.77)	.8611335 (.79)
Religion Attend at least 1 a month	1.122003 (1.88)	1.030293 (.54)	1.123984 (1.88)	1.005957 (.15)	1.087809 (1.24)	1.031212 (.92)
Religion Attend seldom, Holidays	1.111981 (1.87)	1.001727 (.03)	1.06362 (1.08)	.9695099 (.84)	.9840447 (.36)	.9580227 (1.06)
Religion Attend Never	1.017078 (.20)	.9657432 (.52)	1.064494 (.74)	.9976992 (.03)	1.200978 (1.77)	1.013392 (.21)
Religion Attend DK/Refused	1.008863 (.04)	.9560312 (.24)	1.369632 (1.05)	1.03158 (.54)	1.250724 (1.51)	.9478126 (.55)
Household member union Yes, I am or someone else	1.031126 (.17)	1.215881 (.93)	1.00297 (.02)	.90972 (.85)	1.044215 (.31)	.9314111 (.84)
Household member union Yes, someone else	.9279735 (.57)	1.081649 (.48)	.666267 (2.03)	1.037708 (.73)	1.025104 (.34)	1.017489 (.35)
Household member union No	.9973446 (.004)	1.05518 (.48)	.918479 (.71)	1.0773 (.26)	1.053411 (.88)	1.00659 (.17)
Household member union DK/Refused	.6933304 (.71)	1.463412 (.91)	.8448252 (.45)	.9426639 (.37)	.7343055 (.96)	1.086306 (.60)
Race African American	1.080683 (.66)	.874669 (1.61)	.9650351 (.31)	.7072552 (2.48)	.7733911 (1.37)	.6406429 (3.56)
Race Asiatic	1.019158 (.12)	1.082467 (.42)	1.015216 (.08)	1.105942 (.51)	1.352087 (.96)	.9167818 (.40)

Race White	1.134842 (1.31)	1.051543 (.54)	.9546258 (.44)	.6877474 (2.73)	.7358611 (1.81)	.6308351 (3.89)
Race Other	1.177023 (.80)	1.343408 (2.26)	1.117082 (.71)	.7493742 (1.42)	.8294717 (.81)	.7371073 (1.88)
Race DK/Refused	1.089413 (.44)	.76738010 (1.73)	1.01263 (.08)	.7570025 (1.73)	.7868001 (.93)	.6521372 (2.98)
Vote frequency most of the time	1.184888 (2.32)	1.141855 (1.95)	1.063747 (.91)	.9625559 (.87)	1.14855 (1.96)	.9826352 (.49)
Vote frequency sometimes	1.247524 (1.17)	.7407353 (2.15)	.8931336 (.68)	.7056426 (1.71)	.77353001 (2.15)	.7765629 (1.75)
Vote frequency rarely	1.02566 (.13)	.8389011 (1.15)	.9519351 (.30)	1.003751 (.05)	.8389011 (1.15)	1.055423 (.64)
Vote frequency never	.8705232 (.80)	1.15975 (.98)	1.046425 (.45)	1.004486 (.04)	1.15975 (.98)	.9439184 (.58)
Vote frequency DK/Refused	1.132454 (.86)	.821216 (2.01)	1.141427 (1.02)	1.165838 (1.18)	.821216 (2.01)	1.035942 (.28)