

Innovations in Election Administration 19



**Provisional
Balloting**

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Introduction by the Office of Election Administration

This report is another in the series on Innovations in Election Administration being published by the FEC's Office of Election Administration.

The purpose of this series is to acquaint State and local election officials with innovative election procedures and technologies that have been successfully implemented by their colleagues around the country.

Our reports on these innovations do not necessarily constitute an endorsement by the Federal Election Commission either of any specific procedures described or of any vendors, suppliers, or products that might be identified in the report. Moreover, the views and opinions expressed in these reports are those of the author and are not necessarily shared by the Federal Election Commission or any division thereof.

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Provisional Balloting

This is a report on State laws and practices concerning provisional voting in the United States that were implemented *prior* to the provisional voting requirements of the “Help America Vote Act of 2002”, Public Law No. 107-252. The purpose of the study is to provide States and localities with sufficient information about provisional balloting procedures so that they may implement such a system appropriate to their own circumstances. Because this study was conducted prior to the Help America Vote Act, not all of the procedures described meet the requirements of that statute.

The contents of the report include:

- A description of the terminology used, endorsements of the process, and the applicable provisions in the “Help America Vote Act of 2002”.
- The identification of the objectives for provisional voting systems and the perceived degree of effectiveness in meeting those objectives.
- A description of the provisional voting systems in operation in the United States, including the major variations in such systems.
- The presentation of the various approaches among the States to the performance of key functions of a provisional voting system: (1) issuing provisional ballots, including eligibility requirements, (2) voting provisional ballots, (3) verifying and counting provisional ballots, and (4) post-election follow-up.
- The types of guidance recommended for polling-place personnel to ensure efficient election-day provisional voting system operation.
- The identification of special costs associated with provisional voting.
- Advice for States considering the adoption of a provisional voting system.

The remainder of the report comprises four appendices containing exhibits or samples of provisional voting-related materials in use in a variety of State and local jurisdictions in the United States. These exhibits are offered to demonstrate different *possibilities* in the design and content of notices, ballots, envelopes, guidelines, and procedures associated with the operation

of a provisional voting system; they are not intended as models or exemplars to be slavishly copied, although many of the exhibits are indeed remarkable.

Terminology

There are various names for the voting procedure and related ballots that have been employed for voters whose names do not appear on the voter-registration list at the polling place or whose qualifications to vote are questioned on election day but who nevertheless are permitted to vote a special ballot. This special ballot is then counted after election day only if the voter's eligibility to vote is verified. The most common names for the special ballot are provisional voting and provisional ballots, but other names include: questioned ballot, ballot to be verified, challenge or challenged ballot, affidavit ballot, emergency paper ballot, escrow ballot, provisional vote or ballot, and, of course, special ballot. See Table 1 (opposite) for a State-by-State presentation of provisional-ballot nomenclature (with statutory source information).

In some States, the statutory names for the ballot have been changed through common usage by State and local election officials. For example, in South Carolina, what is described as a "provisional ballot" in one statute is in practice called a "fail-safe" ballot, while what is called a "provisional vote" or provisional ballot" in another statute is referred to as a "challenge ballot."

What all of these State laws with their different names for the voting procedure and ballot are referring to and have in common

is conditional voting, which usually is referred to as *provisional voting*. The validity of a ballot that is provisional is subject to or dependent upon a post-election verification or confirmation of the voter's right to have voted on election day.

Universal Endorsement of Provisional Voting

The use of provisional voting was endorsed by many election-reform study groups and election officials as an appropriate response to the problem of voting by persons whose names do not appear on the official registration list for a polling place but who claim to be eligible voters. The recommendations of these groups and officials are reported below:

1. CalTech/MIT Voting Technology Project, *Voting—What Is, What Could Be* (2001): Counties should use provisional ballots aggressively when there are registration problems.
2. Common Cause, *2001 Common Cause Election Reform Report Card* (2001): Each State should have a provisional balloting requirement.
3. The Constitution Project, *Building Consensus on Election Reform* (2001):
 - To protect the rights of voters, Congress should provide, at least as a condition for federal grants, for universal adoption in federal elections of provisional ballots.
 - In the event that registration questions cannot be promptly resolved on election day, voters, at a minimum, should have

TABLE 1. PROVISIONAL VOTING NOMENCLATURE

State	Ballot Name (Legal Source)
Alaska	Questioned ballot (Alaska Stat. §§ 15.07.010, 15.07.090, 15.15.198 & 15.15.225)
Arizona	Ballot to be verified (Ariz. Rev. Stat. §§ 16-135, 16-513 & 16-584)
Arkansas	Challenged ballot (Ark. Code Ann. §§ 7-5-306, 7-5-312 & 7-7-308)
California	Provisional ballot (Cal. Elect. Code § 14310)
Colorado	Provisional ballot (Colo. Rev. Stat. § 1-9-301)
District of Columbia	Special ballot (D.C. Code Ann. § 1-1001.07); challenged ballot (D.C. Code Ann. § 1-1001.09); special ballot (a combined special/challenged ballot created by municipal regulation) (D.C. Mun. Regs. tit. 3, § 721.1)
Florida	Provisional ballot (Fla. Stat. § 101.048)
Georgia	Provisional ballot (eff. 10/1/02) (Ga. Code Ann. § 21-2-418); challenged ballot (Ga. Code Ann. § 21-2-230)
Hawaii	Challenged ballot (Haw. Rev. Stat. § 11-25; Haw. Admin. Rules ch. 2-51)
Indiana	Provisional ballot (effective 1/1/04) (Ind. Code art. 3-11.7)
Iowa	Special ballot (Iowa Code § 49.81)
Kansas	Provisional ballot (and a “challenged ballot” as well according to the Secretary of State) (Kan. Stat. Ann. §§ 25-409, 25-414, 25-1136, 25-1337, 25-2316c & 25-2353)
Maine	Challenged ballot (Me. Rev. Stat. Ann. tit. 21, § 673)
Maryland	Provisional ballot (Md. Ann. Code tit. 33, § 3-601)
Massachusetts	Escrow or challenged ballot (Mass. Ann. Laws ch. 51, § 59A; ch. 53, § 109; ch. 54, §§ 35A, 35B, 76B & 85)
Michigan	Challenged ballot (Mich. Comp. Laws Ann. §§ 168.509y, 168.727, 168.745 & 168.769)
Mississippi	Affidavit ballot (Miss. Code Ann. §§ 23-15-13 & 23-15-573)
Missouri	Provisional ballot (eff. 8/28/02) (S.B. 675, § 1, 91st Gen. Assem., 2nd Reg. Sess. (Mo. 2002)
Nebraska	Conditional ballot (Neb. Rev. Stat. § 32-915); provisional ballot (Neb. Rev. Stat. § 32-914.03)
New Jersey	Provisional ballot (N.J. Stat. Ann. §§ 19:31-11 & 19:53C-3)
New Mexico	Emergency paper ballot (“fail-safe ballot”) (N.M. Stat. Ann. § 1-5-12 & N.M. Admin. Code tit. 1, § 10.3.8)
New York	Affidavit ballot (N.Y. Elect. Law § 8-302)
North Carolina	Provisional ballot (N.C. Gen. Stat. § 163-82.15 & N.C. Admin. Code tit. 08, r. 10B.0103); challenged ballot (N.C. Gen. Stat. § 163-88.1)
Ohio	“Provisional ballot” (actually a special-purpose absent voter’s ballot) (Ohio Rev. Code Ann. § 3503.16)
Oregon	“Provisional ballot” in mail elections (no evident source in State statutes or regulations); “provisional” ballot in polling-place elections (Or. Rev. Stat. § 254.408); challenged ballot in polling-place elections (Or. Rev. Stat. § 254.419)
South Carolina	Provisional ballot (“fail-safe ballot”) (S.C. Code Ann. § 7-5-440); provisional vote or provisional ballot (“challenge ballot”) (S.C. Code Ann. § 7-13-830)
Utah	Provisional ballot (Utah Code Ann. § 20A-3-105.5)
Virginia	Conditional vote (referred to as a “conditional ballot” by State Board of Elections) (Va. Code Ann. § 24.2-653)
Washington	Special ballot (Wash. Rev. Code § 29.10.220); challenged ballot (Wash. Rev. Code § 29.10.127)
West Virginia	Provisional ballot or challenged ballot (W. Va. Code §§ 3-1-41, 3-2-1, 3-2-31 & 3-4-23)
Wyoming	Provisional ballot (Wyo. Stat. Ann. § 22-15-105)

an opportunity to submit provisional ballots that will constitute their votes if it is determined that they are qualified.

- A prominent feature of a voter bill of rights posted at polling places should be information to voters about their right to submit provisional ballots.
- If a registration question arises that cannot be resolved on election day, it is good practice to use the voter's request for a provisional ballot as a registration application or to offer the voter an opportunity to fill out a registration form, even as efforts are made to resolve where the voter is entitled to vote in the election and at that polling place.
- If provisional ballots are not counted on election day, election officials should determine in the days immediately after whether the voter was entitled to vote and the ballot should be counted. In making that determination, they should check relevant records, including motor-vehicle records or records of other voting registration agencies that may have failed to transmit registration information to voter registrars.
- A voter should be informed whether his or her provisional ballot was counted.
- Provisional ballots, used when the name of a voter does not appear on the register, should be distinguished from ballots cast by voters who are on the rolls but whose eligibility is challenged.

4. Federal Election Commission, *Implementing the National Voter Registration Act: A Report to State and Local Election Officials on Problems and Solutions Discovered, 1995-1996* (1998):

- States may want to weigh the costs and benefits of using provisional ballots for some or all fail-safe voters if they find the NVRA requirement for affirmation of current address is insufficient to deter individuals from voting twice or voting where they no longer live.
- States considering provisional ballots should consider (1) clearly defining when poll workers can use provisional ballots, (2) requiring local officials to notify provisional-ballot voters if their ballot is rejected and the reason for doing so, and (3) requiring that provisional-ballot voters be notified how to appeal a rejection of their ballot.

5. Federal Election Commission, *Implementing the National Voter Registration Act of 1993: Requirements, Issues, Approaches, and Examples* (1994): The NVRA is silent on the question of whether registrants voting under the fail-safe provisions may be required to vote a provisional ballot (one that is subject to subsequent verification before it is counted). Although it is neither required nor prohibited by the Act, for reasons of recordkeeping and fraud prevention and for any subsequent legal inquiries, States may want to consider employing some form of provisional-ballot procedure whereby fail-safe voters cast their ballots, place them in a blank sealed envelope, and place that envelope in a cover envelope which contains on the outside the written affirmation.

6. The Governor's Select Task Force On Election Procedures, Standards and Technology, *Revitalizing Democracy in Florida* (2001): The Division of Elections should examine viable options for using provisional ballots so that voters whose eligibility is in question at the polling place on election day can submit votes in appropriate races subject to verification of their eligibility.

7. National Association of Secretaries of State, *State Election Reform Resolutions* (2001): NASS supports the principle that every eligible voter has absolute and unobstructed access to the voting process. The format for administering this principle should remain with the States. Those States whose State law currently does not allow for some form of provisional voting should be able to choose from many options to update their procedures.

8. National Association of State Election Directors, *Federal Election Recommendations* (2001): Congress should provide for use of provisional ballots.

9. National Commission on Election Standards and Reform (NACo/NACREOC), *Report and Recommendations to Improve America's Election System* (2001):

- States should adopt provisional ballots to be counted after voter eligibility is confirmed.
- Any person who casts a provisional ballot should receive notification if the ballot is not counted and the reason why. Anyone whose ballot is not counted should be automatically registered for the next election.

10. National Commission on Federal Election Reform, *To Assure Pride and Confidence in the Electoral Process* (2001): Every State should permit provisional voting by any voter who claims to be qualified to vote in that State.

11. National Conference of State Legislatures' Elections Reform Task Force, *Voting in America: Final Report* (2001):

- States should provide a uniform method, by voting system, to allow voters to cast a provisional ballot at the polling place if their eligibility to vote is in question, thus resulting in the denial of their opportunity to cast a standard ballot.
- States should have a uniform method to judge and count provisional ballots.

13. National Task Force on Election Reform (The Election Center), *Election 2000: Review and Recommendations by the Nation's Elections Administrators* (2001): In the absence of election-day registration or other solutions to address registration questions, provisional ballots should be adopted by all jurisdictions.

14. U.S. Commission on Civil Rights, *Voting Irregularities in Florida During the 2000 Presidential Election—Draft Report* (2001): While the newly enacted Florida legislation provides for a provisional ballot to those whose eligibility cannot be determined at the precinct where he or she should be properly registered, the Florida legislature should enact legislation and/or appropriate administrative

rule promulgation to provide for access to a provisional ballot in every polling place and where the voter executes an appropriate affidavit attesting that he or she is legally entitled to vote on election day, even if the voter mistakenly believes it is the precinct where he or she should be properly registered.

Provisions of the Help America Vote Act of 2002

The Help America Vote Act of 2002 (HAVA), Public Law No. 107-252, which was signed by the president on October 29, 2002, mandates the use of provisional voting in all federal elections in every State, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands, and each jurisdiction within each State.

Who Must Be Offered Provisional Ballots.

HAVA sections 302(a) and (c), and 303(b)(2)(b) require that the following persons be offered a provisional ballot in elections for federal office held on and after January 1, 2004:

- *Individuals whose names do not appear on the official list of eligible voters for the polling place or who an election official asserts are not eligible to vote, if the individuals declare that they are:*
 - a registered voter in the jurisdiction in which they want to vote; and
 - eligible to vote in an election for Federal office.

- Certain first-time voters who registered by mail and who have not produced one of the required voter identification documents (or copy of the document if voting absentee by mail).
- Individuals who vote after the polls close in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election.

HAVA sections 303(b) and (d) address requirements for first-time voters who registered by mail. Under section 303(b)(2)(b), an individual who desires to vote in person, but who does not meet the voter identification requirements, may cast a provisional ballot. An individual who desires to vote by mail, but who does not meet the voter identification requirements, may cast such a ballot by mail and the ballot must be treated as a provisional ballot. States and jurisdictions are required to apply these provisions, subject to the exceptions noted below, in elections for federal office held on and after January 1, 2004 if:

- the individual registered to vote in a jurisdiction by mail on or after January 1, 2003; and
- the individual either:
 - has not previously voted in an election for Federal office in the State; or
 - has not previously voted in such an election in the jurisdiction and the

jurisdiction is located in a State that does not have a computerized list that complies with the computerized statewide voter registration list requirements of the Help America Vote Act.

An individual meets the voter identification requirements if the individual:

- in the case of an individual who votes in person:
 - presents to the appropriate State or local election official a current and valid photo identification; or
 - presents to the appropriate State or local election official 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; or
- in the case of an individual who votes by mail, submits with the ballot:
 - a copy of a current and valid photo identification; or
 - 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.

The voter identification requirements for first-time voters who registered by mail do not apply to persons:

- who registered to vote by mail in accordance with the mail registration provisions of section 6 of the National

Voter Registration Act of 1993 (42 U.S.C. 1973gg 4) and submitted as part of such registration either -

- a copy of a current and valid photo identification; or
 - a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;
- who registered to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg 4) and –
 - submitted with such registration either a driver’s license number or at least the last 4 digits of the individual’s social security number; and
 - with respect to whom a State or local election official matches the information submitted with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or
 - who are:
 - entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff 1 et seq.);
 - provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee 1(b)(2)(B)(ii)); or

- entitled to vote otherwise than in person under any other Federal law.

Provisional Voting Procedures

HAVA sections 302(a)(1) through (5)(A) and 302(c) require the following procedures for provisional ballots:

- An election official at the polling place must notify the individual that the individual may cast a provisional ballot in that election.
- The individual must be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—
 - a registered voter in the jurisdiction in which the individual desires to vote; and
 - eligible to vote in that election.
- At the time that an individual casts a provisional ballot, the appropriate State or local election official must give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under a free access system whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.
- Provisional ballots cast as a result of an order extending the time for closing the polls must be separated and held apart from other provisional ballots cast by those not affected by the order.

- An election official at the polling place is required to transmit provisional ballots, or the voter information contained in the written affirmations executed by the individuals who voted provisional ballots, to an appropriate State or local election official for prompt verification.

- If the appropriate State or local election official to whom the ballot or voter information is transmitted determines that the individual is eligible under State law to vote, the individual’s provisional ballot must be counted as a vote in that election in accordance with State law.

HAVA section 302(a)(5)(B) indicates that States that are exempt from implementing the National Voter Registration Act of 1993, as described in section 4(b) of that Act (42 U.S.C. 1973gg 2(b)), may meet the provisional voting requirements for individuals whose names do not appear on the list of eligible voters by using voter registration procedures established under applicable State law

Free Access System for Provisional Voters.

HAVA section 302 (a)(5)(B) requires that the appropriate State or local election official to provide ballot-disposition information to provisional voters by:

- establishing a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

- restricting access to information about an individual provisional ballot to the individual who cast the ballot.

- establishing and maintaining reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system.

Voter Information on Provisional Voting

HAVA section 302(b) requires the appropriate State or local election official to cause voting information, including instructions on how to cast a provisional ballot and general information on the right of an individual to cast a provisional ballot, to be publicly posted at each polling place on the day of each election for federal office.

State Options in Administering Provisional Voting

HAVA section 304 notes that the requirements listed above are minimum requirements and do not prevent a State from establishing administration requirements that are stricter than the requirements established under this title, so long as such State requirements are not inconsistent with the HAVA requirements or any of the following laws:

- The Voting Rights Act of 1965;
- The Voting Accessibility for the Elderly and Handicapped Act;
- The Uniformed and Overseas Citizens Absentee Voting Act;

- The National Voter Registration Act of 1993;

- The Americans with Disabilities Act of 1990; and

- The Rehabilitation Act of 1973.

HAVA section 305 also states that the specific choices on the methods of complying with the requirements are left to the discretion of the States. Taken together, these sections provide States some leeway in administering provisional voting.

The Objectives and Effectiveness of Provisional Voting

Provisional voting States have identified a number of objectives served by providing a provisional-ballot alternative at the polling place, but the almost universal objective for these programs is: *ensure that everyone has a chance to vote*. This option permits all citizens who are attempting to perform their civic duty to vote and who consider themselves qualified to vote the opportunity to participate in an election and not believe they have been disfranchised even though it may be determined or confirmed after election day that their vote cannot be counted. Provisional voting allows everyone to “feel good” about the voting process. The citizen gets to vote; the poll worker doesn’t have to disappoint anyone.

By giving everyone the chance to vote, provisional voting achieves a related objective: *reduce confrontation and unpleasantness at the polling place*. Individuals who have made the effort, often at some personal expense, and have waited expectantly to vote will not be pleased to learn their name is not on the polling-place list of registered voters or that some other disqualifying circumstance will deny them the opportunity to vote at that polling place. Poll workers may be subjected to an angry response,

harassment, or threat from disappointed citizens. The ability to employ provisional voting in these circumstances lessens the likelihood of any confrontation and disruption of the voting process even though the provisional voter understands that a provisional ballot may not be counted.

A third objective that this voting option fulfills is: *make voter-eligibility decisions based on a thorough review of available information*. Deferring a decision about voter eligibility to another day gives election-office staff with more resources and expertise than polling-place personnel sufficient time to investigate the qualifications of each provisional voter. Based on an assessment of the information provided by the voter (and perhaps polling-place personnel) and available in the manual and computerized records of the election-office or other agencies (such as the motor vehicle department), the election-office staff can determine with greater certainty whether or not a provisional ballot should be counted.

There are other objectives that may be served by a provisional voting program. Among the additional objectives cited by one or more provisional voting States are:

- Correct mistakes or omissions in the voter-registration or voter-eligibility status of eligible voters
- Update the voter-registration records of eligible voters
- Ensure that voters not eligible to vote in a current election will be able to vote in future elections

Provisional voting States believe that their provisional balloting programs are effective in meeting the objectives set for them. Few recommendations for improvement of these programs have been suggested. The major need for improvement in some States is an enhanced capability to determine the current registration status of all voters, as would be provided by an accessible, up-to-date, computerized Statewide voter-registration database as required by the Help America Vote Act.

Types of Provisional Voting Systems

There are two important variables that may be used to typify the provisional voting systems operating in the United States prior to the passage of HAVA:

- Challenge of the voter vs. no challenge of the voter before a provisional ballot is issued
- Central election office action to verify voter eligibility vs. no central election office action to verify voter eligibility on election day before a provisional ballot is issued.

Challenge and Non-Challenge Systems

Provisional voting systems can be differentiated according to how a prospective voter's eligibility must be questioned at a polling place before a provisional ballot is issued: whether the voter's qualification to vote a regular ballot must be challenged formally by an authorized challenger who reasonably believes the voter is not qualified or whether a determination by polling-place officials, with or without the concurrence of the central election office, that there is insufficient evidence of the voter's eligibility to vote a regular ballot is sufficient. A

majority of States with provisional voting do not require a polling-place challenge, some States always require a challenge, and some States require a challenge in some circumstances but not in others, either pursuant to a single provisional-ballot law or in laws creating separate types of provisional ballots (challenge and non-challenge).

Challenge Systems

A *challenge system* typically involves a fairly formal process in which a polling-place official or other authorized challenger who has a reasonable basis for believing a voter is ineligible to vote completes an affidavit containing the grounds for the challenger's allegation that the voter is not qualified. There are two variations in challenge systems, although both usually are initiated for a reason other than the absence of the voter's name on the polling-place registration list. In the first type, once a prospective voter's eligibility to vote has been questioned or challenged, the prospective voter cannot vote a regular ballot but is automatically entitled to vote by a provisional ballot, usually called a challenge or challenged ballot. In the second type, after the challenge, an initial

decision is made by one or more polling-place officials as to the validity of the challenge, and if the challenge is upheld, the challenged voter then may elect to vote a provisional ballot pending subsequent resolution of the challenged voter's appeal of the adverse polling-place decision. In both variants, a final decision whether or not to count the ballot is made after election day by the responsible local electoral board. The challenged voter is permitted to appear before the local electoral board and present evidence in support of the voter's right to vote.

Non-Challenge Systems

In a typical *non-challenge system*, the prospective voter's eligibility to vote cannot be determined immediately at the polling place, usually because the voter's name is not on the polling-place registration list, but the voter insists that he or she is currently registered and entitled to vote. The issuance of a provisional ballot is automatic if the voter meets the eligibility criteria (e.g., the voter's residence is within the geographic limits of the precinct and the central election office cannot verify the voter's eligibility after being contacted by a polling-place official); no formal challenge is initiated. The provisional

ballot is voted upon completion of some written assertion of eligibility by the voter. As in a challenge system, the decision whether or not to count the ballot is made after election day by the local electoral board. The challenged voter may be permitted to appear before the local board in some jurisdictions; other jurisdictions either do not afford this opportunity or do not authorize the presentation of supporting evidence by an attending challenged voter.

Distinction Without a Difference

The important distinction in jurisdictions that provide some form of provisional voting opportunity is not whether or not a challenge is required to be made before a provisional ballot is issued but rather what the criteria are that a prospective voter must meet in order to be denied a regular ballot and afforded the opportunity to vote by provisional ballot. While many jurisdictions have elected to establish a separate non-challenge system for fail-safe voting via provisional ballot for prospective voters who have failed to update their voter-registration records after a change of address or name, others have simply incorporated fail-safe voting into existing challenge-based systems.

TABLE 2. TYPOLOGY OF STATE PROVISIONAL VOTING LAWS

Type of Law	States
Challenge Law	Hawaii, Maine, Massachusetts, Michigan, and Wyoming
Mixed Challenge and Non-Challenge Law	Iowa, Kansas, Utah, and West Virginia
Separate Challenge and Non-Challenge Laws	District of Columbia, Georgia, North Carolina, Oregon, South Carolina, and Washington
Non-Challenge Law	Alaska, Arizona, Arkansas, California, Colorado, Florida, Indiana, Maryland, Mississippi, Missouri, Nebraska (2 laws), New Jersey, New Mexico, New York, Ohio, and Virginia

Central-Office Verification and No Central-Office Verification Systems

Provisional voting systems can also be distinguished by the extent of efforts to verify a prospective voter's eligibility to vote on election day while the voter awaits a decision at the polling place.

Election Day Verification by Central Office

Many States by law or policy require *central-office verification* on election day. Polling-place officials must telephone the central election office before issuing a provisional ballot; only if the election office is unable to verify the voter's eligibility after a records check or the polling-place officials are unable to reach the central office is a provisional ballot issued to the voter. This procedure reduces the number of provisional ballots that are issued and will need to be verified after election day but increases the workload for polling-place and central-office staff on election day. Voters whose eligibility is confirmed are allowed to vote a regular ballot with assurance that it will be counted; they will not be required to wonder whether their provisional ballot will be accepted sometime after election day.

No Election-Day Verification by Central Office

A provisional voting system that has *no central-office verification* relies on an examination of the registration list at the polling place as the only election-day eligibility check. If the voter's name is not on the registration

list, the voter is in the correct polling place, and the voter claims he or she is entitled to vote, a provisional ballot is offered. This procedure with an eligibility determination made only on the basis of the records at the polling place is more efficient on election day than the central-office verification approach. If a prospective voter meets the established criteria for provisional voting, a provisional ballot is issued automatically without the additional time and effort involved in telephoning and waiting for a determination from the central office. This procedure increases the number of provisional ballots that are issued and will need to be verified after election day but reduces the workload for polling-place and central-office staff on election day. Voters of provisional ballots will not be assured that their ballots have been counted unless they attend the meeting of the local electoral board when provisional ballots are reviewed and counted or the local election office notifies them subsequently if their ballots have not been accepted.

Issuing Provisional Ballots

On election day, the polling-place officials are responsible for the issuance of provisional ballots to those voters who cannot be authorized to vote a regular ballot but are afforded the opportunity upon meeting one of the statutory criteria to vote a provisional ballot.

State Variations in Eligibility Criteria

Pre-HAVA provisional voting systems are characterized most significantly by the variations in criteria for determining who will be denied a regular ballot and afforded an opportunity to vote by provisional ballot. There are five categories of provisional-ballot eligibility criteria:

- Absence of voter's name on polling-place registration list for no specific reason
- Absence of voter's name on polling-place registration list for a specific reason
- Voter whose name is on the registration list is alleged to be unqualified to vote

- Voter's use of an absentee ballot is problematic
- Voter is required to vote a provisional ballot for any other specified reason

(See **Appendix F** for State Eligibility Requirements for Provisional Voting)

Voter's Name Not on Registration List for Any Reason

A common criterion for provisional voting is the absence of the voter's name on the polling-place list for registered voters for the particular precinct. The issuance is automatic if the voter is at the correct polling place for the precinct of the voter's residence.

Voter's Name Not on Registration List for a Specified Reason

Many States permit a registered voter who is entitled to vote pursuant to the National Voting Rights Act of 1993 ("Fail-Safe Voting") to vote a provisional ballot, while other States only require fail-safe voters to affirm their eligibility as a condition of receiving a regular ballot. The most common

example of fail-safe voting is when a registered voter moves to another precinct within an election jurisdiction without notifying the voter-registration agency and appears at the polling place for his new residence to vote. Voting by provisional ballot provides time for the local election office to determine whether the voter also voted in the polling place for his prior residence and perhaps also to confirm whether the voter has moved to the new residence as claimed. Fail-safe voting by provisional ballot also is common when voter-registration records erroneously indicate that a registered voter has moved from his or her precinct or when a voter's registration status is considered to be "inactive."

There are other reasons for provisional voting by prospective voters whose name does not appear on the polling-place registration roster. Fail-safe voting by provisional ballot is afforded in some jurisdictions to (1) prospective voters who claim to have made timely application to vote at a designated voter-registration agency, such as at a State motor vehicle department facility at the time of applying for or renewing a driver's license, (2) registered voters who have changed their names without notifying the voter-registration agency, and (3) registered voters who moved to another election jurisdiction within the State without notifying the voter-registration agency for the county of the new residence.

Voter Not Qualified to Vote

Challenge systems typically authorize polling-place officials and official challengers to challenge a prospective voter if they have grounds to believe the voter is

"unqualified." These allegedly unqualified voters then may be required to vote a provisional ballot rather than a regular ballot, and their qualification to vote and have their ballot counted will not be determined until after election day. Challenges do not result in provisional balloting in all States. In some jurisdictions, the determination of the polling-place officials that a voter is not qualified will be sufficient to deny a ballot of any kind to the voter; in other States, a challenged voter will be permitted to vote a regular ballot upon signing an affidavit that the voter is qualified to vote.

The few States with statutes authorizing challenges with provisional voting vary in the degree to which they specify the grounds for challenging anyone's right to vote. On one extreme there are no specific grounds listed; a challenge is initiated against a voter "known or suspected" to be unqualified. At the other end of the spectrum, there is an exclusive listing of acceptable grounds for making challenges. The specific reasons cited could include, among others, (1) the voter is not a U.S. citizen, (2) the voter is not resident of the State, the election jurisdiction, or the precinct, (3) the voter is not at least 18 years of age, (4) the voter is not the registered voter under whose name the right to vote is claimed, (5) the voter is a convicted felon whose voting rights have not been restored, (6) the voter has already voted, (7) the voter presently is incarcerated and was not a resident of the election jurisdiction before being incarcerated, (8) the voter has not resided in the State, election jurisdiction, or precinct for the requisite period of time before the election, or (9) the voter committed any other specified violation of the election law.

Voter's Problematic Use of an Absentee Ballot

Several States employ a provisional ballot when the polling-place registration records indicate that the voter has been issued an absentee ballot and, if the absentee ballot is not returned unvoted at the polling place, it cannot be determined immediately whether the absentee ballot has been voted.

Voter Not Eligible to Vote for Any Other Specified Reason

Individual States have specified a variety of different specific criteria for deferring voter-eligibility decisions to after an election and permitting the use of a provisional ballot on election day. The following criteria, while not exclusive, are illustrative of the concerns of different States as to when the use of provisional voting is appropriate: (1) a registered voter who appears to vote in a primary claims the party affiliation listed for the voter is erroneous, (2) a voter-registration confirmation mailing sent to a voter was not returned or was returned as undeliverable, (3) a registered voter appeals a challenge decision made by precinct officials at a polling place, (4) a registered voter questions the precinct the voter has been assigned to or the type of ballot issued to the voter, (5) the signature of an individual attempting to vote does not match the signature of the registered voter with that name in the registration records, and (6) the voter is determined to be ineligible to vote, either at a particular precinct polling-place or anywhere, but continues to claim the right to vote. The last criterion is not one where subsequent verification efforts can result in a decision in favor of the voter but rather is intended solely to avoid a conflict at the polling place.

Communication of Information About Provisional Voting

A number of States with provisional voting have required by statute that local election officials inform voters about the availability of provisional voting by oral and written communication, posting signs at the polling places, and using legal notices in newspapers.

Oral Communication at Polling Place

Polling-place officials in all States inform eligible voters orally about the availability of and how to exercise the provisional voting option; however, oral communication with the voter about provisional voting is prescribed in only six States: four States require the eligible voter to be informed about the availability of the provisional ballot and two States require that the voter be told about the post-election meeting of the local electoral board to determine whether provisional ballots will be accepted and the right of the voter to attend and present evidence.

Written Communication at Polling Place

Written communication with voters eligible to vote by provisional ballot is mandated in only five States. Depending on the jurisdiction, this written communication may be accomplished by distributing a separate information sheet to each eligible voter, presenting a single laminated notice to be read by each eligible voter, or including the information on the provisional voting envelope given to each eligible voter. These written notices may provide information about the voter's right to vote by provisional ballot (or by court order in New York), the procedure

for voting a provisional ballot, or the post-election meeting of the local electoral board when the provisional ballots will be accepted or rejected.

Sample voter notices used in two jurisdictions are provided in Appendix A: New York (Exhibit A-1) and the District of Columbia (Exhibit A-2).

Polling-Place Signs

The posting of one or more signs at each polling place concerning the opportunity to vote by provisional ballot is required in three States (Arizona, Arkansas, and Florida). The posted notice may be a separate announcement about provisional voting or may be included in a listing of voter's rights.

Newspaper Notice

In New Jersey, the legal notice that must be published in general-circulation newspapers before each general, primary, and school election by each county board of elections is required to include information about the opportunity of eligible voters to vote by provisional ballot.

Automatic vs. Discretionary Decisions

In most provisional voting States, the decision to issue a provisional ballot at a polling place is automatic with no discretion involved if the eligibility criteria for denial of a regular ballot and issuance of the provisional ballot are met. The automatic decision is implemented at the polling place with no prior communication with the central election office in two-thirds of the automatic-de-

cision States. In the remaining one-third of these States, the polling-place officials must contact the central election office for a determination whether the office can verify that the questioned voter is eligible to vote. If the central office cannot confirm that the voter is a currently registered, valid voter or the central office cannot be reached by telephone, then the decision again is automatic: the provisional ballot is issued. There is virtually no discretionary decisionmaking concerning the issuance of provisional ballots unless polling-place officials exceed their instructions and authority. It appears that only one State vests the decision to issue a provisional ballot in the discretion of the polling-place officials and one other State authorizes the central election office to make that decision.

Poll Worker Tasks: Verify Correct Precinct and Obtain Voter Identification and Current Address

It is routine for polling-place officials to ensure that voters whose name does appear on the precinct registration list are voting at the correct precinct for their current residence. Maps and other guidance for determining the appropriate precinct are available at the polling place in many jurisdictions; elsewhere the central election office directs the voter to the correct precinct. If the voter is in the correct precinct, acceptable evidence of identification must be produced in most States; however, only one-half of the provisional voting States by law require that voter identification must be presented. Several States require evidence of the voter's current residence within the polling-place precinct in addition to evidence of personal identification.

Voter Assertion of Eligibility to Vote

Voters who are afforded an opportunity to vote a provisional ballot are required (1) to provide sufficient information to enable or to at least facilitate the determination of the voter's eligibility to vote by the local election office, (2) to assert by the voter's signature the correctness of the information provided and the voter's compliance with the applicable election laws, and (3) because failure to update a voter's registration (or to have registered at all) is a common reason for provisional voting, to provide sufficient information to ensure the voter is registered to vote, if not in the current election, then at least in future elections.

The assertion and related eligibility information, including voter-registration information, provided by the voter may be called an affirmation, certificate, oath, declaration, affidavit, or Statement. Signing a false assertion may subject the voter to criminal penalties, depending on the jurisdiction. The voter-registration information also may be provided by submitting a completed standard voter-registration application form.

The carrier envelope with a printed format (and instructions in some States) is the most common medium for collecting the needed information about the provisional voter. Two-thirds of provisional voting States have elected to include a standard, printed format on the carrier envelope for submitting the assertion Statement and eligibility and voter-registration information. States use carrier envelopes of various sizes with printing on both front and back in some cases to meet their informational needs. New Jersey

requires the affirmation Statement to be detachable from the envelope after the Statement has been verified (see Exhibit E-7).

Another approach employed by several States is to use the carrier envelope with a format for the assertion Statement and eligibility information and to add the standard voter-registration application form to be completed by the provisional voter. The completed voter-registration form must be attached to the carrier envelope with the voted provisional ballot. This attachment usually is accomplished by stapling the voter-registration form to the carrier envelope in such a manner that the form can be completed without removing the staple. Another technique for ensuring that the carrier envelope and the voter-registration form remain together is to provide as part of the envelope a sleeve or pouch into which the completed voter-registration form may be inserted.

Sample assertions or affirmations of eligibility to vote, most of which are printed on a carrier envelope, are provided in Appendix B: Alaska (Exhibit B-1), Arizona (Exhibit B-2), California (Exhibit B-3), Iowa (Exhibit B-4), Maryland (Exhibit B-5), Nebraska (Exhibit B-6), New Jersey (Exhibit B-7), New York (Exhibit B-8), North Carolina (Exhibit B-9), South Carolina (Exhibit B-10), Washington (Exhibit B-11), and District of Columbia (Exhibit B-12).

Voting Provisional Ballots

There are three important questions that must be addressed concerning the actual voting of provisional ballots: (1) the type of ballot to be employed, (2) the type and number of envelopes to be used to protect and ensure the secrecy of the ballot, and (3) the type of container to receive and secure the ballots.

Types of Provisional Ballots

A majority of States use the same paper ballot or card for provisional voting that is employed for regular balloting. The remainder of the States prepare special paper ballots for provisional voting. Where statutes prescribe the form of these special ballots, the ballots may be required to be identified as provisional ballots or to be prepared like absentee ballots. Provisional ballots, both regular and special, are secured and processed in the same manner; consequently, there doesn't appear to be any particular need to produce special ballots for provisional voting. The District of Columbia avoids the need for printing special provisional ballots by marking regular ballots with a "special ballot" stamp when they are used for provisional voting.

Envelopment of Provisional Ballots

Provisional voting States vary as to how they secure and protect a voted provisional ballot, but basically States either use one envelope or two envelopes. Over two-thirds of the State use *single envelopment* only, which is accomplished by the voter placing the voted provisional ballot in and sealing the carrier envelope on which there is the voter's signed affirmation of eligibility. The remaining States have opted for *double envelopment*, which involves the voter's placement of the voted ballot in an often unmarked secrecy envelope or sleeve that is then placed and sealed within a larger signed-affirmation carrier envelope. Carrier envelopes are required to be color-coded in at least two States: Virginia (green) and California (a color different than the color of absentee-ballot envelopes)

Maine has a unique exception to single or double envelopment of the provisional ballot in its challenge system. A regular ballot to be used by a challenged voter is marked with a number by the polling-place warden, the ballot number is recorded on a challenge certificate by the warden, and the challenge certificate with the ballot number known

only to the voter and the warden, not the ballot, is placed in a sealed envelope. The challenged voter's ballot then is processed and counted with regular ballots.

Sample carrier envelopes are depicted in Appendix B: Alaska (Exhibit B-1), Arizona (Exhibit B-2), California (Exhibit B-3), Iowa (Exhibit B-4), Nebraska (Exhibit B-6), New York (Exhibit B-8), North Carolina (Exhibit B-9), South Carolina (Exhibit B-10), Washington (Exhibit B-11), and District of Columbia (Exhibit B-12).

Casting of Provisional Ballots

After the provisional ballot is marked and sealed in the carrier envelope, the sealed envelope with any other voter-completed forms affixed to the envelope is by law to be deposited in a "ballot box" (at least 11 States) or other specially identified container, such as an envelope or bag (at least 14 States). The envelope is required to be deposited in the ballot container by the voter (at least eight States) or by a polling-place official upon presentation of the envelope with voted ballot by the provisional voter (at least nine States); many States, however, do not prescribe who is to place the ballot in the ballot container.

Verifying and Counting Provisional Ballots

The most important function to be performed in a provisional voting system is the verification of voter eligibility after election day, followed by the counting of the accepted provisional ballots. The diligence, accuracy, fairness, and efficiency of local elections personnel in completing the post-election verification procedures and protecting the rights of provisional voters will in large measure determine how successful the provisional voting system in any jurisdiction will be.

Time Available for Verification and Counting of Ballots

There is considerable variation among the States in the amount of time after an election for local election officials to complete the review and verification of provisional ballots and the canvass for the affected election. The number of days available for the post-election checking of voter eligibility appears to range from one day (Virginia) to thirty days (West Virginia). At least eight States have very narrow windows for provisional-ballot verification, typically two to three days.

When there is a narrow verification window, States have little incentive to adopt a liberal provisional voting law that will impose a sig-

nificant post-election burden on local election offices in terms of the volume of provisional ballots voted when local election office staff are time-limited in their ability to verify voter eligibility. They will have insufficient time to mail and receive feedback concerning confirmation notices to voters who have reported a change of address on election day or perhaps even to follow up with the motor vehicle department or other approved voter-registration agencies to verify whether or not a voter has made timely application to vote. At least one-half of the provisional voting States provide seven days or more for verification of voter eligibility and completion of the canvass.

Verification of Voter Eligibility

The post-election effort by the local election officials to ascertain whether or not a voter was eligible to vote on election day is a crucial activity in a provisional voting system. The reason for the issuance of the provisional ballot of course determines the focus of the verification activity; however, the most-common reason for provisional voting is simply the absence of the voter's name from the precinct registration list, perhaps because the voter moved and did not update

the voter's registration record or for some unknown reason.

The following actions are commonly undertaken by local election offices during the verification process:

- Review the documentation submitted by the provisional voter on or with the provisional-ballot envelope (or submitted by the challenger in the event of a polling-place challenge)
- Check the internal voter-registration records of the office (and any State-wide voter-registration database)
- Check any pending or unprocessed voter-registration applications
- If the voter claims to have registered at a voter-registration agency, contact the appropriate agency directly or indirectly through an intermediary (such as the State voter-registration office)
- Compare the signature of the voter submitted with the provisional-ballot documentation with the voter's signature in the office records or database
- Ensure that the provisional voter has not cast another vote during the election, including an absentee or early-voting ballot
- Ensure the provisional voter voted in the correct precinct
- Check the provisional voter's political-party enrollment in office records if at issue

Election officials in provisional voting States have cited a variety of additional actions that may be completed to verify the provisional voter's eligibility depending on the particular circumstances: (1) check the voter-registration application receipt submitted, (2) check if the voter is a felon, (3) check the date the voter registered, (4) seek any credible evidence the voter was registered, and (5) send a confirmation notice to the provisional voter's present residence address.

Sample verification and counting decision rules and guidelines are available in Appendix D: California (Exhibit D-1), Kansas (Exhibit D-2), North Carolina (Exhibit D-3), Virginia (Exhibit D-4), and West Virginia (Exhibit D-5).

Counting of Provisional Ballots

The decision whether or not to count provisional ballots usually is the responsibility of the local canvassing board, although a special counting board or even the elected chief election officer, such as a county clerk, is given this task in some jurisdictions. The procedures applicable to the counting of absentee ballots often are made applicable to the counting of provisional ballots. The decision of the responsible board or official to count or disallow a provisional ballot is almost always based on the verification research and recommendations made by the local election office staff. In some jurisdictions, the county board/official focuses its attention on the more difficult cases where the appropriate decision is not obvious.

Disposition of Provisional Ballots Cast in Wrong Precinct

There is a possibility where provisional ballots are involved, particularly when the reason for provisional voting is an unreported change of residence, that a voter may vote in the wrong precinct. There is also the possibility that because of an erroneous decision by a polling-place official that a provisional voter may be directed to the wrong precinct or may be given the wrong ballot within the correct precinct.

The States are evenly split as to whether a voter's choices on a provisional ballot cast in the wrong district may be counted for races and issues that are the same for the precinct where the voter voted and on the ballot actually voted compared to the precinct where the voter should have voted and the ballot that should have been voted. At least three States permit such partial counting of provisional ballots only if the reason for voting in an incorrect precinct or on an incorrect ballot was due to poll-worker error.

States that do not count such ballots maintain that the law requires a voter to be a resident of the precinct where the vote is cast; if the voter is not a resident, the voter's entire ballot by law is invalid. States that do permit partial counting assert that the voter who may have voted in the wrong precinct is still a registered voter of the election jurisdiction and partial counting of the ballot ensures that the voter is not completely and unnecessarily disfranchised by invalidating election choices the voter could have made at the correct polling place or on the correct ballot.

Voter Rights in Challenge Systems

A voter whose right to vote is questioned in a challenge-based provisional voting system typically may have no opportunity to present evidence in support of the voter's qualifications once the polling-place officials have made a decision to sustain the challenge and permitted the voter to vote only by provisional ballot. Five of the jurisdictions with some form of provisional voting after a challenge do not expressly provide for the presentation of evidence by the challenged voter to the local electoral board responsible for reviewing the validity of challenge ballots. Neither the challenger nor the challenged voter is given the opportunity or is expected to attend the local board's meeting to consider the acceptance of provisional ballots. The local board's decision is based on the written documentation of the challenge provided by the challenging precinct official or other challenger and the results of any subsequent investigation by the local election office staff. Maine is an exception; a challenged ballot is counted the same as a regular ballot, and its validity is not determined unless the ballot affects the election results.

Several jurisdictions with challenge systems have established a more-formal process for determining the validity of provisional ballots. These States provide for a greater role by both the challenger and the challenged voter in the decisionmaking process by the responsible administrative authority.

District of Columbia: The signing of a special-ballot envelope by a challenged voter is deemed by law as the filing of an appeal by the voter of the refusal by the chief voter registration official to permit the voter to vote

on election day by regular ballot. The Board Elections and Ethics reviews all available evidence pertaining to the eligibility of each voter casting a special ballot and makes a preliminary decision about whether to count or to reject each ballot.

Georgia: State law requires the local board of registrars to immediately consider any challenge filed and to determine whether probable cause exists to sustain the challenge. If probable cause is found, the challenged voter must be given the opportunity to appear before the registrars and answer the grounds of the challenge. If it is not practical to conduct a hearing prior to the close of the polls or a final decision on the challenge cannot be rendered within a reasonable time, the challenged voter must be permitted to vote a challenged ballot. If the challenge is based on the ground that the challenged voter is not qualified to remain on the list of electors, the hearing must be finished before the certification of the consolidated election returns. If the challenge is based on other grounds, no further action is required by the registrars.

Hawaii: A decision by precinct officials that a challenged voter may not vote must be appealed before the voter leaves the polling place. By appealing, the challenged voter is allowed to vote a provisional ballot. The precinct chairperson is required to contact the board of registration to hear a challenged-voter appeal. Using telephones, the board member serving as the presiding officer swears in the challenger, the person challenged, the precinct chairperson, and any witnesses present. The board member listens to the evidence presented and then closes the hearing with the exception of the receipt of any documentary evidence any of

the parties to the challenge notifies the board that the party is going to submit prior to the closing of the polls. The board discusses the challenge and then comes to a decision regarding the appeal.

Iowa: A voter whose right to vote is challenged and who casts a special ballot must be given a printed Statement notifying the voter, not only of the reasons for the challenge, but also of the voter's right to make a written Statement and to submit additional written evidence to the special precinct counting board concerning the voter's qualifications to vote. The written Statement and evidence may be given to a precinct election official on election day or mailed or delivered to the county commissioner of elections before the meeting of the special precinct counting board. The board makes its decision to count or reject a special ballot upon the basis of the information provided on the special-ballot envelope and evidence concerning the challenge, the registration, and the returned receipts of registration.

Maine: The validity of a challenged ballot is determined subsequently by the State supreme court only if it affects the outcome of the election.

South Carolina: The local election authority hears all objections to challenged ballots, and if the challenger does not appear or offer evidence before the meeting of the board held two days after the election, the challenged ballot is treated as a regular ballot. If witnesses or evidence in support of the challenge is produced, the election authority is required to hear and determine the question of the challenged voter's qualifications. State law also provides that when a challenged ballot is issued to a voter who presented valid

identification but whose name is not the precinct registration list and cannot be verified on election day, a subsequent certification by the local board of voter registration that the challenged voter is not a qualified elector of the precinct is clear and convincing evidence for the election authority to disallow the challenged ballot.

Washington: Both the challenger and challenged voter must be notified by certified mail by the county auditor of the time and place at which the county canvassing board will meet to rule on challenged ballots. If the challenger is a precinct officer, that officer and any third party upon whose evidence the challenge is based must appear in person before the board unless they have received written authorization from the board to submit an affidavit supporting the challenge. If the challenger is a registered voter who challenged the voter's registration and right to vote not fewer than thirty days before the election, the challenger must appear in person before the board or submit an affidavit supporting the challenge. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be given the opportunity to present testimony, in person or by affidavit, and evidence to the board before its determination is made.

Appeal of Rejection of a Provisional Ballot

Whereas no State provides for the appeal of denial of issuance of a provisional ballot (an unnecessary right in most provisional voting States), only a few States provide any opportunity for either an administrative or

judicial appeal of a decision of the local electoral board or official to reject a provisional ballot.

In challenged-based provisional voting systems, the challenged voter may have an opportunity to appear before the local electoral board to respond to the challenge by presenting evidence supporting the voter's eligibility to vote. This administrative opportunity might be viewed as an "appeal" of the adverse decision by polling-place officials in not dismissing the challenge.

An appeal more typically is viewed as the opportunity to challenge the decision of an administrative decisionmaker who after election day determines whether or not a provisional ballot will be accepted and counted. In most instances, the decisionmaker is a multi-member local election, canvassing, or counting board for the local election jurisdiction, although a few jurisdictions vest this decision with the chief election official.

Only the District of Columbia appears to authorize an *administrative appeal*. A preliminary decision of the D.C. Board of Elections and Ethics to reject a special ballot is appealable to the same board. Challenged voters may learn if their special ballots have been rejected by telephone service provided by the board or by consulting rejected-voter lists published in a general-circulation newspaper or made available at the Board's main office and public-library locations. The challenged voter may request a hearing to be conducted by the board. These appeal hearings are scheduled 8-10 days after the election. The challenged voter is entitled to appear at the hearing and give testimony concerning the decision to disallow the voter's special ballot.

At least five States (California, Georgia, Hawaii, Maryland, and North Carolina) clearly authorize a *judicial appeal* of an administrative decision to reject a provisional ballot because of voter ineligibility. The Maryland law is particularly noteworthy: A candidate or provisional voter aggrieved by the decision of the local board of elections to reject or not to reject a provisional ballot has the right of appeal to the county circuit court. The appeal must be filed within five days from the date of the completion of the official canvass. The appeal is to be heard *de novo* without a jury as soon as possible.

Post-Election Follow-up

After the final decision to accept or reject provisional ballots has been made, the canvassing of the votes has been completed, and the winners have been announced, two important tasks remain if they have not already been completed:

- Notification of provisional voters whether their ballots have been accepted or rejected or perhaps partially counted
- Updating of the voter-registration status and records of provisional voters based on the information provided during the provisional voting process

Notification of Acceptance or Rejection of a Provisional Ballot

In most States that employ some form of provisional voting, there is no mandatory follow-up to advise the voter of the disposition, either acceptance or rejection, of the provisional ballot. Local election offices in at least four States provide written notification to at least rejected voters as a matter of local policy. Written notice to rejected voters, with the reasons for rejection, is the law in only

five States; two additional jurisdictions provide a mechanism for the provisional voter to learn whether the voter's provisional ballot has been accepted or rejected. Maryland law permits a provisional voter to request confirmation of the disposition of the voter's ballot, and the local election board must respond in a timely manner. The District of Columbia provides a means for voters to learn promptly the disposition of their provisional ballots in order to determine whether they wish to initiate an administrative appeal of a rejection decision.

The laws of the seven jurisdictions with some sort of voter-notification law are summarized:

Alaska: The State director of elections is required to mail each voter whose questioned ballot was rejected a summary of the reasons why the ballot was rejected no later than 60 days after a general election (or 10 days after the completion of the State review board's review of ballots for a primary election). By the same deadline after a primary, the State director also is required to confirm or deny by written notice whether a voter's name has been entered on the voter-registration

list after the voter completed the voter-registration portion of the voter's certificate appearing on the envelope used for voting a questioned ballot.

District of Columbia: At the time of voting a special ballot, the Board of Elections and Ethics is required to provide the voter with written notice that informs the voter of the manner by which the voter may learn whether the Board has decided to count or reject the voter's special ballot and of the dates for hearings to appeal a decision to reject the ballot. Not later than the Tuesday following an election, the Board must maintain telephone service by which any voter who has voted a special ballot may learn whether the ballot will be counted or rejected. Not later than the second Wednesday following a citywide election, the Board must cause an alphabetical list of those voters whose special ballots have been rejected, with the reasons for rejection, to be placed in its main office, in the main public library, and in at least one branch public library in each ward. The Board is required to publish notice of the availability of the list in at least one newspaper of general circulation on the Tuesday after the election. Exhibit A-3 is a sample cover sheet for the rejected-voter notice in the District of Columbia.

Georgia: The Board of Registrars is required to notify in writing voters whose provisional ballots were rejected that their ballots were not counted because of the inability of the registrars to verify that the voters timely registered to vote or other proper reason.

Iowa: The election commissioner must notify a voter who cast a special ballot that is rejected within 10 days of the reason for the rejection.

Maryland: Within 10 days after any election, an individual who voted a provisional ballot may request confirmation from the local election board that the voter's ballot has been either accepted or rejected by the board. Upon receiving a timely request, the board must provide the confirmation that the voter's ballot has been either accepted or rejected within 20 days after the election, and if the ballot has been rejected, the board must State in writing the basis for rejecting the ballot.

New York: Whenever the affidavit ballot of a voter is rejected on the grounds that the person is not a qualified voter of the election district wherein he sought to vote or is not duly enrolled in the party in whose primary he sought to vote, the board of elections must immediately notify the voter by first class mail directed to the address given in the voter's affidavit of the rejection of the ballot, together with the reason for rejection, and the appropriate information on the times and places where the voter may register, re-register, enroll, or change or correct the voter's enrollment. Where appropriate, a form of application for personal registration by mail is to be included with such notice.

Virginia: The general registrar must notify all voters who submitted a provisional vote and are found not properly registered. They are further advised that if they wish to be eligible to vote in future elections, they must complete the State voter registration application form and return it before the close of the books for the next election in the voter's county or city.

Notification of Partial Counting of a Provisional Ballot

Only two States (Alaska and Georgia) require that the provisional voter must be notified in writing if a provisional ballot is only partially counted. In Alaska, the voter whose ballot was partially counted after a challenge to the ballot was upheld must be mailed a summary of the reasons no later than 60 days after a general election (or 10 days after the completion of the State review board's review of ballots for a primary election). In Georgia, voters must be notified of their correct precinct if they voted in the wrong precinct and their votes were partially counted.

Updating of Voter-Registration Records

The information submitted by the provisional voter on the provisional-ballot carrier envelope or on a separate voter-information form or voter-registration card submitted with the carrier envelope, is used by the local voter-registration agency in nearly all States to update the registration status of previously registered voter. A significant number of these States also use the voter-supplied information to enter the voter as a new registrant if the voter has not been registered previously. An almost universal outcome of the provisional voting process is ensuring that voters whose registration was not current will be able to vote a regular ballot at least in the next election.

Guidance for Polling-place Personnel

The States with provisional voting experience have ensured that the program operates as efficiently as possible by integrating guidance about provisional voting into the regular procedures for educating and providing direction for polling-place personnel:

- Mandatory pre-election poll-worker training
- Policies and procedures manuals and directives

The education of poll workers is cited by most provisional voting States as the key to the success of the provisional voting program. State election offices have supported poll-worker training in provisional voting by (1) establishing minimum requirements and expectations for poll-worker training concerning provisional voting, (2) developing provisional voting-specific training media such as videotapes and slide sets with standard scripts for local use, (3) including provisional voting content in State-developed workbooks or other learning aids for poll workers, (4) providing train-the-trainer workshops for local election offices, and (5) conducting the pre-election training for poll

workers or providing instructors to assist in such training. Local election offices responsible for the periodic training of poll workers may independently develop and integrate provisional voting content into the local training curricula.

The manuals and other decisionmaking guidance produced by State and local election offices for use at each polling place have been updated to provide clear, easily understood instructions for poll workers to use in determining when to permit provisional voting and how to process provisional voters and ballots at the polling place. Provisional voting, of course, works most efficiently when there is no decision for poll workers to make; the decision whether to issue a provisional ballot is virtually automatic. Election officials have supplemented the basic polling-place manuals with additional decisionmaking tools such as job descriptions for each poll workers, “what if” guidance for each circumstance or problem a poll worker might face, simple flowcharts for processing voters, including provisional voters, and special instructions for implementing the provisional voting program.

Sample polling-place guidelines concerning provisional voting can be found in Appendix C: Alaska (Exhibits C-1, C-2, and C-3), Arkansas (Exhibit C-4), California (Exhibits C-5 and C-6), Kansas (Exhibit C-7), North Carolina (Exhibits C-8 and C-9), South Carolina (Exhibit C-10), Virginia (Exhibit C-11), and Washington (Exhibit C-12).

Special Costs of Provisional Voting Systems

States with experience in operating provisional balloting systems have identified the special costs associated with the start-up and continuation of such systems. States with a long history with provisional voting, such as Alaska, however, don't view the provisional voting costs as special or exceptional but rather as part of the normal expected costs of running elections in the State.

One-time start-up costs could include the costs for (1) the design of any new forms required, such as the carrier envelope to contain the voted provisional ballot with the format to be printed on each envelope for capturing required information., (2) the development, publication, and distribution of guidance for the use of polling-place personnel who will be assigned the task of determining voter eligibility and issuing, receiving, securing, and reporting data concerning provisional ballots, (3) designing, producing, and distributing training media, such as inserts for existing training manuals, instructor's guides, student workbooks, videotapes, and slide sets with scripts, for instructing polling-place and central-office personnel in the processing of provisional ballots, and (4) the design and production of any special-ballot

containers or bags to be employed by polling-place personnel for receipt, segregation, and transporting of provisional ballots.

Continuing costs for maintaining a provisional balloting system could include the costs for (1) the production of the special envelopes used for voting provisional ballots, (2) the production of the provisional ballots themselves (which by law may need to be specially prepared and printed solely for provisional voting), (3) the compensation of any additional polling-place personnel required for the processing provisional voters, (4) the compensation of any additional central-office personnel for the verification of the eligibility of provisional voters and the counting of provisional ballots, and (5) the production of any special training materials concerning provisional voting to be distributed to polling-place personnel attending any mandatory pre-election training.

The processing of provisional ballots at the polling-place level usually doesn't require additional staffing; however, in one State that is initiating a provisional voting program (Maryland), State government is subsidizing the cost of providing one additional

polling-place worker in each polling place in the State to handle provisional voting. This subsidization will cost the State \$315,000 per year on a continuing basis. In the District of Columbia, the polling-place staffing for each election includes a dedicated “special ballot” clerk at each polling place at a total cost of \$5,000 per election.

Advice to States Considering a Provisional Voting System

State and local election officials with experience in initiating, administering, or monitoring the operation of a provisional voting program have offered a number of recommendations and observations that States may wish to consider. While not supported by everyone, this advice has been endorsed by a significant number of officials from experienced States.

The bits of advice receiving the widest support among the experienced-State officials are:

Review the provisional voting programs in other States. The assessment of other States' program can be accomplished by reading available publications and documentation concerning provisional voting programs and by contacting knowledgeable officials in those States, including both State-level elections and voter-registration administrators and local-jurisdiction elections managers with hands-on experience in designing and operating local provisional voting systems. Adopting States should not automatically accept or replicate another State's provisional voting laws, procedures, and forms without evaluating whether they will be efficient and effective in the adopting State and will meet the adopting State's needs and objectives.

Emphasize poll-worker training when implementing a provisional voting program. The training of polling-place personnel is crucial to the success of the program. Provisional voting may introduce both less and more responsibility for poll workers. They may be expected to exercise no discretion in determining if a voter is eligible for a provisional ballot; the decision may be automatic or assigned to the local elections office. At the same time, provisional voting will introduce new ways of processing voters and may require knowledge about multiple voting methods, with provisional voting almost always entailing paper-ballot voting and special carrier envelopes.

Publicize the opportunity to vote by provisional ballot. Many States recommend extensive public outreach before each election to familiarize voters with the provisional voting option and its role in providing fail-safe voting opportunities for recent movers and registrants. State and local election offices have a variety of media to disseminate their message about provisional voting, including the development and distribution of PSAs. In New Jersey, information about provisional voting is required by law to be included in the legal notice published in newspapers prior to each election.

Develop and implement a uniform provisional voting process throughout the State. Several States suggest that clear, uniform rules, procedures, and forms (including carrier envelopes) be adopted to ensure that the provisional voting program is administered consistently, fairly, and efficiently in every election jurisdiction in the State. Sample guidelines for the administration of a provisional voting system in a State are provided in Appendix E: Maryland (Exhibit E-1).

APPENDIX A

**NOTICES TO
PROVISIONAL
VOTERS**

EXHIBIT A-1
NOTICE TO VOTERS
(New York)

NOTICE TO VOTERS

(Section 8-302(3-a) NYS Election Law)

**IF YOUR POLL RECORD IS MISSING,
OR, FOR A PRIMARY ELECTION, YOUR POLL RECORD DOES NOT
SHOW ENROLLMENT IN THE PARTY IN WHICH YOU CLAIM TO
BE ENROLLED,**

YOU MAY SEEK TO VOTE BY ONE OF THE FOLLOWING METHODS :

1. **AFFIDAVIT BALLOT** - If you are able to swear under oath that you live in the election district in which you are seeking to vote and that you are presently registered to vote in this County, (and in a primary election, that you are also enrolled in the appropriate party), the Election Inspectors are required to give you a paper ballot on which you may cast your vote.

Place the voted ballot in the envelope provided and carefully complete your affidavit on the outside of the envelope, making sure to give your correct residence address. The envelope will be returned, unopened, to the Board of Elections. If the Board determines that you are an eligible voter in that election district, your ballot will be counted. You will be notified if your ballot is not cast and the reason for such decision.

At the Board of Elections, your envelope will be opened along with others, and the folded ballots will be placed in a group and mixed. They are then unfolded and counted. In this manner, the secrecy of every vote is maintained.

2. **COURT ORDER** - You may obtain a court order directing the Election Inspectors to allow you to vote on the voting machine. Your Board of Elections will tell you where and when a Justice of the Supreme Court or a County Court Judge can be located. You can contact your County Board at the number provided below.

EXHIBIT A-2
SPECIAL BALLOT REFERRAL FORM
(District of Columbia)

SPECIAL BALLOT REFERRAL FORM

The Master Index Clerk is referring you to the Special Ballot Clerk for the reason(s) checked below:

- Election Day Change of Address** (Your address on the Master Index has changed.)
- Name not listed on Master Index** (You live in the precinct and claim you are registered to vote.)
- Listed as Absentee Voter** (You requested but did not receive an absentee ballot by mail.)
- Administrative Challenge** (Mail sent to your voter registration address was returned by the Postal Service.)
- Challenged by Watcher or Captain** (Your identity and/or your residence in the precinct is being disputed.)
- Elderly/Handicapped** (You are unable to vote in your assigned precinct because of age, disability, or health reasons.)
- Election Worker** (You are an election worker who has been assigned to work outside of your voting precinct.)
- Different Party Registration** (You claim that the party listed for you on the Master Index is incorrect.) *Primary Elections only.*
- Different ANC/SMD** (You claim that the ANC/SMD listed for you on the Master Index is incorrect.) *ANC/SMD elections only.*

Fill in your name and current address below and take this form to the Special Ballot Clerk.

Name _____ Current Address _____

The Special Ballot Clerk has determined that:

- Your address is in this precinct and you may vote by Special Ballot here today. (See important information on back.)
- Your address is in another precinct and you must vote at the precinct location below. (Take this form with you.)

Precinct No. _____ Location _____

REVIEW OF YOUR SPECIAL BALLOT

Your Special Ballot will be placed in the ballot box in a sealed envelope and received unopened by the Board of Elections and Ethics. The Board will verify the information on the ballot envelope against the official voter registration records and determine whether to count your Special Ballot.

If you are a registered voter of the District and have voted the ballot to which you are entitled in the proper voting precinct, your Special Ballot will be counted.

To find out if the Board has determined to count your ballot, you may call the Board at 727-2525 on the Tuesday following Election Day. The Board will also make available to the public, on the second Wednesday following the election, a list of voters whose special ballots have been rejected. The list will be available at the Board's main office (441 4th St., NW - Room 250), in the main public library and in at least one public library in each ward. You will not receive any other notice that the Board has decided not to count your ballot.

YOUR RIGHT TO APPEAL

If the Board decides not to count your Special Ballot, you have the right to appeal. The Board will hold hearings on the second Thursday and Friday after Election Day, from 9:00 a.m. to 4:45 p.m., at 441 4th Street, N.W., Suite 270. If your ballot is rejected and you decide that you want to appeal, call 727-2194 or 727-2525 to set a time for your appeal.

You may bring a lawyer to the hearing or you may represent yourself. You should bring evidence to show that your ballot should be counted.

If you do not win your appeal, you have three (3) days to appeal the Board's decision to the Superior Court of the District of Columbia.

95-0886

EXHIBIT A-3
SPECIAL BALLOT REJECTION ANNOUNCEMENT
(District of Columbia)



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
WASHINGTON, D.C. 20001-2745

**BEFORE THE
DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

The District of Columbia Board of Elections and Ethics has initially rejected the Special Ballots of the individuals whose names are listed below. These Special Ballots were cast in the September 10, 2002 Primary Election. The listing is in alphabetical order within each of the following categories.

1. The voter is not registered to vote in the District of Columbia.
2. The voter failed to vote in the correct party primary.
3. The voter failed to vote in the assigned precinct.
4. The voter failed to sign the required affidavit.

Initial rejections of Special Ballots were made after the search of the Board's records revealed that each of the individuals listed below was not qualified to have his or her vote counted for the reason indicated.

These persons may appeal the initial rejection of their Special Ballot before the Board of Elections and Ethics on Friday, September 20, 2002. The location of the hearing will be Room 280 of the One Judiciary Square Building, 441 - 4th Street, N.W. These individuals may appear, with or without counsel, to furnish evidence that they are qualified to have their ballot counted. Citizens who want to appeal the rejection should call the office of the General Counsel at 202-727-2194 to make an appointment.

APPENDIX B

**PROVISIONAL
BALLOT
CARRIER ENVELOPES**

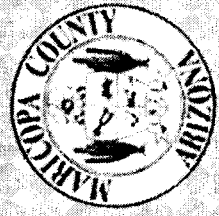
**EXHIBIT B-1
SAMPLE QUESTIONED BALLOT OATH AND
AFFIDAVIT ENVELOPE (Alaska)**

QUESTIONED BALLOT OATH AND AFFIDAVIT ENVELOPE - Please print and press hard -- You are making a copy

<p>1 Last Name _____ First Name _____ MI _____ Suffix (Sr., Jr., III) _____</p> <p>2 Name Previously Registered _____</p> <p>3 <u>Alaska Residence Address - where you claim residency</u> House No. _____ Street Name _____ Apt # _____ City _____ State _____ Zip Code _____ ALASKA</p> <p>4 Mailing Address _____ City _____ State _____ Zip Code _____</p> <p>*5 Alaska Voter No _____</p> <p>*6 Social Security No _____</p> <p>*7 Place of Birth _____</p> <p>*8 Date of Birth _____</p> <p>*9 Daytime Phone No _____ Evening Phone No _____</p> <p>12 If you need special assistance to vote indicate the type of assistance needed _____</p> <p>13 If you would like to serve on an election board, please provide your telephone number _____</p> <p>14 VOTER CERTIFICATION: Read and sign below. I certify, under penalty of perjury, that:</p> <ul style="list-style-type: none"> • I am a United States Citizen • I am at least 18 years old • I am a resident of Alaska • I am not a convicted felon (unless unconditionally discharged) • I have not and will not vote in any other manner in this election. • I am or have been a registered voter in Alaska at some time in the last 4 years or am now registering • I am not registered to vote in another state or I have taken the necessary steps to cancel that registration. <p>WARNING: If you provide false information on this application you can be convicted of a misdemeanor.</p> <p>SIGNATURE OF VOTER: _____</p>	<p>For Office Use Only</p> <p>UN _____</p> <p>D.P. _____</p> <p>Codes/Comments/Initials _____</p> <p>10 Gender <input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>11 Affiliation (Select only ONE)</p> <p><input type="checkbox"/> Alaska Democratic Party <input type="checkbox"/> Republican Moderate Party</p> <p><input type="checkbox"/> Alaska Libertarian Party <input type="checkbox"/> Republican Party of Alaska</p> <p><input type="checkbox"/> Alaskan Independence Party <input type="checkbox"/> non-partisan (no party affiliation)</p> <p><input type="checkbox"/> Green Party of Alaska <input type="checkbox"/> undeclared (no party declared)</p>	<p>FOR OFFICE USE ONLY:</p> <p><input type="checkbox"/> (A) County Full</p> <p><input type="checkbox"/> (H) Presidential Only</p> <p><input type="checkbox"/> (F) Federal Only</p> <p><input type="checkbox"/> (S) SW Only</p> <p><input type="checkbox"/> (N) SW/SJ</p> <p><input type="checkbox"/> (L) SW/S</p> <p><input type="checkbox"/> (J) SW/J</p> <p><input type="checkbox"/> (M) SW/S.H</p> <p><input type="checkbox"/> (R) REAA Only</p> <p><input type="checkbox"/> (C) CRSA Only</p> <p>Purge Date _____</p> <p><input type="checkbox"/> NO COUNT</p> <p>Reject Code _____</p> <p>For Election Worker Use</p> <p>Ballot was challenged for:</p> <p><input type="checkbox"/> US Citizen</p> <p><input type="checkbox"/> 18 years of age</p> <p><input type="checkbox"/> Felony Conviction</p> <p><input type="checkbox"/> Other: _____</p> <p>Signature of Challenger _____</p> <p>Address of Challenger _____</p> <p>If ballot was challenged, the above information must be completed.</p>	<p>Reason for Questioned Ballot</p> <p><input type="checkbox"/> Not on the Precinct Register</p> <p><input type="checkbox"/> Moved</p> <p><input type="checkbox"/> No Identification and Unknown</p>
<p>15 THIS FORM MUST BE WITNESSED: By signing as a witness, I attest that to the best of my knowledge, the applicant is the person he/she claims to be and this certification was made in my presence on the date indicated.</p> <p>Signature of Election Official _____ Date _____</p> <p>District & Precinct No _____ Ballot Party Choice _____ Questioned Register Line _____</p>		<p>*Copies - SSN, place of birth, date of birth, and telephone number are kept confidential and used for identification only. AS 15-05-07-20 6 AAC 25 E.D. (REV.02/2002)</p>	

**EXHIBIT B-2
BALLOT TO BE VERIFIED ENVELOPE
(Maricopa County, Arizona)**

1	2	3	4	BALLOT TO BE VERIFIED / BOLETA PARA SER VERIFICADA	
<p>CURRENT NAME / ADDRESS / NOMBRE / DIRECCION ACTUAL: _____ FORMER FIRST NAME / PRIMER NOMBRE / SEGUNDO NOMBRE _____ FORMER MIDDLE NAME / SEGUNDO NOMBRE ANTERIOR _____ FORMER LAST NAME / APELLIDO ANTERIOR _____</p>					
<p>CURRENT RESIDENCE ADDRESS / 21 DAYS PRIOR TO CITY/TOWN OR SCHOOL ELECTION: DIRECCION DE RESIDENCIA ACTUAL (21 DIAS ANTES DE LA ELECCION DE CIUDADO, PUEBLO O ESCUELA) _____ CITY / CIUDAD _____ ZIP / ZONA _____ DATE OF BIRTH / FECHA DE NACIMIENTO _____ TELEPHONE / TELEFONO _____</p>					
<p>MAILING ADDRESS / IF DIFFERENT FROM YOUR RESIDENCE ADDRESS: DIRECCION DE CORREO (SI ES DIFERENTE A LA DE SU RESIDENCIA) _____ CITY / CIUDAD _____ ZIP / ZONA _____</p>					
BOX B / CAJA B					
<p>FORMER FIRST NAME / PRIMER NOMBRE ANTERIOR _____ FORMER MIDDLE NAME / SEGUNDO NOMBRE ANTERIOR _____ FORMER LAST NAME / APELLIDO ANTERIOR _____ FORMER RESIDENCE ADDRESS / DIRECCION DE RESIDENCIA ANTERIOR _____ FORMER CITY / CIUDAD ANTERIOR _____ FORMER STATE / ESTADO _____ FORMER ZIP / ZONA _____</p>					
BOX C / CAJA C					
<p>ALL THREE SIGNATURES MUST BE EXECUTED IN ORDER FOR THIS BTBV TO BE COUNTED. LAS TRES FIRMAS TENDRAN QUE SER EJECUTADAS PARA QUE LA BOLETA PARA SER VERIFICADA SEA CONTADA.</p> <p>I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE ABOVE DECLARATION, TRIP AND CORRECT NAME PRESENTED A FORM OF IDENTIFICATION THAT INCLUDES MY GIVEN NAME, SURNAME AND MY COMPLETE NEW RESIDENCE ADDRESS WHICH IS LOCATED WITHIN THE ABOVE PRECINCT. JURO O AFIRMO BAJO PENA DE PERJURIO QUE LA INFORMACION DE ARriba ES VERDADERA Y CORRECTA. HE PRESENTADO UNA FORMA DE IDENTIFICACION QUE INCLUYE MI NOMBRE DE NACIMIENTO, NOMBRE DE FAMILIA Y MI NUEVA DIRECCION DE RESIDENCIA COMPLETA DENTRO DE LA LISTA DE PRECINCTOS MENCIONADOS.</p>					
<p><input checked="" type="checkbox"/> ELECTION OFFICIAL'S SIGNATURE / FIRMA DEL OFICIAL DE LA ELECCION _____ DATE / FECHA _____ <input checked="" type="checkbox"/> ELECTION OFFICIAL'S SIGNATURE / FIRMA DEL OFICIAL DE LA ELECCION _____ VOTER'S SIGNATURE / FIRMA DEL VOTANTE _____</p>					
FOR OFFICE USE ONLY					
<p>VOTER ID# _____ REGISTERED PRECINCT _____ REGISTRATION DATE _____ ADDITIONAL INFO _____ VERIFIED BY _____</p>					



FOR OFFICE USE ONLY
CIRCLE ONE
Y / N

EXHIBIT B-3
SAMPLE PROVISIONAL BALLOT ENVELOPE (front)
 (California County Clerks Association)

PROVISIONAL BALLOT ENVELOPE

OFFICIAL USE ONLY
EXEMPTED BY REGISTERED VOTERS ONLY

Count No Count
 Old Precinct Ballot Type
 Verified By

VOTING TWICE CONSTITUTES A FELONY

Precinct Number
 Ballot Type
 Party (Primary/Gen)

NOTE: READ VOTER INFORMATION ON THE REVERSE SIDE OF THIS ENVELOPE

PROCEDURE FOR PRECINCT OFFICER

PRECINCT OFFICER MUST:

- (1) Print voting precinct number above.
- (2) **IF VOTER HAS MOVED:** Issue a new registration card.
New Registration Card #
- (3) Print name of voter and new registration number on last page in Roster of Voters.
- (4) Issue a ballot with this blue provisional envelope.
- (5) Check description of problem below.

FAILURE TO CHECK BELOW MAY RESULT IN BALLOT BEING REJECTED

Absentee voter who does not have ballot to surrender.

Absentee Ballot enclosed voter did not have absentee envelope.

Voter **HAS NOT** moved. Name is not in Roster of Voters.
 Address is in precinct.

VOTER HAS MOVED AND DID NOT RE-REGISTER
 Verify proof of residence and record it below.
 California Driver's License or California State ID Card with current address. Last DL or ID Number

OR

Two documents from the list located on the reverse side of this envelope
 Write in letters from list. 1 2
 (If Sworn Statement is used, have "voter giving statement" sign statement below)
SWORN STATEMENT: I know and can attest to the identity and residence address of this voter.
SWORN STATEMENT: voter giving statement in precinct attesting to identification.

6) Comments:
 Any explanation useful to election office in processing the ballot.

PROCEDURE FOR VOTER

VOTER MUST:

- (1) Sign Roster of Voters and print current residence address.
- (2) If you moved and did not re-register you must provide proof of current residence.
- (3) **FILL OUT NEW REGISTRATION CARD TO UPDATE VOTER FILE.**
 Read, complete, and sign declaration below.
- (4) After voting, remove stub, put ballot into envelope, seal envelope, and give it to the Precinct Officer.

YOUR BALLOT WILL NOT BE COUNTED UNLESS THE FOLLOWING DECLARATION IS COMPLETED AND SIGNED.

VOTER'S DECLARATION

(PRINT NAME) I, declare:
 I reside at the address listed below. I have not previously voted in this election either by Absentee Ballot or at any other polling place. I declare under penalty of perjury that the foregoing is true and correct.

Date Moved DL #
(Will remain confidential)

Current Residence Address
(Residence Address Only)

Prior Residence Address
(Residence Address Only)

Date of Birth Phone Number
(To be used for identification purposes only)

Signature

EXHIBIT B-3 (continued)
 SAMPLE PROVISIONAL BALLOT ENVELOPE (back)
 (California County Clerks Association)

VOTED BALLOT ENCLOSED
 TO BE OPENED ONLY BY
 CANVASSING BOARD AT
 ELECTIONS OFFICE

VOTER INFORMATION - PROVISIONAL BALLOT
(Elections Code Sections 14310 and 14311)

You have been asked to vote a provisional ballot due to a just one of the following reasons:

1. **YOUR NAME IS NOT ON THE OFFICIAL ROSTER OF VOTERS AT THIS PRECINCT AND YOUR VOTING ELIGIBILITY CANNOT BE VERIFIED BY THE PRECINCT OFFICER TODAY.** The Registrar of Voters' office will check the records. If you are eligible to vote in this precinct, your provisional ballot will be counted.
 2. **RECORDS INDICATE THAT YOU HAVE REQUESTED AN ABSENTEE BALLOT, WHICH YOU CANNOT SURRENDER TO THE PRECINCT OFFICER.** The Registrar of Voters' office will check the records, and if you did not vote an Absentee Ballot, your provisional ballot will be counted.
 3. **YOU HAVED MOVED WITHIN THE COUNTY BUT DID NOT RE-REGISTER AND CAN SHOW PROOF OF CURRENT RESIDENCE.** Prior registration will be verified by the Registrar of Voters' office before your provisional ballot will be counted.
- WARNING:** Voter must be in correct polling place.

**PROVISIONAL BALLOTS SHALL NOT BE INCLUDED IN ANY
 SIMIOFFICIAL CANVAASS EXCEPT AS FOLLOWS:**

1. The Registrar establishes prior to the completion of the official canvass, from records in his office, the claimant's right to vote.
2. Order of a Superior Court in the county of the voter's residence. A voter may seek the court order specified in the section regarding his or her own ballot at any time prior to the completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters.

**DOCUMENTS THAT CAN BE USED
 AS PROOF OF RESIDENCE**

Voter must show **TWO** of the following documents, both must contain the voter's name and current residence address:

- a. Military identification.
- b. College or University fee card or student identification.
- c. Lease agreement.
- d. Mortgage statement.
- e. Property tax statement.
- f. Income tax return.
- g. Utility bill.
- h. Credit Card bill.
- i. Bank statement.
- j. Preprinted check or bank deposit slip.
- k. Vehicle registration.
- l. Mail addressed to the voter at his or her current residence address.
- m. Sworn statement given in the presence of a poll worker at the polling place from a voter in the precinct stating he or she knows and can identify the person who is attempting to vote, and attesting to the name and residence address of the person attempting to vote.

OR

If the voter's current residence has no street address or voter is unable to receive mail at their street address, voter must show **TWO** of the following documents:

- n. Deed or lease containing the legal description of the current residence.
- o. Property tax statement containing the assessor's parcel number.
- p. Sworn statement given in the presence of a poll worker at the polling place from a voter in the precinct stating he or she knows and can identify the person who is attempting and attesting to the name and residence address of the person attempting to vote.

EXHIBIT B-4
STATEMENT TO PERSON CASTING A SPECIAL BALLOT AND
SPECIAL BALLOT ENVELOPE (4 3/4" x 11") (Iowa)

<p>STATEMENT TO PERSON CASTING A SPECIAL BALLOT</p> <p>Iowa Official Form No. 1-G (Rev. 1987)</p> <p>STATE OF IOWA, _____ County, ss. _____</p>	<p align="right">MULTI-PARTY & BOND CO. WATERLOO, IOWA C 33</p> <p align="right">FORM 156-C</p>	<p>TO: _____</p> <p>Name of Person _____</p> <p>day of _____, 19 _____</p> <p>City, _____ Township, _____</p> <p>Precinct, _____ Ward, _____</p> <p>County, Iowa.</p> <p>Your qualifications as an elector have been challenged for the following reasons:</p> <ol style="list-style-type: none"> 1. _____ 2. _____ 3. _____ <p>You right to vote will be reviewed by the special precinct counting board on _____ You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as an elector. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received prior to noon on _____ at _____</p> <p>If your ballot is not counted you will receive notification of this fact. _____</p> <p align="right">Precinct Election Official</p>
---	---	---

DO NOT REMOVE THE REGISTRATION FORM!

STATE OF IOWA
ENVELOPE FOR SPECIAL BALLOT

I believe that I am a qualified elector of this precinct.
 I registered to vote in _____ county
 on or about _____ of _____

My name at that time was _____
 I have not moved to a different county since that time. I am
 a United States citizen at least eighteen years of age. X

Date: _____
 (Signature of Voter)

The following information is to be provided by the precinct
 election official: _____
 Reason for challenge: _____

 (Signature of precinct election official)

FORM 154-1A (Rev. 4/83) Rev. 1987

EXHIBIT B-5
 PROVISIONAL BALLOT APPLICATION TO BE PRINTED ON A SEALABLE
 ENVELOPE (Maryland)

- Primary Election ***
- Democrat
 - Republican
 - Other

General Election

STATE OF MARYLAND
PROVISIONAL BALLOT APPLICATION

WARNING: The penalty for unlawfully voting a provisional ballot is a fine of \$2,500, or imprisonment for not more than 5 years, or both, in the discretion of the court.

Identification

Type of Identification: _____
Must be a Government Issued Photo ID (For example: Maryland Driver's License, US Passport, or Military ID.)

ID Number: _____ Expiration Date: _____
If included on the ID

Witnessed by: _____
(Provisional Ballot Judge)

Affirmation

I, _____, affirm under-penalty of perjury that:
Please Print

1. I have not voted in the current election in any other precinct in Maryland or in any other state;
2. I am currently a resident at the address indicated on the attached voter registration application; and
3. I have been registered in the following Maryland Counties: _____
4. I meet one of the following conditions: *(Check one)*

I am registered in _____ County, Maryland, but have moved to and reside in this county and should vote in this precinct;

OR

Within the past 2 years, I attempted to register to vote or to update my voter registration record and believed in good faith that, without further action on my part, the requirements for registration or updating the registration record had been completed. I registered or attempted to register at:

(Check one and provide the required information.)

The Motor Vehicle Administration

- Approximate date of service with MVA: _____
- Type of Service: _____
- Location of Service: _____

OR

A Voter Registration Agency

- Name and location of the Voter Registration Agency: _____
Optional if it was an agency that provides public assistance or State-funded programs for persons with disabilities.
- Approximate date of service: _____

Signature of Voter _____ Date _____ Phone # _____

*** Primary Election - Important Information Regarding Party Selection**

- If you select "Other" you will be issued a ballot limited to non-partisan offices (i.e. school board).
- If you are registered in another county and have moved, you may **not** change party affiliation at this time. Doing so will cause your ballot to be rejected.



SBE 03-601-1 Rev. 5/22/2002

EXHIBIT B-6
 CONDITIONAL BALLOT ENVELOPE (front, 10" x 15")
 (Douglas County, Nebraska)

Conditional Ballot Envelope

I, _____, swear or affirm that the
Print Name

Conditional Ballot

*I am a registered voter in Douglas County;
 YES NO

*I have not resided outside of the county
 since registering to vote in this county;
 YES NO

*I have not voted and will not vote in this
 election except by this ballot;
 YES NO

*My current address is shown on the Voter
 Registration Card.

Provisional Ballot

*I am a registered voter in Douglas County;
 YES NO

*I registered to vote on _____ (write the
 approximate date you registered to vote);

*I registered to vote (check one);
 In person at the Election Office
 A voter registration site
 Registered by mail
 On a form through the DMV
 On a form through another state agency

*I have not voted and will not vote in this election except
 by this ballot; YES NO

By signing this envelope you are certifying to the information contained on this envelope under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars (\$10,000), or both.

Signature of Voter Date

FOR ELECTION BOARD USE ONLY:

Absentee Voter Ballot (AVB) Check this box if Conditional Ballot is for voter recorded in the LIST as having been sent an Absentee Ballot. For this Conditional Ballot the voter does not complete an Abbreviated Transfer of Registration (blue sheet) or Conditional Ballot Affidavit (gold sheet). Have voter complete & sign top of envelope-board worker complete & sign bottom.

Ward & Precinct: _____ Election Date: _____

Witnessed by: _____
Signature of Election Official at Polling Place

Election: (Circle one) *Primary* *General* *Special*

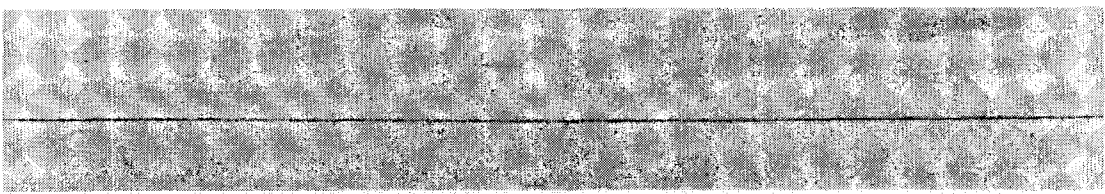
Political Party Ballot Issued in Partisan Primary: (Circle one)
Democratic *Independent-Democratic* *Republican* *Independent-Republican*

Other _____

****NOTE: EVERY VOTER RECEIVES THE NON-POLITICAL BALLOT(S)**

Ballot Type(s) Issued: _____
Political Non-Political

EXHIBIT B-6 (continued)
 CONDITIONAL BALLOT ENVELOPE (back)
 WITH VOTER REGISTRATION FORM IN POCKET (Douglas County, Nebraska)



Voter Registration City of Omaha and Douglas County, Nebraska

Please use black ink, print or type

Street Address: _____ Apt. # _____
 Lot # _____

Last Name: _____ First Name: _____
 Mr. Mrs. Ms. _____

Check all that apply:
 New Registration Name change - former name _____
 Address change Party change - former party _____

Previously Registered at Address: Street _____ City _____

Date of Birth: _____ Birth city and state or country: _____ Mailing Address (if O Box address)
 Month: _____ Day: _____ Year: _____

Home Phone Number (optional): _____ is this number _____ Work Phone Number (Optional) _____
 Underlined? Yes No

Political Party Choice
 Check one: Democrat Republican Non-Political I
 Note: If you wish to vote in partisan primary elections for state and local offices, you must indicate a political party for state and local offices.
 If you register as an independent (no political party affiliation) you will receive ONLY the non-partisan ballot.
 If you register as an independent you may VOTE IN THE REGULAR ELECTIONS but only for the offices of C.J.

Coinfirmation READ, ANSWER, and SIGN
 To the best of my knowledge and belief, I declare under penalty of perjury that I am at least 18 years of age or I will be 18 years of age prior to the 1st Tuesday following the first Monday of November of this year. True
 I am a citizen of the United States.
 I live in the State of Nebraska at the address provided above.
 I am not under the conviction of a felony or, if convicted, my civil rights have been restored and I have not been officially found to be non-compos mentis (mentally incompetent).

Signature of Applicant/Voter _____ Date _____

Serial Number - For Office Use Only (Bar Code)

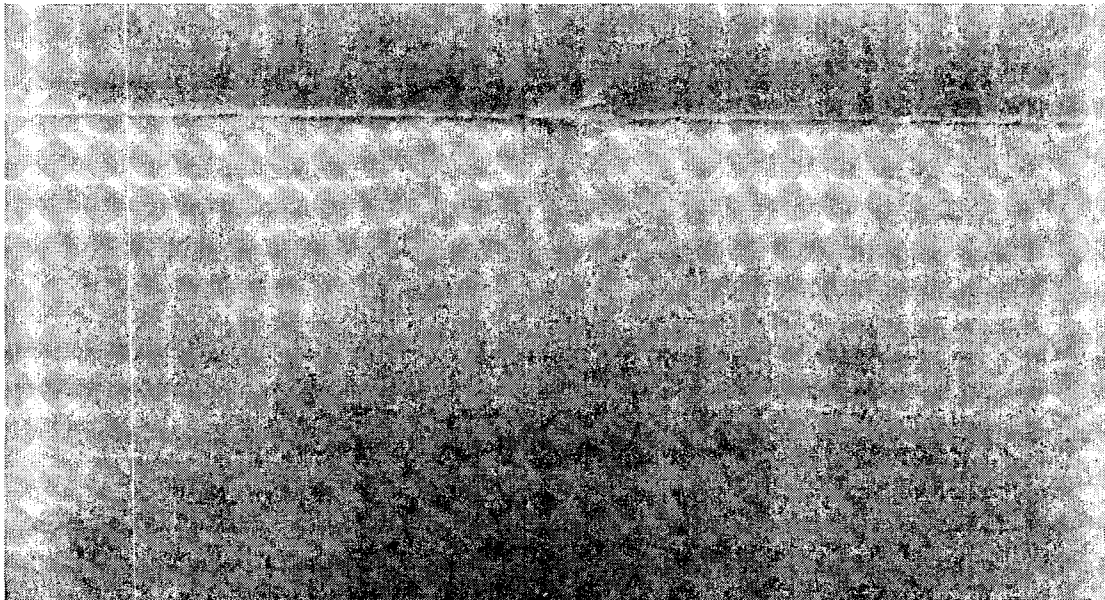


EXHIBIT B-7
DETACHABLE AFFIRMATION OF VOTER REGISTRATION (9" x 11")
(New Jersey)

DO NOT DETACH
 No separe esta hoja.

**AFFIRMATION OF VOTER REGISTRATION
 FOR USE OF THE PROVISIONAL BALLOT**

COMPLETE THIS BOX WHEN VOTING IN A PRIMARY ELECTION
 I am a member of the _____ party.
(Republican or Democratic)

GENERAL **SCHOOL ELECTION** **MUNICIPAL**

CHECK BOX AND COMPLETE INFORMATION

I am registered to vote in this county, but have moved within the county since I was registered to vote.

My address was: _____
(Number, Street and City/Town)

My new address is: _____
(Number, Street and City/Town)

My Date of Birth is: _____
(Month, Day, Year)

I am registered to vote in this election district, but my page is not in the poll book, or my name does not appear on the poll list.

My address is: _____
(Number, Street and City/Town)

My Date of Birth is: _____
(Month, Day, Year)

My name has changed

_____ (Print Old Name) _____ (Signature - Old Name)

I swear or affirm, that the foregoing statements made by me are true and correct and that I understand that any fraudulent voting may subject me to a fine of up to \$1,000, imprisonment up to five years or both, pursuant to R.S. 19:34-11.

(Print Your Full Name) _____
(Signature)

Name of person providing assistance _____
 ELECTION DISTRICT _____
(City/Town, Ward - District)

DO NOT DETACH
 No separe esta hoja.

**AFFIRMATION DE INSCRIPCIÓN DE VOTANTES
 PARA EL USO DE LA BOLETA PROVISIONAL**

COMPLETE ESTA SECCIÓN CUANDO VOTE EN UNA ELECCIÓN PRIMARIA
 Soy un miembro del partido _____
(Republicano o Democrático)

GENERAL **ELECCIÓN ESCOLAR** **MUNICIPAL**

MARQUE LA CAJÁ Y COMPLETE LA INFORMACIÓN

Estoy inscrito para votar en este condado, pero nos trasladamos a otra dirección dentro del condado después que me inscribí para votar.

Mi dirección era: _____
(Número, calle y ciudad/pueblo)

Mi nueva dirección es: _____
(Número, calle y ciudad/pueblo)

Mi fecha de nacimiento es: _____
(mes, día, año)

Estoy inscrito para votar en este distrito electoral, pero que mi página no parece en el libro electoral o mi nombre no aparece en la lista electoral.

Mi dirección es: _____
(Número, calle y ciudad/pueblo)

Mi fecha de nacimiento es: _____
(mes, día, año)

Mi nombre ha cambiado

_____ (Escriba Nombre Viejo) _____ (Escriba Nombre Viejo)

Yo juro que el información arriba escrito por mígo es verdad y correcto, y que entiendo que cualquier votación fraudulento me puede causar una multa de hasta \$1,000, o encarcelamiento de hasta 5 años, o los dos, según R.S. 19:34-11.

(Escriba su nombre completo) _____
(Firma)

Nombre de la persona que provee asistencia: _____
 ELECTOR DISTRICT _____
(Ciudad/Town, Ward - Distrito)

EXHIBIT B-8
AFFIDAVIT BALLOT ENVELOPE
(New York)

AFFIDAVIT OATH

(Complete both sections A and B.)

I, _____, hereby swear or affirm that:

A (Check One)

I have duly registered to vote from the address given in this election district, and I remain a duly qualified voter in such election district, and I have been informed by the election inspectors that my registration record is not available to them.

I have moved within _____ since my last registration and that address _____
WAS _____

I am enrolled in the _____ Party (required for Primary election only).

B • I reside at _____ • Date of birth _____ / _____ / _____ Year

• I understand that any false statement made herein is perjury, punishable according to law.

DATE: _____ VOTER SIGNATURE: _____

Sworn to before me this _____ day of _____ 199_____
Chairperson, Board of Inspectors

COUNTY OF _____ LEG/WARD # _____ ED# _____ AD _____

PHOENIX GRAPHICS FORM #688

This Section For Board of Elections Use Only:

Research Indicators:
 Not Registered
 Registered Too Late
 Wrong ED
 Address Change
 Voter ID #
 Inactive
 Enrollment Match
 Cancelled
 Misc. _____

Remarks: _____

COUNT: Yes No
 Researcher Initials: _____

Commissioners' Ruling
 COUNT: Yes No
 Commissioners' Initials: _____

EXHIBIT B-9
PROVISIONAL BALLOT ENVELOPE (front, 5" x 12") AND DETACHABLE
REGISTRATION/UPDATE FORM (back) (Wake County, North Carolina)

PROVISIONAL BALLOT ENVELOPE

THE VOTER MUST COMPLETE THIS FORM AND THE ATTACHED VOTER REGISTRATION/UPDATE FORM PRIOR TO VOTING. ALL PROVISIONAL BALLOT ENVELOPES MUST BE SEQUENTIALLY NUMBERED.

1. (please print your full name) _____ do hereby affirm:
 (check appropriate box)

1. that I am currently registered to vote in Wake County, North Carolina, and that I have not moved out of the county since the date of my original registration. I have not voted in this election in _____ precinct where I am currently registered and hereby request that I be permitted to vote in this election in my new precinct.

2.(A) that on or about the _____ day of _____ I completed a voter registration application at _____ (please indicate the office in which you completed the voter registration application - for example, Drivers License Office, Social Services, etc.) in Wake County, North Carolina, and that I should be entitled to vote today.

2.(B) that on or about the _____ day of _____ I completed and mailed to the Wake County Board of Elections a voter registration application and that I should be entitled to vote today.

3. that I have previously registered to vote in Wake County, North Carolina, but I have not resided outside of Wake County since completing that registration; that I have not registered to vote in any other county or state since completing that voter registration; and that I should be entitled to vote today.

4. that to the best of my knowledge, information and belief, my current residence address is within the following voting district(s) _____ and that I should be entitled to vote in that district's election today.

5. that (other reason) _____

Signature of Voter _____ Date _____

VOTER SEALS BALLOT IN ENVELOPE **DO NOT PLACE BALLOT IN TABULATOR**

Ballot Style Issued

Precinct (verified in street book) _____ Signature of Precinct Official _____

Precinct # _____

Date of Issuance _____

Initials _____

Approved

For Office Use Only:

VRN # _____

Removed;

In Relet;

Not Registered

DMV Verified

Not on DMV List

Registered after deadline

Precinct Verified;

Ballot Style Verified;

Comments: _____

REGISTRATION/UPDATE FORM ****MUST BE COMPLETED BY ALL PROVISIONAL VOTERS**** **PROV#** _____ **PCT#** _____

Last Name (Print) _____	First Name _____	Middle/Initial Name _____	Suffix _____	Race (Circle One): Am. Indian Asian Black Hispanic Multi Racial White Un Designated Other _____	Ethnicity (Circle One): Hispanic or Latino Not Hispanic or Not Latino Un Designated Other _____
Address where you live (Number and Street Road/Dwms) _____				County _____	State _____ Zip _____
Address where you get your mail (if different from residence address) or P.O. Box _____				Daytime Phone: _____	
Date of Birth _____	Place of Birth _____	U.S. Citizen by: <input type="checkbox"/> Birth <input type="checkbox"/> Naturalization	Party Affiliation (Circle one) Democratic Republican Libertarian Unaffiliated Other qualified party _____	Former Name _____	Former address (if you moved within the same County) _____
Gender: M <input type="checkbox"/> F <input type="checkbox"/>	CANCEL YOUR PREVIOUS REGISTRATION:				
Last Name _____	First Name _____	Initials _____	WARNING: If you sign this statement and know it to be false, you can be convicted of a Class 1 felony.		
Street Address _____	City _____	County _____	State _____	Zip _____	Signature of Voter _____
					Date _____

DO NOT SEPARATE

EXHIBIT B-10
 FAIL SAFE BALLOT ENVELOPE (5" x 11 1/2") AND PROVISIONAL BALLOT
 ENVELOPE (5" x 11 1/2") (Richland County, South Carolina)

FAILSAFE BALLOT ENVELOPE Precinct: _____

Name of Voter (as registered): _____ MI _____ SC _____
 Address (as registered): _____ Street _____ City _____ Day _____ Zip _____
 Registration Number: _____ Birthdate _____ Month _____ Day _____ Year _____

CHANGE OF ADDRESS SECTION

Voter's New Address: _____ Street _____ City _____ SC _____ Zip _____
 Voter's New Mail Address: _____ Street or Post Office Box _____ City _____ SC _____ Zip _____
 Voter's Phone: _____ Home _____ Work _____ Social Security # _____

I swear (or affirm) that the address shown thereon is my sole legal residence and I claim no other as my legal residence.
 I hereby authorize the county board of voter registration to make the above changes
 I hereby request the county board of voter registration to mail me a DUPLICATE voter registration certificate.

 Signature of Voter

PROVISIONAL BALLOT ENVELOPE PRECINCT NAME: _____

Name of Voter _____ First _____ MI _____
 Registration Number _____ Birthdate _____ Month _____ Day _____ Year _____
 Address as Registered _____ Street _____ City _____ SC _____ Zip _____
 Name of Challenger _____ First _____ MI _____ Certificate # _____
 Address of Challenger _____ Street _____ City _____ SC _____ Zip _____ Phone # _____

Explain reason for challenge: _____

EXHIBIT B-11
SPECIAL BALLOT ENVELOPE (5" x 11 1/2") AND SPECIAL BALLOT INNER ENVELOPE (4 1/2" x 11 3/8") (Thurston County, Washington)

SPECIAL BALLOT THURSTON COUNTY	
1. VOTER INFORMATION I, _____, do hereby certify that I am duly registered and qualified to vote in this election. <input checked="" type="checkbox"/> REGISTRANT SIGNATURE OF VOTER _____ PRINTED NAME OF VOTER _____ SUBURB NAME (if applicable): _____ DATE OF BIRTH _____ DAYTIME PHONE _____ REGISTERED ADDRESS _____ CITY/ZIP CODE _____ CURRENT ADDRESS _____ CITY/ZIP CODE _____ MAILING ADDRESS _____ CITY/ZIP CODE _____ Did you recently migrate to vote in Thurston County? Yes _____ No _____	
2. INSPECTOR REASON FOR SPECIAL BALLOT Voter's name not in poll book _____ Pull back when "Vote" bar Special Ballot Message: _____ Voter moved but did not change address. _____ OTHER: _____	SPECIAL BALLOT Was Mail-In Registration Form given to you? Yes _____ No _____
3. FOR OFFICE USE ONLY Reg. in _____ Dist. _____ Code _____ Mail in _____ <input type="checkbox"/> Not Registered <input type="checkbox"/> Reinstated Absentee <input type="checkbox"/> With an Invalid <input type="checkbox"/> Inactive <input type="checkbox"/> I recalled by e-mail <input type="checkbox"/> (Date) _____ <input type="checkbox"/> Add Change Requested <input type="checkbox"/> Voter needed <input type="checkbox"/> No Letter <input type="checkbox"/> Status Change <input type="checkbox"/> ID-Card Needed <input type="checkbox"/> ID-Card <input type="checkbox"/> Adult Citizen Mail <input type="checkbox"/> Letter Sent <input type="checkbox"/> Rescinded <input type="checkbox"/> ID-Card Ordered <input type="checkbox"/> Reg. Print Scan <input type="checkbox"/> _____	
INSPECTOR'S SIGNATURE _____ PRINTED NAME and NUMBER _____	

**Special Ballot
 Inner Envelope**

Place voted ballot in this envelope and seal. Then place this envelope into the Special outer envelope with identifying information.

DO NOT MAKE ANY MARK OF IDENTIFICATION ON THIS ENVELOPE.

EXHIBIT B-12
SPECIAL BALLOT ENVELOPE AND INSTRUCTIONS
(District of Columbia)

D.C. Board of Elections and Ethics

Special Ballot Envelope

Voter's Affirmation <small>(Please Print)</small>		
Last Name	First Name	Middle Name
Address Where You Live:		
Circle One NE NW SE SW	Apartment No.	Zip Code
Old Address (for address change)		
Date of Birth	Party Affiliation	Telephone No.
Under penalty of perjury, I swear or affirm that to the best of my knowledge I am a registered voter in the District of Columbia, and if not, that I meet the qualifications for voter registration; and that my date of birth and current residence address in this precinct are shown above.		
Signature of Voter		Date

VOTER MUST SIGN or BALLOT CANNOT BE COUNTED.

Election Worker's Certification	
<small>Check the appropriate box(es) below to indicate the reason for the special ballot:</small>	
<input type="checkbox"/> Election Day Change of Address	<input type="checkbox"/> Listed as Absentee Voter
<input type="checkbox"/> Name Not Listed on Master Index	<input type="checkbox"/> Administrative Challenge
<input type="checkbox"/> Elderly/Handicapped	<input type="checkbox"/> Election Worker
<input type="checkbox"/> Challenged by Watcher or Precinct Captain (Attach Challenge Form)	
<input type="checkbox"/> Different Party Registration Claimed	<small>Type of Ballot Issued (circle one)</small> DEM REP STG
<input type="checkbox"/> Different ANC/SMD	<small>Indicate ANC/SMD Challenged</small>
I certify that the voter has cast the Special Ballot for the reason indicated above and has signed the Voter's Affirmation providing his/her current address in the precinct.	
Election Worker's Signature	Precinct No.

Official Use Only:	Approve	Reject	Clerk
--------------------	---------	--------	-------

Note: Board's Staff, Do Not Use for Name Changes / Voter MUST Complete Registration Form

Special Ballot Envelope Instructions to Voter

1. Complete the "Voter's Affirmation" box on the front of this envelope. Be sure to sign your name in the space provided. Give the envelope back to the Special Ballot clerk. The clerk will complete and sign the **Election Worker's Certification Box** indicating the reason(s) for voting by special ballot.

THE BALLOT WILL NOT COUNT UNLESS THE VOTER SIGNS THE ENVELOPE.

2. The Special Ballot Clerk will give you the following items:
 - A pencil and ballot stamped "Special" in red ink inside a secrecy sleeve.
 - A "Special Ballot Envelope" to put your voted ballot in.
3. Take your ballot to the voting booth located at the **Special Ballot Clerk's station**. After you have voted your ballot, remove the stub to keep as your receipt for voting. Fold ballot and place it in the "Special Ballot Envelope" provided and return to the Special Ballot Clerk.
4. Deposit the sealed "Special Ballot Envelope" into the **special ballot box** provided.
5. **Notice of Appeal Rights:** Read the back of the "Special Ballot Referral Form" for reference concerning the review of your Special Ballot and your right to appeal the Board's decision if the ballot is rejected.

WARNING: If you sign the Voter's Affirmation on the front of this envelope even though you know it is untrue, you can be convicted and fined up to \$10,000 and/or jailed for up to five years.

APPENDIX C

**POLLING PLACE
GUIDELINES FOR
PROCESSING
PROVISIONAL
VOTERS**

EXHIBIT C-1 QUESTIONED VOTERS GUIDELINES (Alaska)

QUESTIONED VOTERS

Voter signs his or her name in the questioned register.

I certify that I have not and will not vote in any other manner in this election. I am a United States Citizen, I am at least 18 years old, I am a resident of Alaska, I have not been convicted of a felony or felony based on conviction, have been unconditionally discharged from incarceration, withdrawn under parole, I have been a registered voter in Alaska at some time in the last 4 years or am newly registering, I am not registered to vote in another state, or I have taken the necessary steps to cancel that registration. **WARNING:** If you provide false information on this application you can be convicted of a misdemeanor.

	Printed Name	Signature	Printed name by Member, John St., Social Security No., Date of Birth, or Place of Birth
1	Redney Voter	Redney Voter	1234567
2	Helen Ballot	Helen Ballot	8543210

Voter MUST complete the top portion of the ballot envelope and sign at the bottom.

Encourage the voter to provide at least ONE identifier (voter #, social security # or birth date) on the ballot envelope

QUESTIONED BALLOT OATH AND AFFIDAVIT ENVELOPE - Please print and press hard - You are making

<p>1 Last Name: Helen, First Name: Helen, MI: L, Suffix (Dr., Jr., III):</p> <p>2 Name Previously Registered: _____</p> <p>3 Alaska Residential Address: _____ <small>House No. P.O. Box No. Apt. No. Addressee ALASKA Code/Community</small></p> <p>4 Mailing Address: _____ <small>City State ZIP Code</small></p> <p>5 Alaska Voter No.: 123456</p> <p>6 Social Security No.: 444-44-4444</p> <p>7 Place of Birth: _____</p> <p>8 Date of Birth: _____</p> <p>9 District: _____</p> <p>10 Precinct: _____</p> <p>11 I am a resident of Alaska</p> <p>12 I have not and will not vote in any other manner in this election</p> <p>13 I am at least 18 years old and have not been convicted of a felony or felony based on conviction, have been unconditionally discharged from incarceration, withdrawn under parole, I have been a registered voter in Alaska at some time in the last 4 years or am newly registering, I am not registered to vote in another state, or I have taken the necessary steps to cancel that registration.</p> <p>WARNING: If you provide false information on this application you can be convicted of a misdemeanor.</p> <p>SIGNATURE OF VOTER: Helen Ballot</p>	<p>FOR OFFICIAL USE ONLY:</p> <p>1101 Count Pad</p> <p>1102 Precinct Ballot</p> <p>1103 Precinct Ballot</p> <p>1104 Ballot</p> <p>1105 Ballot</p> <p>1106 Ballot</p> <p>1107 Ballot</p> <p>1108 Ballot</p> <p>1109 Ballot</p> <p>1110 Ballot</p> <p>For Questioned Ballot Use:</p> <p>Ballot was challenged for:</p> <p><input type="checkbox"/> US Citizen</p> <p><input type="checkbox"/> 18 years of age</p> <p><input type="checkbox"/> Properly Constituted</p> <p><input type="checkbox"/> Other</p> <p>Signature of Challenger: _____</p> <p>Address of Challenger: _____</p> <p>If ballot is to be challenged, the above information is used to determine if the ballot is valid.</p>
<p>14 VOTER CERTIFICATION: Read and sign below. I certify, under penalty of perjury, that:</p> <p>1 I am a United States Citizen. 10 I am at least 18 years old. 11 I am a resident of Alaska.</p> <p>2 I am not a convicted felon (unless unconditionally discharged).</p> <p>3 I have not and will not vote in any other manner in this election.</p> <p>4 I am at least 18 years old and have not been convicted of a felony or felony based on conviction, have been unconditionally discharged from incarceration, withdrawn under parole, I have been a registered voter in Alaska at some time in the last 4 years or am newly registering, I am not registered to vote in another state, or I have taken the necessary steps to cancel that registration.</p> <p>WARNING: If you provide false information on this application you can be convicted of a misdemeanor.</p> <p>15 THE ELECTION WORKER SIGN HERE: By signing as a witness, I attest that in the best of my knowledge, the applicant is the person who has taken the oath and the conditions were made in my presence on the date indicated.</p> <p>Election Worker Sign Here: _____ Date: 11/05 02 Precinct No: 14.435 Ballot Party Choice: _____ Precinct of Voter's Choice: _____</p>	<p>Reasons for Questioned Ballot:</p> <p><input type="checkbox"/> Not on the Precinct Register</p> <p><input type="checkbox"/> Not on the Mailing and Unknown</p>

Election official SIGN as witness and write in the date.

Write district and precinct number and the line number where voter signed in the questioned register.

Check one of the boxes to show why the voter is voting a questioned ballot.

The election worker folds the ballot in half or thirds and issues the ballot, secrecy sleeve and ballot envelope to the voter.

Ask the voter to:

- Completely fill in the ovals next to their choices.
- Vote both sides of the ballot, if applicable.
- Insert voted ballot into the secrecy sleeve.
- Place the secrecy sleeve in the ballot envelope.
- Seal the ballot envelope.
- Drop the envelope into the ballot box.

EXHIBIT C-1 (continued)
QUESTIONED VOTERS GUIDELINES

**Use of
Questioned
Ballots**

A voter must vote a questioned ballot if:

- The voter's name does not appear on the precinct register.
- The voter does not have identification and is not personally known by an election worker.
- Another person, having good reason, questions a voter's qualifications.
- The voter indicates he or she has a new residence address.

**Questioned
Voter Register**

Questioned voters **MUST** sign the questioned voter register. They **DO NOT** sign the precinct register.

If a voter signs the questioned voter register and the voter does not vote, cross off the voter's name and make a note by the voter's signature they did not vote a questioned ballot.

**Questioned
Ballot Oath and
Affidavit
Envelope**

Before issuing a ballot to the voter, the voter must complete the questioned ballot envelope.

Voter Requirements:

- Ask the voter to complete all the information on the envelope. The residence and other information on the envelope will be used to update the voter's registration record.
- The voter must sign the envelope in the space provided. Voters who have difficulty signing their name may make a mark or an "X" in the signature space.

Election Worker Requirements:

- Review the envelope to make sure it is completed and signed by the voter.
- Sign the envelope as the election board official.
- Write in the date, district and precinct number.
- Write the line number where the voter signed the questioned voter register.

EXHIBIT C-1 (continued)
QUESTIONED VOTERS GUIDELINES

- Check the appropriate box to indicate the reason the voter is voting a questioned ballot.
- Do not remove the top part of the questioned ballot envelope

Issuing Ballots

Before issuing the ballot, fold the ballot in half or thirds and give the ballot, a secrecy sleeve and the completed questioned ballot envelope to the voter:

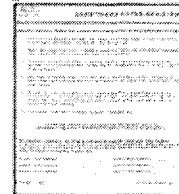
Instruct the voter to:

- Completely fill in the ovals next to their choices.
- Vote both sides of the ballot, if applicable.
- Insert the ballot into the secrecy sleeve.
- Place the secrecy sleeve containing the voted ballot in the envelope and seal the flap.
- Put the sealed envelope in the ballot box

Do not let the voter insert the questioned ballot into the Accu-Vote unit.

EXHIBIT C-3
QUESTIONED VOTING WORKER INSTRUCTIONS
(Alaska)

QUESTIONED VOTING WORKER
“YOUR JOB”



Workers issuing questioned ballots MUST sign the outside of the questioned register.

Voters vote a questioned ballot for 5 reasons.

(1) Voter's name is not on precinct register. (2) Voter does not have identification. (3) Voter's residence address has changed. (4) In the primary election, voter requests a ballot type they are not eligible to receive. (5) Voter is challenged.

The voter MUST sign the questioned register.

Questioned voters are not allowed to sign the precinct register. Each questioned voter MUST sign the questioned register. If the voter signs the questioned register but does not vote, cross off the voter's name and make a note that the voter did not vote.

The voter MUST complete a questioned ballot envelope.

The residence address and other information provided by the voter on the ballot envelope will be used to update the voter's registration record. Keep the top copy attached to the envelope. The voter MUST sign the envelope.

Check the voter's identification.

If the voter does not have identification, mark "no identification" in the lower right corner of the envelope. A voter who does not have identification may still vote.

Complete the shaded areas of the envelope, including the political party ballot issued to the voter.

Sign the envelope as a witness. Be sure to indicate your district and precinct number and the line number on the questioned register where the voter signed. **In the primary, indicate the party ballot type given to the voter.** If the voter chooses to vote a ballot type they are not eligible to receive, indicate "Party Choice" in the reason for voting a questioned ballot.

The voter receives a ballot, secrecy sleeve and the completed ballot envelope.

Tell voters to mark ballots in private, to place ballot inside the gray secrecy sleeve and place the secrecy sleeve containing voted ballots inside the questioned ballot envelope.

The sealed, voted ballot is placed in the ballot box.

Questioned ballots MUST be sealed in the questioned ballot envelope before being placed in the ballot box. If the voted ballot goes into the ballot box before being sealed in the envelope, make a note on the ballot envelope. The ballot box cannot be opened to retrieve the ballot. Questioned ballots are returned to the regional election office for counting.

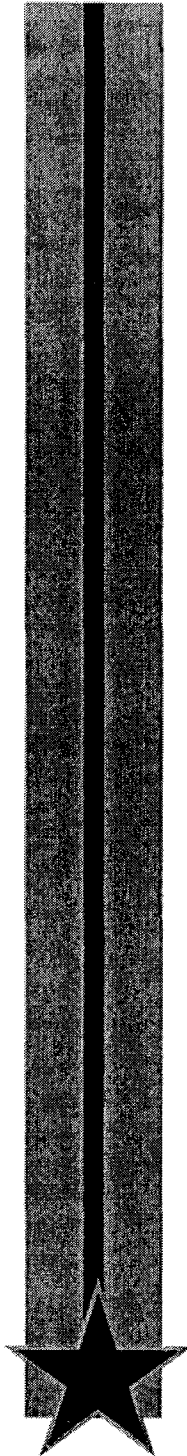


EXHIBIT C-4
FAIL-SAFE VOTING GUIDELINES
(Arkansas)

Fail-Safe Voting

If a voter's address differs from the precinct voter registration list,

- the election official must contact the county clerk, and
- the county clerk must verify that the voter's address is within the precinct.

If the voter's new address is within the current voting precinct,

- the voter must complete a voter registration application form to update county voter registration records.

If the voter's new address is not within the current voting precinct,

- the voter must contact the county clerk to determine the proper voting precinct, and
- the voter must then go to the proper new polling site to vote.

If the voter's name differs from the precinct voter registration list,

- the voter must complete a voter registration application form to update county voter registration records.

If the voter's name is not on the precinct voter registration list,

- the voter must identify himself/herself by name and date of birth and must be verified by the county clerk as a registered voter within the county.
- the voter must give and affirm his/her current address, and the election official must verify with the county clerk that the residence is within the voting precinct.
- the voter must complete an updated voter registration application, and
- the voter must sign the precinct voter registration list.

If a voter's name is not on the precinct voter registration list, and the county clerk is unable to verify the voter's registration,

- the voter may vote a challenged ballot.

EXHIBIT C-4 (continued)
FAIL-SAFE VOTING GUIDELINES

Challenged Ballots

When the ballot of any voter is challenged,

- an election official must inform the voter that his/her ballot is being challenged by a poll watcher,
- the poll watcher challenging the ballot must display credentials (a valid affidavit such as the "Poll Watcher Authorization Form"),
- the poll watcher must complete a "Challenged Ballot Form,"
- the voter must vote on a paper ballot/vote card initialed by the election official,
- the voter must separate his/her marked ballot from the ballot stub,
- the voter must place the challenged ballot in a single envelope marked "Challenged Ballot" and seal the envelope,
- the voter must place the ballot stub, the sealed "Challenged Ballot" envelope, and the "Challenged Ballot Form" in an envelope marked "Challenged Voter," and
- the election official must maintain a separate list of names of challenged voters.

All challenged ballots must be preserved, secured, and separated from the remaining ballots to the end that the right of any person to vote may be determined later by the county board of election commissioners or the court in which an election contest may thereafter be filed.

The county board of election commissioners must, prior to certification of the results of the election, determine whether the challenged ballots are valid. If, upon examination of any challenged ballots, the county board of election commissioners suspects that a violation of election laws has occurred, the board may refer the matter to the prosecuting attorney.

EXHIBIT C-5
 SAMPLE "WHAT IF" GUIDELINES FOR ELECTION DAY
 (California County Clerks Association)

GUIDELINES FOR ELECTION OFFICES
 INSTRUCTIONS FOR PRECINCT OFFICERS

"WHAT IF GUIDELINES FOR ELECTION DAY"

IF THE VOTER:	IS ENTITLED TO VOTE A:	AFTER:	PROCEDURES AT:
<p>Moves within the same precinct (Note: Permits voting regardless of when move takes place). (Election code 2035, 2204)</p>	<p>Regular Ballot</p>	<p>Completing a new VRC and signing the Roster or Alpha List</p>	<p>Polling Place: 1. Provides and receives new VRC. (Note: Not required by code, New VRC assists administratively). 2. Provides regular ballot.</p>
<p>Moves to a different precinct after the 29-day close</p>	<p>AV Ballot at Elections Office</p>	<p>Completing a new VRC and Absentee Ballot application</p>	<p>Elections Office: 1. Provides and receives new VRC. 2. Issues and receives AV Ballot.</p>
<p>Moves to a different precinct after the 29-day close</p>	<p>Provisional Ballot at <u>new</u> polling place</p>	<p>(Note: Make sure Provisional Ballot Envelope is filled out completely). Completing a new VRC, confirming new address, and showing proof of residence</p>	<p>Polling Place: 1. Permit "Fail-Safe" voting at new polling place. Requires provisional ballot procedures. 2. Use of VRC optional to counties. (Note: To Elections Office: Voter registration can be updated from Provisional Ballot Envelope).</p>

EXHIBIT C-5 (continued)
 SAMPLE "WHAT IF" GUIDELINES FOR ELECTION DAY

IF THE VOTER:	IS ENTITLED TO VOTE A:	AFTER:	PROCEDURES AT:
<p>(continued from page 24) Moves to a different precinct after the 29-day close</p>	<p>Regular Ballot at the <u>old</u> polling place</p>	<p>Completing a new VRC</p>	<p>Polling Place: 1. Provides and receives new VRC. Allows voter to sign Roster or Alpha list and then issues regular ballot.</p>
	<p>Absentee Ballot at Elections Office</p>	<p>Completing a new VRC and Absentee Ballot application</p>	<p>Elections Office: 1. Provides and receives new VRC. Verifies voter is registered and that move is within the county. Then updates address in Voter file using newly completed VRC. 2. Issues AV Ballot appropriate for the <u>new</u> residence address.</p> <p style="text-align: center;">or</p> <p>1. Provides and receives new VRC. 2. Issues AV Ballot appropriate to the <u>old</u> residence address. 3. Updates address after the election.</p>
<p>Comes to Elections Office after the 29-day close. Is on voter file at another address within the County</p>	<p>A "Fail-Safe" Provisional Ballot</p>	<p>Completing a new VRC as affirmation</p>	<p>Elections Office: 1. Checks voter file and compares signature 2. Updates voter record from VRC 3. Issues ballot 4. Marks file as having voted</p>

EXHIBIT C-5 (continued)
 SAMPLE "WHAT IF" GUIDELINES FOR ELECTION DAY

IF THE VOTER:	IS ENTITLED TO VOTE A:	AFTER:	PROCEDURES AT:
<p>Did not respond to confirmation mailing, voter record is incorrect, and voter is on the inactive voter file</p>	<p>Regular Ballot at old polling place</p>	<p>Signing Inactive Voter list in Roster affirming continuous residence</p>	<p>Polling Place: 1. Locate name on Inactive Voter list and allow voter to sign Roster. No proof is required. 2. Issues regular ballot.</p>
	<p>Provisional Absentee Ballot at Elections Office</p>	<p>Completing provisional Absentee application</p>	<p>Elections Office: 1. Re-instate voter to Active Voter File. 2. Issues Absentee Ballot appropriate to address on absentee application.</p>
<p>Voter claims they registered at a DMV office</p>	<p>Precinct Officer or voter must call</p>	<p>Elections Office for instructions</p>	
	<p>Provisional Ballot at polling place for current residence address</p>	<p>Voter fills out new VRC if required by Elections Office</p>	<p>Polling Place: Elections Office writes on Provisional Ballot Envelope "voter claims they registered at DMV."</p>

EXHIBIT C-5 (continued)
 SAMPLE "WHAT IF" GUIDELINES FOR ELECTION DAY

IF THE VOTER:	IS ENTITLED TO VOTE A:	AFTER:	PROCEDURES AT:
<p>(continued from page 26) Voter comes to Elections Office on Election Day and claims they registered at a DMV office</p>	<p>Provisional Absentee Ballot for new residence address</p>	<p>Voter fills out a new VRC</p>	<p>Elections Office: Provides and receives VRC. Using "access code" checks with DMV if voter registered there and determines count or no count. (Note: If no count, offer court action if Elections Office provides procedure).</p> <p>1. Note: "Fail-Safe" Ballot if previously registered in county at new polling place for current residence or at central Elections Office.</p> <p>2. Note: If moved within the County after E-29 for old polling place, voter votes regular ballot, signs Roster, and fills out new registration.</p>
<p>Record incorrectly indicates voter has moved or is not registered. Note: No confirmation mailing was sent—cause could be incorrect data entry or error).</p>	<p>Regular ballot at the old polling place</p>	<p>Confirmation has been received from Elections Office (Note: Voter may call the Elections Office to get confirmation. If contact cannot be made a provisional ballot can be voted).</p>	<p>Polling Place: 1. If voter appears on any list, have voter correct the error and allow them to sign the Roster or Alpha List and vote a regular ballot.</p>

EXHIBIT C-5 (continued)
 SAMPLE "WHAT IF" GUIDELINES FOR ELECTION DAY

IF THE VOTER:	IS ENTITLED TO VOTE A:	AFTER:	PROCEDURES AT:
<p>(continued from page 27) Record incorrectly indicates voter has moved or is not registered (Note: No confirmation mailing was sent--cause could be incorrect data entry or error).</p>	<p>Regular ballot at the old polling place</p>	<p>Confirmation has been received from Elections Office. (Note: Voter may call the elections office to get confirmation. If contact cannot be made a provisional ballot can be voted). If confirmation not possible a Provisional Ballot may be voted. (Note: Reason for voting a provisional ballot should be noted on the envelope).</p>	<p>Polling Place: (continued) 2. If voter cannot be located on any list and insists they are registered at that polling place: a. Precinct office calls Elections office to get confirmation that voter is registered. b. Voter may call the Elections office to get confirmation. (Note: If using (a) or (b) voter's name and address are added to the Roster or list provided for that purpose). c. If contact cannot be made voter may vote a provisional ballot. (Note: If using (c) voter completes Provisional Ballot Envelope).</p>
	<p>Absentee Ballot at elections office</p>	<p>Completing an Absentee Ballot application and records are corrected</p>	<p>Election Office: 1. Researches problem and corrects Active Voter File. 2. Issues AV Ballot appropriate for AV application.</p>

EXHIBIT C-6
SAMPLE PROVISIONAL BALLOTS GUIDELINES FOR PRECINCT OFFICERS
(California County Clerks Association)

GUIDELINES FOR ELECTION OFFICES
INSTRUCTIONS FOR PRECINCT OFFICERS

“PROVISIONAL BALLOTS”

The “INSTRUCTIONS FOR PRECINCT OFFICERS” outline the recommended steps for Precinct Officers to follow when processing Provisional Ballots. A “PROVISIONAL VOTING FLOW CHART” reference is recommended for Precinct Officers in addition to any other instructions and materials. (See attachment—“WHAT IF GUIDELINES FOR ELECTION DAY”)

The following comments are intended to highlight areas where processes may differ from County to County. The “STEPS” are references to the “INSTRUCTIONS FOR PRECINCT OFFICERS” and “PROVISIONAL VOTING FLOW CHART”.

STEP I. Voter completes a new voter registration card.
(Elections Code Section 14311(a))

- a. Some jurisdictions want a registration card for the updated signature and if no current registration can be found in the files.
- b. Other jurisdictions use the address information on the Provisional Ballot Envelope to update the voter’s record (confirmed change of address). If the voter is found to be ineligible because they were not previously registered then a registration card is mailed to the voter to complete.

STEP II. Provisional voter signs Roster or Provisional Ballot Log sheet.
(Elections Code Sections 14107, 14216)

- a. Some jurisdictions use the Roster as a complete record of all voters who were issued a ballot.
- b. Other jurisdictions use the Roster only for signatures of voters whose names are on the Roster or Alpha list. Some jurisdictions only require one signature from the voter, the signature on the Provisional Ballot Envelope.

EXHIBIT C-6 (continued)

SAMPLE PROVISIONAL BALLOTS GUIDELINES FOR PRECINCT OFFICERS

STEP III. Voter removes ballot stub and seals ballot in Provisional Ballot Envelope.

(Elections Code Sections 14277, 14293)

- a. Some jurisdictions instruct the voter to remove the ballot stub(s) after voting and seal the ballot in the Provisional Ballot Envelope.
- b. Other jurisdictions have a member of the Precinct Board remove the ballot stub(s). The voter is asked to seal the voted ballot in the Provisional Ballot Envelope before it is deposited in the Ballot Box. (Elections Code Section 14310(b))

Note: Some jurisdictions are using a distinctive color "Secrecy Envelope" to identify a ballot issued to provisional voters. The ballot can then be easily identified by the Precinct Board to deposit in the Ballot Box.

STEP IV. Voter writes date moved on the Roster.

- a. Some jurisdictions instruct voters to write the date the voter moved next to the signature in the Roster. (Voters who have moved after the 29-day close and return to the "old polling place" **DO NOT** vote provisionally). (Election Code Section 2035, 2204)
- b. Some jurisdictions print the word "Provisional" after the voter's signature in the Roster.
- c. Other jurisdictions have the provisional voters write the date they moved on the Provisional Ballot Envelope.

Updating the voter file with the Driver's License numbers from Provisional Ballot Envelopes, is a way to provide an additional identifier for the voter.

Note: Attachments have been provided as guidelines toward statewide uniformity on various procedures. The "Provisional" process including the "Fail-Safe" provisions applies to ALL elections.

EXHIBIT C-7
PROCEDURE FOR CHALLENGED AND
PROVISIONAL BALLOTS (Kansas)

Office of the Kansas Secretary of State

**PROCEDURE FOR CHALLENGED
AND PROVISIONAL BALLOTS**

1. Any person offering to vote who is known or suspected of being unqualified as an elector in the precinct and county in which the person offers to vote shall be challenged by the judge. [25-414(a)]
2. If a registered voter has changed residences within the county and not updated the registration records, the voter shall vote a provisional ballot in the same manner as a challenged voter, as described below. [25-414(b)]
3. One member of the precinct election board shall give the challenged voter a Kansas voter registration application form for the voter to complete and sign. If the person refuses to sign the affidavit on the form, the vote shall be rejected. [25-409(a)]
4. The election board member shall then give the voter an advance voting ballot, which the voter shall vote in the same manner as any other voter. [25-409] The ballot shall be numbered on the upper right corner to correspond with the person's name on the poll book, and the word "Sworn" shall be written after the person's name in the poll book. [25-413]
5. The word "provisional" shall be written following the voter's name in the poll book. [25-409]
6. The marked ballot shall be sealed in an envelope on which:
 - (a) a member of the election board shall write
 - the word "provisional"
 - the reason the ballot was challenged or provisional
 - a statement that the ballot contained in the envelope is the same ballot which was challenged and given to the voter.
 - (b) two members of the election board shall attest the statements on the envelope
 - (c) the completed voter registration application shall be fixed
 - (d) a number shall be written corresponding to the voter's name in the poll book. [25-409]
7. The envelope containing the ballot shall be packaged with the objected to and voided ballots. [25-409]
8. The county board of canvassers shall review any such ballots and determine the acceptance or rejection of each. [25-409]

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EXHIBIT C-8
 VOTER PROCESSING FLOWCHARTS
 (Wake County, North Carolina)

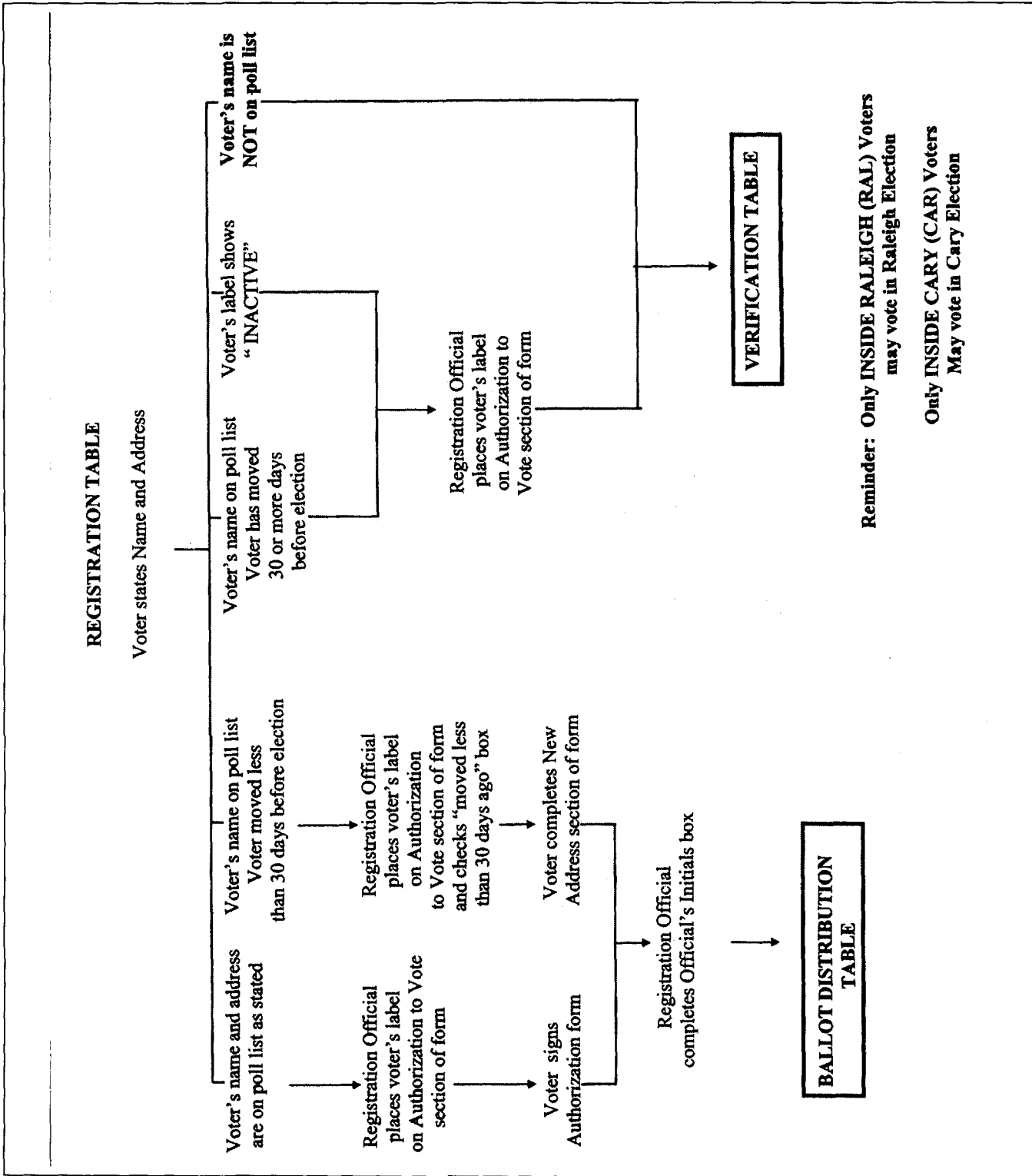


EXHIBIT C-9
PROVISIONAL BALLOT VOTER GUIDELINES
(Wake County, North Carolina)

VERIFICATION TABLE

PROVISIONAL BALLOT VOTERS INCLUDE:

- 1. The voter who appears at your polling place and states that he/she is a registered voter in Wake County and has moved into your precinct 30 or more days prior to the election but did not notify the Wake County Board of Elections of his/her new address.**
- 2. The voter who states he/she registered to vote prior to the registration deadline, and should be on your poll list.**
- 3. The voter who states that he/she has been registered to vote in the precinct and has not moved since completing that registration.**
- 4. The voter who claims his residence is within a certain district or municipality but the poll list does not indicate he/she is within the jurisdiction.**

EXHIBIT C-9 (continued)
PROVISIONAL BALLOT VOTER GUIDELINES

PROVISIONAL BALLOT
**VOTER TRANSFERRING INTO YOUR
PRECINCT WITHOUT AN AUTHORIZATION
TO VOTE/NEW ADDRESS/ELECTION DAY
TRANSFER FORM**

- The Verification Official uses the Street Book to verify that the voter is in the correct precinct. **Pay close attention to the *Even/Odd* numbers.** (If the street address is not listed in the Street Book or the new precinct cannot be determined, call the Board of Elections office).

- ⊙ If the voter is in the correct precinct:
 - ✍ The voter must complete the information on the Provisional Ballot Envelope and the attached Registration Application/Update form. Remind the voter not to separate the envelope and the form.

 - ✍ The Verification Official fills in the precinct number, ballot style issued and signs the Provisional Ballot Envelope.

 - ✍ The Verification Official consecutively numbers the provisional ballot envelopes. (PROV. #_____).

 - ✍ The Verification Official puts provisional number (PROV. #) and precinct number on attached registration form.

 - ✍ The Verification Official hands the voter a ballot and instructs the voter to vote the ballot, fold it and seal it in the Provisional Ballot Envelope and return the sealed envelope to the Verification Official, with the completed Registration/Update form attached.

 - ✍ The Verification Official does not separate the envelope and the Registration Application/Update form.

THE VOTER MUST RETURN THE SEALED ENVELOPE TO THE VERIFICATION OFFICIAL. DO NOT ALLOW THE VOTER TO INSERT A PROVISIONAL BALLOT INTO THE TABULATOR.

EXHIBIT C-9 (continued)
PROVISIONAL BALLOT VOTER GUIDELINES

- ✍ The Verification Official writes the voter's name, address, date of birth, on the Election Day Provisional Pollbook Sheet. The provisional voter's number should match the number on the voter's envelope.
- ✍ The Verification Official places the sealed Provisional Ballot Envelope with the Registration Application/Update form attached into the Election Certification Materials case (blue nylon zippered case).
- ⊕ If the voter is in the wrong precinct:
 - ✍ The Verification Official determines the voter's correct precinct by using the Street Book and directs the voter to the correct precinct or to the Board of Elections office. (If the street address is not listed in the Street Book or the new precinct cannot be determined, call the Board of Elections office).
- When the polls close, the Verification Official counts the number of voted provisional ballots contained in the Election Certification Materials case (blue nylon zippered case). That number is written on the "Closing the Polls" form.
 - The number of voted provisional ballots **MUST** equal the number of names on the Election Day Provisional Pollbook Sheet.
- All voted provisional ballots with completed Registration Application/Update form attached and Election Day Provisional Pollbook Sheets are returned in the Election Certification Materials case (blue nylon zippered case) on Canvass Day to Station 1.
- All unvoted ballots are counted and returned to the Ballot Distribution Table and sealed in the unvoted ballot box(es).
- All unused Provisional Ballot Envelopes are to be returned in the Verification Supply case (red nylon zippered case.)

EXHIBIT C-10 CHALLENGED VOTER PROCEDURES (South Carolina)

CHALLENGE BY THE MANAGERS (PROVISIONAL BALLOTS)

The law provides that if the managers are reasonably sure that the person presenting him/herself is entitled to vote, they shall deliver to him/her a ballot. Section 7-13-730.

The law also provides that the managers of election shall prevent any person from voting when they have good reason to believe that such person has already voted. It provides also that they shall refuse to allow any person to vote who is not a registered voter or who has become disqualified for any cause to vote in the precinct. It is the duty of managers to challenge the vote of any person who may be known or suspected not to be a qualified voter. Section 7-13-810.

If the managers have good reason to believe that the voter has already voted, or if they believe that he/she has become disqualified to vote, they should challenge his/her vote in the following manner.

1. The managers should explain to the voter the qualifications of a voter. These qualifications are set forth in Sections 7-5-120 and 7-5-220, the 26th Amendment of the United States Constitution, and decision of the United States Supreme Court in **Dunn v. Blumstein** (March 21, 1972), as follows:
 - A) must be at least 18 years of age,
 - B) must be a citizen of the United States, a resident of South Carolina, the county, and the voting precinct at which he/she offers to vote,
 - C) must neither be now under court order declaring him mentally incompetent nor confined in a public prison - persons on parole or probation for nondisqualifying crimes should be permitted to vote,
 - D) must not have been convicted of a felony or crimes against the election laws, unless he/she shall have served his/her complete sentence, including any probation or parole time, or have been pardoned for such offenses,
 - E) must have been duly registered by the board of registration and his/her registration must be dated at least thirty days prior to the election.

2. The managers may question the voter as to these qualifications. If the person whose vote is challenged insists that he/she is qualified, and the challenge is not withdrawn, his/her vote shall then be received and placed in an envelope on which shall be written the name of the voter, and that of the challenger. If voting at the voting place is being done upon a voting machine, the manager shall provide a paper ballot if the vote is challenged, and it shall be placed in an envelope. Special provisional ballot envelopes will be furnished each precinct by the State Election Commission. See **Diagram 1** below. The challenged votes shall be kept separate and apart and not counted but turned over to the commissioners of election. Section 7-13-830.

PROVISIONAL BALLOT ENVELOPE

PROVISIONAL BALLOT ENVELOPE				PRECINCT NAME:		
REGISTRATION NUMBER		BIRTHDATE		Month	Day	Year
NAME OF VOTER (as registered)	Last	First	Mt.	MI		
ADDRESS AS REGISTERED	Street	City	SC	Zip		
<input type="checkbox"/> FAILSAFE <small>(Complete Change of Address Section Below)</small> <input type="checkbox"/> CHALLENGE - List reason for challenge here: _____						
NAME OF CHALLENGER	Last	First	Mt.	Certificate #		
ADDRESS OF CHALLENGER	Street	City	SC	Zip	Precinct	
CHANGE OF ADDRESS SECTION - REQUIRED IF FAILSAFE						
VOTER'S NEW ADDRESS	Street	City	SC	Zip		
VOTER'S NEW MAIL ADDRESS <small>(if different from Above)</small>	Street or Post Office Box	City	SC	Zip		
VOTER'S PHONE	Home	Work	SOCIAL SECURITY #			
<small>I hereby affirm that the address shown herein is my sole legal residence and is not a second or other alternate legal residence. <input type="checkbox"/> I hereby authorize the county board of voter registration to make the above changes. <input type="checkbox"/> I hereby request the county board of voter registration to issue me a DUPLICATE voter registration certificate.</small>						
						<small>Signature of Voter</small>

DIAGRAM 1 - Provisional ballots should be placed in the envelope provided.

EXHIBIT C-10 (continued) CHALLENGED VOTER PROCEDURES

3. The managers should inform both the challenged voter and the challenger of the time and place that the hearing on provisional ballots will be held. The State Election Commission will provide notices of the provisional ballot hearing which should be filled out and given to each challenged voter and challenger at the time the challenge is issued. Unless the challenger is present at the hearing, produces witnesses in support of the challenge, or provides evidence in writing to support the challenge prior to the hearing, the provisional ballot will be counted. The challenger should make every effort to be in attendance at the hearing. Nothing prohibits the county election commission from continuing any challenge administratively as long as it has evidence to sustain the challenge. Section 7-13-830.

Any manager who challenges a person's vote should be present at the hearing to insure that the challenge is sustained and to make certain that the vote, if ruled invalid, is not counted.

NOTE: All challenges must be made prior to the time a voter receives a paper ballot or enters into a voting machine. No challenges shall be considered after that time. In the case of absentee ballots, challenges shall be made prior to the processing of the absentee ballot envelopes. However, nothing shall affect the right of any elector or qualified watcher to challenge the vote of any person which is fraudulent or when the challenge is based on evidence discovered after the vote is cast. Section 7-13-810.

WATCHERS

Each candidate in a primary election, or a non-partisan or announced write-in candidate in a general election, may appoint a watcher for any voting place. However, in any general or special election, all candidates of the same political party shall be jointly represented at any one polling place by not more than two watchers for each 1,000 registered voters or fraction thereof registered at such polling place. Every watcher must be a qualified voter in the county where he/she is to watch and he/she must be certified to the managers of the voting precinct to which assigned, in writing, signed by the candidate or by an appropriate party official as having been designated to act as a watcher. The watcher must at all times wear a badge not to exceed 4 1/4" x 4 1/4", specifying the name of the candidate or party he/she represents. This badge must contain letters no larger than 1/4 inch in height or width and must not be a color that has florescent quality. The watcher must conduct himself in a manner that will not interfere with the orderly conduct of the election. Section 7-13-860. The managers have authority to require that the watchers station themselves in such places as the managers designate, and conduct themselves in an orderly manner. They must be placed where they can observe the entire election procedure, but managers should not permit the activity of the watchers to interfere with the orderly conduct of the election or to permit the watcher to talk with the voter. Section 7-13-140 and 7-13-860.

The voter registration list is a matter of public record. Poll watchers should be allowed to look at the list, under supervision of the poll managers, as long as it does not interfere or disrupt the orderly voting process.

CHALLENGES BY WATCHERS AND ELECTORS

If the watcher desires to challenge a voter, he/she must address himself to a manager, and not to the voter. The manager should then follow the procedure outlined in the preceding section entitled "Challenge by the Managers" Section 7-13-810. He/she should explain the qualifications of an elector and examine the person as to such qualifications. If the challenger specifies the grounds of his/her challenge, such as, commission of a crime, or failure to reside in the precinct, the managers need only explain the appropriate qualifications to the challenged person and examine him as to these.

If the challenged person insists that he/she is qualified and the challenge is not withdrawn, the vote should be received, placed in the special challenge envelope on which is written the name of the voter, the name of the precinct, the name of the challenger and the reason for challenge; and the challenged vote is then kept separate and apart and not counted, following the procedure outlined above. Section 7-13-830.

NOTE: It should be noted that any qualified elector has the right to challenge a person's vote the same as a watcher. The challenge must be directed to the voter through a manager. Section 7-3-810.

EXHIBIT C-11
 "WHAT IF" GUIDELINES
 (Virginia)

WHAT IF . . . (CONTINUED)

<p>9. VOTER'S NAME NOT ON PRECINCT ROSTER</p>	<p>POSSIBLE REASONS:</p> <ul style="list-style-type: none"> • <u>REGISTRATION APPLICATION RECEIVED AFTER DEADLINE</u> • <u>VOTER'S REGISTRATION APPLICATION WAS DENIED DUE TO INCOMPLETE INFORMATION</u> • <u>VOTER'S REGISTRATION WAS CANCELLED FOR SOME LEGALLY REQUIRED REASON</u> 	<p>BEFORE CALLING THE REGISTRAR'S OFFICE:</p> <ul style="list-style-type: none"> • <u>CHECK FOR CORRECT SPELLING OR RECENT NAME CHANGE</u> • <u>LOOK FOR NAME AT END OF ALPHABETICAL SECTION ON THE PRECINCT ROSTER OR ON THE SEPARATE LISTING PROVIDED BY THE GENERAL REGISTRAR</u> • <u>ASK WHEN AND WHERE PERSON REGISTERED TO VOTE AND/OR WHEN AND WHERE PERSON LAST VOTED</u> • <u>WRITE PERSON'S FULL LEGAL NAME, ADDRESS AND SOCIAL SECURITY NUMBER; TAKE THE INFORMATION TO THE PHONE, AND,</u> • <u>CALL THE REGISTRAR'S OFFICE (THEN SEE ITEM 10, 11, OR 12)</u>
<p>10. VOTER'S NAME OMITTED FROM PRECINCT ROSTER IN ERROR</p>	<p><u>ONLY THE REGISTRAR, WHO HAS ACCESS TO ALL VOTER REGISTRATION RECORDS, MAY AUTHORIZE THE OFFICER TO ADD A VOTER'S NAME TO THE PRECINCT ROSTER</u></p> <p><u>§24.2-652</u></p>	<p>IF REGISTRAR AUTHORIZES OFFICER TO ADD VOTER'S NAME TO PRECINCT ROSTER:</p> <ul style="list-style-type: none"> • <u>USE AFFIRMATION OF ELIGIBILITY FORM; CHECK BOX #2</u> • <u>HAVE VOTER SIGN AFFIRMATION STATEMENT</u> • <u>ENTER VOTER'S NAME AND IDENTIFYING INFORMATION ON THE PRECINCT ROSTER AND IN THE POLLBOOK AT THE END OF ALPHABETICAL SECTION THAT APPLIES</u> • <u>STATE VOTER'S NAME AND ADDRESS; ENTER "X" ON PRECINCT ROSTER (OR PBC NUMBER IF USING COMBINED ROSTER/POLLBOOK) (OR FOR PRIMARY, "D" OR "R")</u> • <u>MARK OFF NEXT PBC NUMBER; ENTER PBC NUMBER IN POLLBOOK AND "S" (FOR STATEMENT) IN POLLBOOK</u>
<p>11. PERSON IS NOT QUALIFIED TO VOTE</p>	<p><u>THE REGISTRAR WILL ADVISE THE OFFICER IF A PERSON IS NOT QUALIFIED TO VOTE</u></p>	<ul style="list-style-type: none"> • <u>INFORM PERSON HE MAY NOT VOTE</u> • <u>HAVE PERSON COMPLETE AND SIGN THE VOTER REGISTRATION APPLICATION TO BE ELIGIBLE TO VOTE IN THE NEXT ELECTION</u>

EXHIBIT C-11 (continued)
 "WHAT IF" GUIDELINES

WHAT IF... (CONTINUED)

<p>12. VOTER'S NAME IS NOT ON PRECINCT ROSTER</p> <p>AND</p> <p>THE REGISTRAR CANNOT BE CONTACTED OR CANNOT CONFIRM THE PERSON IS REGISTERED TO VOTE</p>	<p><u>THIS VOTER MAY ONLY VOTE BY CASTING A CONDITIONAL VOTE (GREEN ENVELOPE)</u></p> <p><u>THE CONDITIONAL BALLOT IS NOT COUNTED ON ELECTION DAY. IT IS CAST BY THE ELECTORAL BOARD ON THE DAY AFTER THE ELECTION, PROVIDED THE PERSON IS FOUND TO BE QUALIFIED TO VOTE.</u></p> <p>§24.2-653</p>	<ul style="list-style-type: none"> • HAVE VOTER COMPLETE IDENTIFYING INFORMATION AND SIGN STATEMENT ON THE <u>GREEN CONDITIONAL VOTE ENVELOPE</u> • ENTER VOTER'S NAME AND IDENTIFYING INFORMATION <u>ONLY</u> ON PRECINCT ROSTER AT END OF ALPHABETICAL SECTION THAT APPLIES - DO <u>NOT</u> MARK "X" OR "D" OR "R" ON PRECINCT ROSTER (OR PBC NUMBER IF USING COMBINED ROSTER/POLLBOOK) - DO <u>NOT</u> ENTER ANY INFORMATION IN THE POLLBOOK • HAVE PERSON VOTE AND SEAL BALLOT IN GREEN ENVELOPE • PLACE SEALED GREEN ENVELOPE IN BALLOT BOX • INFORM VOTER WHEN AND WHERE ELECTORAL BOARD WILL MEET THE FOLLOWING DAY TO CONSIDER VOTER'S QUALIFICATION • OFFER THE VOTER A REGISTRATION APPLICATION. EXPLAIN THAT COMPLETING THIS APPLICATION WILL NOT AFFECT HIS ELIGIBILITY TO VOTE IN TODAY'S ELECTION, BUT IS FOR FUTURE ELECTIONS.
<p>13. VOTER IS CHALLENGED BY OFFICER OF ANOTHER VOTER</p> <p>(INCLUDING REPRESENTATIVE OF PARTY OR INDEPENDENT CANDIDATE)</p>	<p>A QUALIFIED VOTER MAY CHALLENGE ANY PERSON WHO IS LISTED ON THE PRECINCT ROSTER BUT IS KNOWN OR SUSPECTED NOT TO BE A QUALIFIED VOTER</p> <p>AN OFFICER OF ELECTION MUST CHALLENGE SUCH PERSON</p> <p>§24.2-651</p>	<ul style="list-style-type: none"> • EXPLAIN TO VOTER THE QUALIFICATIONS TO VOTE, IF NECESSARY (SEE INFORMATION ON THE VOTER REGISTRATION APPLICATION) • USE <u>AFFIRMATION OF ELIGIBILITY FORM</u>; CHECK BOX #3 • HAVE VOTER SIGN <u>AFFIRMATION STATEMENT</u>, IF VOTER CHOOSES TO VOTE • STATE VOTER'S NAME AND ADDRESS; ENTER "X" ON PRECINCT ROSTER (OR PBC NUMBER IF USING COMBINED ROSTER/POLLBOOK) (OR FOR PRIMARY, "D" OR "R") • MARK OFF NEXT <u>PBC NUMBER</u>; ENTER <u>PBC NUMBER</u> IN POLLBOOK AND "<u>S</u>" (FOR <u>STATEMENT</u>) IN POLLBOOK <p>NOTE: A PERSON WHO IS CHALLENGED AND REFUSES TO SIGN THE <u>AFFIRMATION STATEMENT</u> MAY NOT VOTE. DO NOT WRITE "X" OR "D" OR "R" IN PRECINCT ROSTER; DO NOT ENTER <u>PBC NUMBER</u> OR "<u>S</u>" IN POLLBOOK.</p>

EXHIBIT C-12
"FLIP" GUIDELINES FOR ELECTION-DAY PROBLEMS
(Thurston County, Washington)

Here at your
FINGERTIPS

**... are step-by-step procedures to resolve
problems that may arise in your precinct
on election day.**

Prepared by:
KIM WYMAN
Thurston County Auditor

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- NO REGISTRATION IN POLL BOOK**
- "MUST VOTE SPECIAL BALLOT" NOTED IN POLL BOOK**
- ABSENT BOARDWORKER**
- ELECTIONEERING**
- CARD STUCK IN VOTING DEVICE**
- POLL WATCHERS WISH TO OBSERVE**
- DISABLED VOTER ASSISTANCE**
- POLL SITE NOT OPEN**
- VOTING DEVICE DAMAGED**
- SPOILED BALLOTS**
- SPECIAL BALLOTS**
- UNEXPECTED PROBLEMS**

EXHIBIT C-12 (continued)
"FLIP" GUIDELINES FOR ELECTION-DAY PROBLEMS

NO REGISTRATION IN POLL BOOK.

1. Recheck the Poll Book.
2. Have the voter vote a Special Ballot.
(See **SPECIAL BALLOTS**)

NOTE: DO NOT SEND A VOTER TO ANOTHER PRECINCT

NO REGISTRATION IN POLL BOOK	
"MUST VOTE SPECIAL BALLOT"	NOTED IN POLL BOOK
ABSENT BOARDWORKER	
ELECTIONEERING	
CARD STUCK IN VOTING DEVICE	
POLL WATCHERS WISH TO OBSERVE	
DISABLED VOTER ASSISTANCE	
POLL SITE NOT OPEN	
VOTING DEVICE DAMAGED	
SPOILED BALLOTS	
SPECIAL BALLOTS	
UNEXPECTED PROBLEMS	

EXHIBIT C-12 (continued)
"FLIP" GUIDELINES FOR ELECTION-DAY PROBLEMS

SPECIAL BALLOTS

WHEN to issue a Special Ballot:

- If the voter's name is not listed in the Auditor's Poll Book.
- If the message "Must Vote Special Ballot" appears on the voter's signature line.
- If the voter questions any candidate or issue on the ballot.

HOW to issue a Special Ballot:

1. Poll Book Judge: **PRINT** legibly the voter's name, address, date of birth, and reason for the special ballot on the special ballot pages in the back of the Auditor's Poll Book.
2. Have the voter sign on the same line in the back of the Auditor's Poll Book.
3. Inspector: Give the voter a lavender special ballot. Keep the white Special Ballot Inner Envelope and the manila outer envelope.
4. Announce to the judges the special ballot stub number to be recorded in the Auditor's Poll Book (next to the voter's signature) and in the Inspector's Copy Poll Book.
4. Direct the voter to the correct voting machine. Choose a machine that best suits the voter's needs regarding candidates and issues. (Voter eligibility is checked later by the Auditor, not at the polls.)
6. When the voter returns the voted lavender special ballot to the Inspector, remove the ballot stub. (The voter may remove his/her own stub, if desired.) Write the ballot stub number in the green Ballot Control Record and print a "star" next to it. Place the stub in the Ballot Stub Envelope.

DO NOT PLACE THE LAVENDER SPECIAL BALLOT IN THE BALLOT BAG YET.

7. Tell the voter to seal the ballot inside the white inner envelope, then place the white envelope inside the manila envelope, and seal it.
8. Inspector: Before the voter leaves, check that the Voter Information on the left hand portion of the manila outer envelope has been legibly and completely filled out. On the right hand side of the envelope, complete the Inspector's section, including the reason for voting a special ballot, the precinct from which the ballot was issued, and your signature.
9. When all the information on the manila envelope is complete, have the voter sign the oath on the envelope. Place the special ballot in the ballot bag, or allow the voter to do so.

SPECIAL BALLOTS

UNEXPECTED PROBLEMS

APPENDIX D

VERIFICATION AND COUNTING GUIDELINES

EXHIBIT D-1
 CANVASSING GUIDELINES FOR PROVISIONAL/"FAIL SAFE" BALLOTS
 (California County Clerks Association)

**CANVASS GUIDELINES FOR
 PROVISIONAL/"FAIL-SAFE" BALLOTS**

COUNT/NO COUNT GUIDELINES

To be **COUNTED** a Provisional Ballot Envelope must have, at a minimum, the following items:

- Voter's Name
- Current Residence Address
- Signature

"Fail-Safe" Provisionals must also show:

- That the voter's name and address was verified and what Proof of Residency was shown; for example:
 - A Driver's License or ID Card with the new address is sufficient, but if not available, then **two** other documents must be shown. **Only those documents listed in the Secretary of State's Regulations can be accepted as proof.** These documents must be verified by the Precinct Board and contain the voter's name and new address.

CONDITION	COUNT	DON'T COUNT
PREVIOUS VOTING: If research shows that voter has previously voted in the election. (Turn name over to the District Attorney). EC 18360		X
MAIL BALLOT PRECINCT: • Voter moves into a mail ballot precinct prior to the E-29 close and does not re-register, must vote provisionally at the Central Elections Office and complete a new voter registration card.	X	

EXHIBIT D-1 (continued)
CANVASSING GUIDELINES FOR PROVISIONAL/"FAIL SAFE" BALLOTS

CONDITION	COUNT	DON'T COUNT
<p>MAIL BALLOT PRECINCT: <i>continued from page 60</i></p> <ul style="list-style-type: none"> • Voter moves out of a mail ballot precinct prior to the E-29 close and does not re-register, may vote "Fail-Safe" at the <u>Central Election Office</u>, 2 C. C. R. § 20107 <p>E-28 and including Election day</p> <ol style="list-style-type: none"> 1. Complete new voter registration card which is proof of Residence by affirmation. 2. Compare signature or confirm previous registration. <ul style="list-style-type: none"> ➤ Research must confirm that the mail ballot precinct ballot was not returned or was returned undeliverable. X 	X	
<ul style="list-style-type: none"> • Voter moves out of a mail ballot precinct prior to the E-29 close and does not re-register, may vote "Fail-Safe" at polling place for new residence address with Proof of Residency. X 	X	
<p>FAIL SAFE PROOF OF RESIDENCY AT POLLING PLACE ONLY: (California Code of Regulations Title 2, section 20107) EC 14311</p> <p>If only one form of Proof of Residency with new residence address is shown it must be:</p> <ul style="list-style-type: none"> • A California Driver's License or ID Card. X 	X	
<ul style="list-style-type: none"> ➤ If only one document from the categories listed in the California Code of Regulations (b) (2) A through M is given. X 	X	
<ul style="list-style-type: none"> ➤ Any two documents from the same category. A through M but from different sources. Example: Utility bill; water bill; gas bill; credit card statement (Visa/Mastercard). X 	X	
<ul style="list-style-type: none"> ➤ Any two documents from category (c) (1) (2) (3), which contains name and description of property at which, the current residence of the voter is located. X 	X	
<ul style="list-style-type: none"> ➤ If only one document from category (c) (1) (2) (3) which contains name and description of property at which the current residence of the voter is located. X 	X	
<ul style="list-style-type: none"> ➤ If you receive one document from each of the two categories listed under (b) (2) (a) thru (1) and (c) (1) and (3) in California Code of Regulations. X 	X	

EXHIBIT D-1 (continued)
CANVASSING GUIDELINES FOR PROVISIONAL/"FAIL SAFE" BALLOTS

CONDITION	COUNT	DON'T COUNT
<p>REGISTRATION: If research shows that the voter wasn't previously registered in the county. NVRA Section 8 (e) (1)</p>	X	X
<p>If no new registration is returned with "Fail-Safe" provisional:</p> <ul style="list-style-type: none"> • If you determine they are currently registered in the same jurisdiction. NVRA Section 8 (c) (1) 	X	
<ul style="list-style-type: none"> • If voter is registered in the county and provisional envelope shows both new address and previous registered address. 	X	
<ul style="list-style-type: none"> • If voter was registered in another jurisdiction treat as new voter in county. 		X
<ul style="list-style-type: none"> • If voter votes using an address from inactive file (as long as research doesn't show double voting) update voter's record to the active file. 	X	
<p>NAME CHANGES: If previous address or former name is given so envelope can be verified against registration on file. (If new registration card is not returned with ballot send registration card to update records). EC 14311. EC 2115. NVRA Section 8 (e) (2) (A)</p>	X	
<p>MOVED BEFORE E-29 CLOSE: Voted at wrong precinct of same ballot style, equal or less contest. "Fail-Safe" voting must be correct precinct. EC 14310</p>		X
<p><u>Old Polling Place</u> (Equal or less does not apply to "Fail-Safe") EC 14310</p>		X
<p><u>Wrong Polling Place</u> (Must be correct polling place for "Fail-Safe")</p>		X
<p><u>Central Location</u></p> <ul style="list-style-type: none"> • Can vote by affirmation by completing new voter registration card required per 2 C.C.R. § 20107 	X	
<p><u>New Polling Place</u> Proof of residence required. EC 14311</p>	X	

EXHIBIT D-2
COUNTING PROVISIONAL BALLOTS
(Kansas)

COUNTING PROVISIONAL BALLOTS

#	SITUATION	SHOULD BALLOT COUNT?	LEGAL AUTHORITY	COMMENTS
A	VOTER REGISTRATION			
1	Voter registered in office before books closed and advance voted at the same time.	YES	25-1122 25-2311	If voter's notice of disposition was not returned by mail before canvass day.
2	Voter registered in office before books closed and advance voted at the same time. The voter's notice of disposition was returned as undeliverable.	Laws are unclear. Consult county attorney or counselor.	25-1122 25-2302 25-2311	KSA 25-2302 indicates that the ballot <i>should not</i> count because a person must be registered before voting. KSA 25-2316c(e) indicates that the ballot <i>should</i> count because the person to whom a confirmation notice is sent (after the notice of disposition is returned undeliverable) is a registered voter when the election officer adds his/her name to the registration list.
3	Voter registered at CEO office after books closed or at the polling place on election day and voted at the same time.	NO	25-2311(a)(6) 25-2311(e)	Law requires that a voter must register 14 days prior to election.
4	Registered voter had different name than on poll book due to marriage, divorce or legal proceeding and completed a new voter registration application.	YES	25-2316c(a)	
5	Registered voter had different name than on poll book and did not complete a new voter registration application.	NO	25-2316c(a)	
6	Voter was registered but voted in wrong precinct due to voter error	NO	25-2302 25-2908	
7	Voter was registered, voted in wrong precinct or voted a provisional ballot due to CEO error.	YES (on portions that voter is qualified to vote on)	25-3002	No voter error.
8	Voter was not registered.	NO	25-215 25-2302	Kansas laws require registration before voting.
9	Voter claimed to have registered at DMV, post office, state fair or NVRA registration outpost and CEO had no registration.	NO	25-215 25-2302 25-2421a	Unless CEO verifies DMV error. 2001 SB 128 New Section 1.

EXHIBIT D-2 (continued)
COUNTING PROVISIONAL BALLOTS

B	VOTER MOVES			
	MOVES WITHIN COUNTY			
1	Registered voter moved within county within 30 days of election. Voted at former precinct.	YES	KS Const. Art. 5 Sec. 1; 25-3702	KS Constitution allows this so ballot not required to be provisional. Voter must complete Form FP1 before voting.
2	Registered voter moved within county within 30 days of election. Voted at either new precinct or central location.	YES	25-2353, 25-409	Must complete new registration card before voting provisional ballot.
3	Registered voter moved within county within 30 days of election. Voted at wrong precinct.	NO	25-3702	Not protected by law. Must vote at precinct of residence/registration.
4	Registered voter moved anywhere in county and voted at new precinct.	YES	25-2316c(b)	Voter must complete a new voter registration application.
5	Registered voter moved within county at any time before election. Voted at either new precinct or central location.	YES	25-2353, 25-409	Must complete new registration card before voting provisional ballot. No time limit on date of move.
6	Registered voter moved within the county at any time and completed a new voter registration card.	YES	25-2353	If voted at new precinct or central location.
7	Registered voter moved within county more than 30 days before election. Voted at former precinct.	NO	25-3702	Not protected by law. Must vote precinct of residence/registration.
8	Registered voter moved within county within 30 days of			
9	Registered voter moved within the county but refused to fill out a new voter registration card before voting.	NO	25-409(a)	
	MOVES OUT OF COUNTY, WITHIN STATE			
10	Registered voter moved anywhere in state within 30 days of election. Voted at former precinct.	YES	Kan. Const. Art. 5 Sec. 1, 25-3702	KS Constitution allows this, so ballot not required to be provisional. Voter must complete Form FP1 before voting.
11	Registered voter moved out of county but within state within 30 days before election. Voted in new precinct without re-registering.	NO	Kansas Constitution Article 5, 25-3702; 25-2316c(b)	Fail safe (provisional) voting only covers in-county moves. Former precinct voting only allows voting in precinct of former residence.
12	Registered voter moved out of county but within state more than 30 days before election.	NO	25-3702	Not protected by law. Needed to re-register at new address.

EXHIBIT D-2 (continued)
COUNTING PROVISIONAL BALLOTS

C	ADVANCE VOTING			
1	Registered voter requested advance ballot, did not receive ballot and voted at polls.	YES	25-2908c	If CEO verifies that voter did not cast multiple ballots.
2	Registered voter voted in advance, then voted at the polling place.	NO	25-2416(b)	Election crime.
3	Registered voter returned advance ballot in unsigned envelope.	NO	25-1124(a) 25-1136(b) 25-3002(f)	
4	Voter signed another voter's envelope.	NO	25-1120, 25-1124	Law requires voter to sign statement on envelope.
5	Two voters voted in advance. Ballot envelopes switched, signed by the wrong voter in same household. Both are eligible voters and signatures match.	NO	25-1120	
6	Voter submitted an advance voting ballot with ballot envelope not sealed.	YES		Technical irregularity unless CEO finds evidence of tampering.
7	Voter applied for an advance voting ballot after deadline for application.	NO	25-1119, 25-2302 25-2311(a)	Kansas laws require registration before voting.
8	Voter used power of attorney to obtain advance voting ballot and used attorney to vote.	NO	AG letter to SOS, Sept. 16, 1997	Power of attorney has no effect in voting. Laws provide for assisted voting.
9	Voter casts advance ballot, then dies. Election board makes ballot provisional pursuant to KSA 25-1136(c).	NO	25-1136(c) AG Opinion 2002-15	If ballot should count, then the directive to make it provisional is "vain, idle, or futile." There is a presumption that the legislature does not "enact useless or meaningless legislation."
D	OTHER			
1	Registered voter's name was found by CEO elsewhere in poll book.	YES	25-2908(b)	NVRA fail safe voting
2	Voter needed assistance - should not have been challenged.	YES	25-2909	No voter error
3	Voter voted provisional ballot, only one board worker signed envelope.	YES	25-702 25-716 25-3002(b)	(technical irregularity) No voter error.
4	In primary election, registered voter requested and received a different party's ballot than the one registered for.	NO	25-3301(d) 25-3304(b)	Can vote if affiliated with either of the 2 major parties. Can affiliate with either of the 2 major parties if unaffiliated.
5	Registered voter died after casting ballot.	YES	AG Opinion 2002-15	Most ballots are commingled with others are irretrievable and impossible to not count.
6	Registered voter returned a ballot after polls closed.	NO	25-106 25-1132 (advance)	

EXHIBIT D-3
CANVASSING PROVISIONAL BALLOTS
(Wake County, North Carolina)

Wake County Board of Elections

339 S. SALISBURY STREET
POST OFFICE BOX 695
RALEIGH, NORTH CAROLINA 27602-0695
(919) 856-6240

CANVASS
PROVISIONAL BALLOT PROCEDURES:

1. Remove provisional ballots and provisional ballot poll sheets from the election certification materials cases. Verify the number of envelopes with the number entered on ballot reconciliation forms. Verify names on envelopes with names entered on poll sheets. Initial ballot reconciliation forms.
2. Mark the precinct in which the provisional envelope was voted on top of the envelope and number envelope and provisional poll list, if not marked and numbered at precinct.
3. Search name on each envelope to verify the voter is registered. If registered, write the VRN number on the envelope. Mark party registration on the envelope if a partisan election.
4. Search updated address to verify voter voted the provisional ballot in his/her correct new precinct, noting if updated address is within municipality or appropriate districts.
5. Check color and/or style of ballots sealed in envelope to verify the correct ballot was given to the voter. If updated address is outside municipality, verify voter was not given municipal ballot, if precinct has municipal election or bond and "in", "out" voters.
6. Mark in voter view all voters voting provisional ballots where it has been determined that the voter is duly registered, voted in correct precinct and was given the ballot he/she was eligible to vote.
7. Print report listing all voters marked provisional -- by the precinct in which they are currently registered (old precinct).
8. Check this list against poll lists returned from the polls to verify the provisional ballot voter did not also vote in his/her old precinct.
9. If a provisional ballot voter appears to have voted in his/her old precinct, search authorizations to vote from the old precinct. If a provisional ballot voter has a completed and numbered authorization to vote, set the provisional ballot and

EXHIBIT D-3 (continued)
CANVASSING PROVISIONAL BALLOTS

Authorization to Vote aside for Board consideration.

- 10. Seal all provisional ballots cast by voters who are registered, voted in correct new precinct, voted only ballots they are eligible to vote and were verified not to have also voted in their old precinct in a locked container. Count these ballots when the Board authorizes provisional ballots to be inserted in 00-04 tabulator.**
- 11. Search canceled voter files, DMV lists, after deadline, problem and denied files for all provisional ballot voters who are not listed as registered voters in Voter View.**
- 12. Add ballots of any provisional ballot voters found on a DMV list to ballots to be considered by the Board for counting.**
- 13. Pull cards of provisional voters who were listed in canceled files. Determine why canceled and set aside for Board consideration.**
- 14. Pull information from reject file for any provisional voters found there and set aside for Board consideration.**
- 15. Set aside for Board consideration any provisional ballots where it was determined the voter voted in the wrong precinct or voted an incorrect ballot. Note ballot style # voter actually voted and style voter should have voted. Note if the ballot or any ballot items were the same for both precincts. Those items voter was eligible to vote should be counted (NCGS 182.2 (4)).**
- 16. Set aside for Board consideration any provisional ballots for which no registration information could be located.**
- 17. Have all information ready and documented when the Board convenes at 11:00 on the Friday following the election. If, despite best effort, all provisionals have not been researched by 11:00 on the Friday following the election, request Board to recess until documentation is complete.**

EXHIBIT D-4
CANVASSING CONDITIONAL BALLOTS
(Virginia)

Canvassing Results

Conditional Ballots

The purpose of this policy statement is to clarify standards for what constitutes a proper conditional ballot. Though the procedures for handling a conditional ballot are different from those of a regular ballot, it is important to ensure that otherwise all standard Election Day rules and procedures apply to both voters.

- If the name of a voter does not appear on the precinct registered voter list and the General Registrar cannot be reached, or is unable to determine that a voter is registered to vote, the voter **MUST** be given a conditional ballot to vote (§ 24.2-653 of the *Code of Virginia*).
- A person voting a conditional ballot, like all other voters, must produce proper identification or sign an affidavit of identification before they may vote a conditional ballot (§ 24.2-643).
- A conditional ballot must be cast in the precinct in which the voter would legally be assigned to vote or there is no possibility of it being counted. If the voter is in the wrong precinct, the officers of election should direct the voter to the proper precinct so that the regular or conditional ballot can be cast. For example, we heard reports that in some localities last November, Officers were allowing voters to use conditional ballots when they knew the voter was registered to vote in another precinct. This conditional ballot should not be used in this case. The voter should be redirected to the correct precinct. (See § 24.2-101 for the definition of a qualified voter, and Article II, § 1 of the Constitution of Virginia for qualifications of voters.)

The day following the election the local Electoral Board must meet to determine if a person who cast a conditional ballot is indeed a qualified voter – that is, he is registered and voted in his assigned precinct. If so, the conditional ballot is accepted. If not, the conditional ballot is not counted. Remember, every person voting in person on Election Day must do so at their assigned precinct polling place regardless of whether they are voting a regular or conditional ballot. (See § 24.2-101 for the definition of a qualified voter, and Article II, § 1 of the Constitution of Virginia for qualifications of voters.) After the Electoral Board has reviewed each conditional ballot and decided whether or not to count it, it must canvass and certify election results.

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

Conditional Voter Card

Dear Voter:

Your name did not appear on the list of persons who are registered to vote in this precinct and the General Registrar either could not determine your qualifications to vote or could not be reached. Since you told the election officer that you are qualified and registered to vote in this precinct you have been given a conditional ballot to vote.

Please be aware that your voted ballot will not be counted unless and until the Electoral Board determines the ballot should be cast. You have the right to be present at the meeting at which the Electoral Board makes this determination. You also have the right to present any information that might prove that you are a qualified registered voter of the precinct in which you offered to vote. The meeting will be held at (time) on Wednesday, (date) at (address) . Also please be aware that, if the Electoral Board cannot determine that you are a qualified registered voter of the precinct in which you offered to vote, then your ballot will not be counted.

Dear Voter:

Your name did not appear on the list of persons who are registered to vote in this precinct and the General Registrar either could not determine your qualifications to vote or could not be reached. Since you told the election officer that you are qualified and registered to vote in this precinct you have been given a conditional ballot to vote.

Please be aware that your voted ballot will not be counted unless and until the Electoral Board determines the ballot should be cast. You have the right to be present at the meeting at which the Electoral Board makes this determination. You also have the right to present any information that might prove that you are a qualified registered voter of the precinct in which you offered to vote. The meeting will be held at (time) on Wednesday, (date) at (address) . Also please be aware that, if the Electoral Board cannot determine that you are a qualified registered voter of the precinct in which you offered to vote, then your ballot will not be counted.

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

Officers of Election Must Issue A Conditional Ballot When:

- The Voter Is Not On The Roster **AND**:
 - √ The Officer checked the spelling of the voter's name
 - √ The Officer checked the end of the alphabetical section of the roster
 - √ The Officer checked the street file listing to make sure the voter is in the right precinct
 - √ The Officer filled out a voter problem call in sheet; reached the Registrar and she could not determine the voter's qualification to vote
 - √ The Officer cannot **reach** the Registrar **AND** the voter insists he registered to vote by the deadline

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

Conditional Vote Envelope – The Front

The Front Of The Envelope Should Be Filled Out Before You Give The Voter The Ballot And The Envelope

The voter's full name and address **WHERE THEY LIVE NOW** is a must.

Make sure you enter the precinct number.

CONDITIONAL VOTE
(PLACE VOTED BALLOT IN THIS ENVELOPE)

PRINT VOTER INFORMATION BELOW. ALL INFORMATION MUST BE GIVEN.

FIRST NAME	FULL MIDDLE OR MAIDEN NAME	LAST NAME	NUMBER NAME OF PRECINCT
COMPLETE RESIDENCE ADDRESS (INCLUDING ZIP CODE)			SUFFIX, IF ANY
IF ONE RESIDENCE POST OFFICE BOX OR UNIFORMED SERVICES ADDRESS (INCLUDING ZIP CODE)			DATE MOVED HERE
SOCIAL SECURITY NUMBER	GENDER	BIRTHDATE	DAYTIME TELEPHONE NUMBER, IF ONE

YOUR SOCIAL SECURITY NUMBER IS PART OF YOUR REGISTRATION RECORD. THE USE OF YOUR NUMBER IS REQUIRED BY THE CONSTITUTION OF VIRGINIA AND ALLOWED UNDER BOTH THE FEDERAL PRIVACY ACT AND THE VIRGINIA PRIVACY PROTECTION ACT. IT IS REQUESTED TO ASSURE THAT NO OTHER PERSON IS PERMITTED TO VOTE IN YOUR NAME. BECAUSE YOUR NAME IS NOT ON THE REGISTERED VOTERS LIST, YOU ARE REQUIRED BY LAW TO PROVIDE YOUR NUMBER ON THIS FORM. IF YOU HAVE A SOCIAL SECURITY NUMBER AND DO NOT PROVIDE IT, YOUR BALLOT CANNOT BE COUNTED. THIS DOCUMENT IS AVAILABLE FOR PUBLIC INSPECTION ONLY UNDER ORDER OF A COURT. KNOWINGLY GIVING ANY UNTRUE INFORMATION ON THIS DOCUMENT IS A FELONY UNDER §24.2-1016 OF THE CODE OF VIRGINIA. THE PUNISHMENT IS A MAXIMUM FINE OF \$2500 AND/OR CONFINEMENT FOR UP TO TEN YEARS. YOU ALSO LOSE YOUR RIGHT TO VOTE.

Don't forget the social security number. It could be the only way to find their voter registration record.

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

Conditional Vote Envelope – The Back

When the voter gives you the sealed envelope with the voted ballot inside,
READ THE STATEMENT ON THE BACK OF THE ENVELOPE TO THE VOTER

OFFICER OF ELECTION: Use this envelope only when the name of the voter is not on the Registered Voters List and you either have no way to contact the General Registrar or the General Registrar authorizes its use. Complete the reverse side. Have the voter verify the information entered. Read the statement below to the voter. Have the voter sign and then enter your signature. Voter must vote on a paper ballot. Seal the voted ballot in this envelope. Electoral Board will determine voter qualification.

STATEMENT OF VOTER
I hereby make the following statements, under felony penalty of law. I am qualified and registered to vote in this precinct, and:

- I am now or have been an actual resident of this precinct at some time since the November general election last year, or
- I have been an actual resident of this precinct at some time since the second preceding general federal election, I am now an actual resident of this county or city, and my present residence is in the same congressional district as this precinct.

To the best of my knowledge, I am not disqualified from voting by the Constitution and laws of this Commonwealth and my registration is not subject to cancellation. The information given on the reverse side of this envelope is true and correct and I have not voted and will not vote in this election at any other time or place.

SIGNATURE OF VOTER _____

SIGNATURE OF OFFICER OF ELECTION _____

DATE _____

The Election Officer must also sign and date the envelope!

After reading the statement to the voter, have the voter sign the envelope.

THE BALLOT WILL NOT BE CAST IF THE VOTER DOES NOT SIGN!

The Voter's Name, Address, Etc. Are Entered Into The Roster And Pollbook, But Do Not Mark Them As Though They Voted And Do Not Give Them A Number

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

Handling Green Conditional Ballot Envelope Votes

If any ballot is cast by any individual pursuant to § 24.2-653 of the Code of Virginia (in the green envelopes provided by the State Board of Elections), **the Electoral Board must meet on the day following the election** to determine the qualifications of such persons. This meeting must be held in either the General Registrar's office or some other designated room in the courthouse.

It is recommended that this meeting be held, if at all possible, in the **General Registrar's office as the General Registrar must be present and must be able to consult his or her records** in order to assist the Electoral Board in properly making their determination concerning the qualifications of such person, the first of which is that the person be registered to vote.

The Officers of Election must inform each person who casts a ballot in this manner of the time and place at which the Electoral Board will meet.

Before Election Day

A. Instruct Officers Of Election

1. The General Registrar **must be present** at the instruction meeting for Chief and Assistant Chief Officers of Election, required by §24.2-115 to be held not more than thirty nor less than three days prior to the election, to instruct the Officers in the procedures they are to follow in implementing these sections of the Code. **This is essential** since the exact procedure to be followed hinges on communication between the Officers of Election and the General Registrar. Please note that any or all Officers of Election may attend this instruction meeting.
2. The Electoral Board must inform the Officers at this meeting and provide for each polling place a notice of the time and place the Electoral Board will meet on the day following the election.

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

B. Notify Political Parties And Candidates

1. As provided in §24.2-604 the Code of Virginia, one authorized representative of each political party or independent candidate in a general election or one authorized representative of each candidate in a primary or special election, who is a qualified voter of the city, county or town, may be present at this meeting of the Electoral Board. Notice of the time and place at which it will be held must, therefore, be given by the Electoral Board to each political party chairman and independent candidate for a general election or each candidate in a special or primary election, as appropriate.

Day After Election

A. Electoral Board Meets

1. Prior to the meeting, the Electoral Board must pick up from the Clerk of Circuit Court the special envelopes marked **CONDITIONAL VOTES** from all precincts.
2. The General Registrar must appear at the meeting with the **Registered Voters Lists** used at all precincts (having picked them up from the Clerk of Circuit Court).
3. The Electoral Board must open, **one precinct at a time**, the special envelopes marked **CONDITIONAL VOTES** and proceed to determine the qualifications, one by one, **without opening the green envelopes**, of each person who cast a ballot in a green envelope.

B. Persons Determined NOT Qualified

1. If the person is determined **NOT** to be qualified, the green envelope **remains sealed**.
2. Electoral Board must:
 - a. Write **Disqualified** across the front of the **unopened** green envelope;
 - b. Return it to the special envelope for that precinct marked **CONDITIONAL VOTES**; and
 - c. Note on the envelope the number of green envelopes for **Disqualified** persons remaining at the conclusion of the determination for that precinct.

C. Persons Determined To Be QUALIFIED

1. If the person is determined to be **QUALIFIED**, the General Registrar must enter an **X** in the **VOTE REC** column on the **Registered Voters List**.

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

2. The Electoral Board must:
 - a. Enter the name of the voter in a separate poll book (one poll book for the city, county or town) marked **CONDITIONAL VOTES**;
 - b. Enter the number of the city, county or town precinct (as shown on the **Registered Voters List**) in the column immediately to the left of the voter's name;
 - c. Open the green envelope of the person determined to be **QUALIFIED**;
 - d. Remove the ballot therein;
 - e. Place it in one ballot box for the city, county or town without any inspection further than to assure that only a single ballot or ballot set has been tendered and that the ballot is a genuine ballot by inspecting the official seal upon the back of the ballot, **without** looking at the printed inside of the ballot;
 - f. Return the opened and empty green envelopes for each precinct to the special envelope for that precinct marked **CONDITIONAL VOTES**;
 - g. Note on the envelope the number of green envelopes contained therein for persons determined to be **QUALIFIED**; and
 - h. Seal the envelope by placing a label across the flap; sign and date the label; and return the sealed envelope to the Clerk of Circuit Court.

EXHIBIT D-4 (continued)
CANVASSING CONDITIONAL BALLOTS

D. Ascertainment Of Results

When a determination has been made of the qualifications of all persons in the city, county or town that cast a ballot pursuant to §24.2-653, the Electoral Board, as Officers of Election, must:

1. Proceed to ascertain the results of the votes cast by those found to be qualified;
2. Complete two copies of the **Statement of Results** and place them in the poll book;
3. Place the voted and counted ballot(s) in a **COUNTED BALLOTS** envelope and enter "*Conditional Ballots*" as the name of the precinct; and
4. Seal the envelope by placing a label across the flap; sign and date the label; and return the sealed envelope to the Clerk of Circuit Court.

E. Abstract Of Votes

When the Electoral Board meets to determine the results of the election and complete the Abstracts of Votes pursuant to §24.2-675, the total votes received by each candidate entered on the Abstract **must include any Conditional Votes** received by the candidate. Add to the total vote from all the precincts for each candidate, the number of **Conditional Votes** he received. (Total Vote from all precincts + Conditional Votes = Total Votes for Candidate.)

F. Notification To Persons NOT Qualified

After the meeting, the General Registrar must notify, in writing, all persons found NOT qualified that, if they wish to be eligible to vote in future elections, they must complete the Virginia Voter Registration Application Form provided and return it to you in the pre-addressed envelope provided before (enter date), the close of the books for the next election in your county or city.

EXHIBIT D-5
CANVASSING CHALLENGED BALLOTS
(West Virginia)

CANVASSING CHALLENGED BALLOTS

May 2002

**IS BALLOT
COUNTED?**

Voter is NOT a registered voter in your county

NO

SITUATION EXPLANATION

**IS BALLOT
COUNTED?**

Voter IS a registered voter in your county...AND...

- | | | |
|----|---|------------|
| A. | Voter had a name change. If voter... <ul style="list-style-type: none"> ▶ is a registered voter of your county; ▶ voted in precinct in which registered; ▶ affirmed change with signature on poll ticket; and ▶ has no other valid challenge. | <i>YES</i> |
| B. | Voter moved within current precinct. If voter... <ul style="list-style-type: none"> ▶ is registered in the precinct in which he/she voted; ▶ has moved to an address which is also served by that precinct; ▶ affirmed change with signature on poll ticket; and ▶ has no other valid challenge | <i>YES</i> |
| C. | Voter moved to address within county in a <u>new</u> precinct. If voter... <ul style="list-style-type: none"> ▶ is a registered voter of your county; ▶ voted in precinct for the <u>new</u> address; ▶ affirmed change with signature on poll ticket; and ▶ has no other valid challenge. | <i>YES</i> |
| D. | Voter changed address in county & voted in precinct <u>not serving new</u> address. If voter... <ul style="list-style-type: none"> ▶ voted in precinct which is NOT the precinct of the new address. | <i>NO</i> |
| E. | Voter moved out-of-county but returned to your county to vote in precinct serving old address. If voter... <ul style="list-style-type: none"> ▶ was a registered voter of your county as of the voter registration deadline for that election; ▶ moved to new <u>address out-of-county during the 30 days before the election</u>; and ▶ has no other valid challenge. | <i>YES</i> |

EXHIBIT D-5 (continued)
CANVASSING CHALLENGED BALLOTS

CANVASSING CHALLENGED BALLOTS

May 2002

SITUATION	EXPLANATION	IS BALLOT COUNTED?
F.	Voter is handicapped & voted outside current precinct but within county. If voter... <ul style="list-style-type: none"> ▶ is a registered voter in your county; and ▶ is currently registered in a precinct that is NOT handicapped accessible. 	YES -- but count only races and/or issues of the ballot which correspond to the ballot used in voter's correct precinct
- OR -		
	<ul style="list-style-type: none"> ▶ is currently registered in a precinct that is appropriately handicapped accessible 	NO
G.	Voter voted a ballot for a political party different from the one in which he/she is registered. If voter... <ul style="list-style-type: none"> ▶ voted a ballot of a different political party affiliation than that of their current, signed registration card. 	NO
- OR -		
	<ul style="list-style-type: none"> ▶ is registered as an independent (or "no party affiliation") voter; ▶ voted a Republican ballot; and ▶ has no other valid challenge. 	YES
NOTE: All Political Party Affiliation Changes Must Be Made At Least 20 Days BEFORE An Election		
H.	Voter was a poll worker. If voter... <ul style="list-style-type: none"> ▶ was working out of his/her current precinct; and ▶ has no other valid challenge. 	YES -- but count only races and/or issues of the ballot which correspond to the ballot of voter's correct precinct.
I.	Voter received assistance believed unnecessary. If it is determined by the commission that... <ul style="list-style-type: none"> ▶ assistance received was NOT necessary. 	NO
- OR -		
	<ul style="list-style-type: none"> ▶ assistance received WAS NECESSARY. 	YES

EXHIBIT D-5 (continued)
CANVASSING CHALLENGED BALLOTS

CANVASSING CHALLENGED BALLOTS

May 2002

SITUATION	EXPLANATION	IS BALLOT COUNTED?
J.	Absentee voter received assistance but did not complete the required affidavit for that assistance.	<i>NO</i>
	- OR -	
	Absentee voter received assistance but did not complete the required affidavit for that assistance BUT voter has filed an affidavit from doctor stating reason for assistance is blindness.	<i>YES</i>
L.	Person who has given assistance to voter has violated the written affidavit on the "List of Assisted Voters".	<i>NO</i>
M.	Voter voted an absentee ballot and then voted a challenged ballot at the polls on election day.	<u>Absentee ballot is counted.</u> <u>Ballot voted at the polling place is NOT counted.</u>
N.	Voter voted an absentee ballot but was in the county on election day.	<i>YES</i>
O.	Voter voted an absentee ballot but absentee ballot application was completed incorrectly.	<i>NO</i>
P.	Voter voted an absentee ballot but absentee ballot application contained false statements or declaration.	<i>NO</i>
Q.	Voter was challenged by the clerk for voting an absentee ballot by mail more than 4 consecutive times as a result of being out of the county. (This does <u>not</u> apply to uniformed services or overseas citizens or their spouse or dependents living outside of the U.S. or a college student living outside of his or her home county.)	<i>NO</i>
R.	Absentee voter's ballot does not have the circuit clerk's official seal and signature of the board of ballot commissioners.	<i>YES - if all ballots in precinct can be accounted for.</i>
S.	An absentee voter's handwriting is not the same on his/her voter's registration card, ballot application, <u>and</u> absent voter's ballot envelope. ▶ Consider illness, age, disabilities, etc. when comparing the absentee ballot application and the absent voter's ballot envelope to the voter's registration card.	<i>NO --commission determines if signature is the same.</i>

EXHIBIT D-5 (continued)
CANVASSING CHALLENGED BALLOTS

CANVASSING CHALLENGED BALLOTS

May 2002

SITUATION	EXPLANATION	IS BALLOT COUNTED?
T.	Signature on poll slip is not in the same handwriting as the signature on the registration card. ▶ Consider illness, age, disabilities, etc. when making this determination.	NO --commission determines if signature is the same.
U.	Ballot does not contain proper signatures.	YES — if all ballots in precinct can be accounted for

APPENDIX E

STATE GUIDELINES FOR ADMINISTRATION OF A PROVISIONAL VOTING SYSTEM

EXHIBIT E-1
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS
(Maryland)

Final Draft 1

Guidelines for the Administration of Provisional Ballots

Section 1. Terminology

- 1.1 "Assertion in the provisional ballot application" means an affirmation under Article 33 § 3-601(c)(3)(ii), of the Annotated Code of Maryland, that:
- A. The applicant has made a timely effort to register to vote or update a voter registration record; or
 - B. The applicant believes in good faith, following that effort, that, without further action on the applicant's part, the requirement for registration or for updating the registration had been satisfactorily completed.
- 1.2 "Election Director" means the Election Director of the local board of elections or, unless otherwise indicated, the director's designee.
- 1.3 "Provisional ballot packet" means all of the contents necessary for a voter to apply for and vote a provisional ballot, including:
- A. A Temporary Certificate of Registration;
 - B. A ballot; and
 - C. Except as provide in section 4.3C, a secrecy envelope.
- 1.4 "Temporary Certificate of Registration" or "TCR" is the application that must be filled out by a voter in order to vote a provisional ballot and consists of:
- A. A Provisional ballot application (*see* Tab 4); and
 - B. A Voter registration application (VRA).
- 1.4 "Voter" means an individual who seeks to vote by provisional ballot.

Section 2. Election Judges

- 2.1 Number of Provisional Judges per polling place.
- A. The Election Director may appoint one extra election judge for each precinct, whose primary duty will be to assist with the provisional ballot process.
 - B. It is recommended that, if possible, Election Directors appoint registered voters who are not affiliated with a political party as provisional ballot judges. *Note:* Pursuant to Article 33, § 10-201 of the Code, an unaffiliated judge may not be appointed unless the precinct has 6 or more judges.
- 2.2 Duties.
- A. A chief election judge, in accordance with Section 3.3 below, shall:
 - 1. Determine whether a provisional ballot packet should be issued to a voter; and
 - 2. If a provisional ballot packet should be issued, refer the voter to the provisional ballot judge.
 - B. The provisional ballot judge shall:
 - 1. Provide the voter with the TCR;
 - 2. Explain how to fill out the TCR;
 - 3. Issue a voter instruction sheet (*see* Tab 5);
 - 4. Sign the provisional ballot application to verify that the voter showed photographic identification and that the photo matched the voter;
 - 5. After the TCR is complete, issue a ballot to the voter; and
 - 6. Carry out any other duties assigned by the Election Director during periods when there are no provisional voters.

EXHIBIT E-1 (continued)
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS

Final Draft 1

2.3 Recommended Physical Arrangement.

- A. The provisional ballot judge should be located at a table that is separate from the rest of the polling place activity.
- B. The table should be equipped with:
 - 1. All of the provisional ballot supplies; and
 - 2. Chairs for the provisional ballot judge and voters who are filling out TCRs.
- C. The voting booth for provisional ballot voters should be located near the provisional ballot table, so that it is under the supervision of the provisional ballot judge.
- D. The provisional ballot bag containing voted ballots must remain under the constant supervision of the provisional ballot judge.

Section 3. Issuing a Provisional Ballot

3.1 Policy

- A. The provisional ballot process should be used exclusively for a voter who is not on the precinct register because:
 - 1. Despite the voter's good faith attempt to register or update the voter's registration at a voter registration agency, the information was not received by the local board; or
 - 2. The voter moved to the precinct from another county and never updated the voter's registration.
- B. The provisional ballot process should not be used for a voter who is not on the precinct register:
 - 1. Due to an administrative error;
 - 2. Because the voter is in the wrong precinct;
 - 3. Because the voter moved to the precinct from within the county and never updated the voter's registration;
 - 4. Because the voter was removed from the voter registry based on a criminal conviction or guardianship for mental disability; or
 - 5. Because the voter was otherwise validly removed from the voter registry.

3.2 Examples.

- A. Provisional Ballot Packet Should Be Issued.
 - 1. Voter A was registered in Montgomery County and moved to Harford County. The voter changed his address at the MVA, which informed Montgomery County, which in turn removed him from its voter registry. However, Harford County never received a new application from Voter A. Voter A attempts to vote in Harford County, but is not on the precinct register.
 - 2. Voter B was registered in Prince George's County and moved to Baltimore City. The voter does not update her voter registration. However, the voter goes to her proper Baltimore City polling place on Election Day. She isn't on the precinct register.
 - 3. Voter C had never been a registered voter until he attempted to register, and believes he became registered, at a public assistance agency. The local board never received the registration application and the voter's name is not on the precinct register.
- B. Provisional Ballot Packet Should Not Be Issued.
 - 1. The voter appears at a polling place that is not the proper one for his address, in which case the voter should be sent to the proper polling place.
 - 2. The voter is not on the precinct register due to a clerical error (*see* Section 3.4).

3.3 Pre-Election Day Procedures.

- A. The Election Director may issue a provisional ballot packet to a voter beginning the day after the close of registration through and including Election Day.

EXHIBIT E-1 (continued)
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS

Final Draft 1

- B. When considering whether to issue a provisional ballot packet to a voter, the Election Director shall determine whether:
 - 1. The voter is on the voter registration list or the inactive list, in which case no provisional ballot is necessary and the voter may vote a regular ballot; or
 - 2. The voter is on the removal list or is otherwise ineligible to vote, in which case no provisional ballot should be issued.
- C. If there has been no clerical error and the voter is not on the voter registration, the inactive, or the removal lists, but is qualified to register to vote, the voter should be advised of the requirements for voting by provisional ballot and given the opportunity to:
 - 1. Receive a provisional ballot packet at the local board office; or
 - 2. Go to the proper polling place on Election Day and receive a provisional ballot packet.
- D. If the voter decides to go to the polling place to receive a provisional ballot packet, the Election Director shall, if time permits:
 - 1. Remind the voter by letter or postcard that:
 - a. The voter should go to the polling place on Election Day for a provisional ballot packet; and
 - b. Photographic identification will be required; and
 - 2. Notify the chief election judge at the polling place that the voter should be issued a provisional ballot packet and that it is not necessary to call the local board office.
- E. A voter may receive a provisional ballot packet only at an election office or a polling place. The voter must complete the TCR and vote the ballot while at the election office or polling place where the ballot is received.
- F. A provisional ballot may not be issued to a voter to whom an absentee ballot has previously been issued.

3.4 Election Day Procedures.

- A. When a voter appears at a polling place and is not on the precinct register and there is no Voter Authority Card (VAC), a chief judge shall follow the procedures outlined in the Judges' Manual, including checking the inactive and removal lists.
- B. If a VAC cannot be found and the voter cannot be located on either of those lists, the chief judge shall, except as provided in Subsection (F) of this section and Section 3.2(D)2, call the local board office.
- C. The Election Director shall confirm that:
 - 1. The chief judge has checked the precinct register, the inactive list, the removal list, and the Voter Authority Cards and that the voter cannot be located; and
 - 2. The voter is not in the wrong polling place.
- D. If the Election Director is satisfied that the chief judge has checked the lists and that the voter is in the correct polling place, the Election Director shall:
 - 1. Check the central voter registration list, inactive list, and removal list; and
 - 2. Determine whether:
 - a. A clerical error, as described in Section 3.5, has occurred;
 - b. The voter is entitled to vote but needs to report to another polling place; or
 - c. The voter is not qualified to vote.
- E. If the Election Director determines that a clerical error has not occurred, that the voter does not need to report to another polling place, and that the voter is qualified to vote, the Election Director shall authorize the issuance of a provisional ballot packet (*also see* Tab 6).
- F. The chief judges at a polling place may jointly authorize the issuance of a provisional ballot packet, without making direct contact with the local board office, in cases where they cannot reach the local board or the voter is agitated and uncooperative.

EXHIBIT E-1 (continued)
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS

Final Draft 1

3.5 Clerical error

- A. Examples of a clerical error include:
 - 1. John Doe, Sr. died, but John Doe, Jr. was removed from the registration list.
 - 2. Jane Doe's address was changed, even though Jane did not move.
- B. The Election Director shall determine whether a clerical error has occurred.
- C. The Election Director may not delegate the authority to determine what constitutes a clerical error.
- D. Upon determination that a clerical error has occurred, the voter shall be instructed to fill out a VRA and a VAC card. The voter may then vote a normal ballot.

Section 4. Temporary Certificate of Registration and Ballot

4.1 Temporary Certificate of Registration

A provisional ballot may not be counted unless the voter has completely and properly filled out and signed the TCR.

4.2 Provisional Ballot Application

- A. Each local board shall use the provisional ballot application prescribed by the State Board.
- B. The provisional ballot application shall be printed on an envelope that is capable of being sealed.
- C. The VRA shall be affixed to the provisional ballot application envelope.

4.3 Ballots.

- A. Provisional ballots shall be in the same format as absentee ballots.
- B. The ballot style of the provisional ballot issued to a voter shall be the same as that used in the voter's proper polling place.
- C. Secrecy Envelope.
 - 1. The secrecy envelope shall be provided to each provisional voter unless:
 - a. The election director submits a written request to the State Administrator for an exemption; and
 - b. The State Administrator grants the exemption.
 - 2. The secrecy envelope shall be:
 - a. Blank except for the following text, "Provisional Ballot"; and
 - b. Capable of being sealed by the voter after the ballot is voted.

4.4 Supplies and Forms.

- A. The number of provisional ballot packets supplied to each polling place shall be not less than one percent of the number of active voters assigned to the polling place.
- B. The ballot and secrecy envelope (when used) shall be kept separate and not issued to the voter until the voter has been approved to receive a provisional ballot.

4.5 Issuance

- A. When a provisional ballot packet is issued, the Election Director or the provisional ballot judge shall:
 - 1. Provide the voter with an instruction sheet that explains the provisional ballot process; and
 - 2. Provide oral instructions on how to fill out and submit the TCR and ballot, highlighting the following:
 - a. That the provisional ballot application and the VRA must be completely filled out and signed;
 - b. That the VRA must remain on the outside of the provisional ballot application envelope;and

EXHIBIT E-1 (continued)
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS

Final Draft 1

- c. That the provisional ballot should be placed in the secrecy envelope (unless the State Administrator has approved the omission of a secrecy envelope), which should then be sealed and placed inside the provisional ballot application envelope, which should then be sealed.

B. The provisional ballot judge may not advise the voter on whether the TCR is legally sufficient.

4.6 Voting

- A. At least one voting booth shall be provided in each polling place for use by provisional voters.
- B. After the voter has completed the application process and marked the ballot, the voter shall seal the ballot inside the secrecy envelope (unless the State Administrator has approved the omission of a secrecy envelope) and then seal the secrecy envelope inside the provisional ballot application envelope. A signature is not required and should not be placed on the secrecy envelope. The completed VRA shall remain attached to the outside of the provisional ballot application envelope.
- C. After the voter has completed subsection B of this section, the provisional ballot packet shall be deposited by the voter into a bag that:
 - 1. Is under the control and supervision of the provisional ballot judge;
 - 2. Has an opening large enough to accept the provisional ballot packet without folding; and
 - 3. Is capable of being locked and sealed.

Section 5. Canvass Procedures

5.1 Processing Voter Registration Applications

- A. Election Directors shall process each VRA that is received as part of a completed provisional ballot packet:
 - 1. If the VRA is received before Election Day and before the precinct registers have been printed, as soon as practicable after the precinct registers have been printed;
 - 2. If the VRA is received before Election Day and after the precinct registers have been printed, as soon as practicable after it is received; or
 - 3. If the VRA is received on Election Day, as soon as practicable after the polls close.
- B. Voter notification cards (VNCs) should be sent out on the Wednesday following the election.
- C. Election Directors are encouraged to work with their local postal representatives to make sure that the VNCs receive top priority.

5.2 Convening of the Local Board to Canvass Provisional Ballots.

The local board members shall assemble to canvass the provisional ballots on:

- A. The second Wednesday following a gubernatorial primary election; or
- B. The second Friday following all other elections.

5.3 Review of the Temporary Certificate of Registration

- A. The local board shall reject a provisional ballot if:
 - 1. When processing the VRA, the Election Director determines that the voter voted at the wrong polling place;
 - 2. The voter notification card (VNC) was returned as undeliverable;
 - 3. The voter does not meet the qualifications to register to vote; or
 - 4. The voter was issued more than one ballot.
- B. If the provisional ballot is not rejected pursuant to Subsection A, the board shall examine the provisional ballot application and reject the provisional ballot if:
 - 1. The asserted date of the registration attempt is after the registration closing deadline for that election;
 - 2. The application is not completely and properly filled out;

EXHIBIT E-1 (continued)
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS

Final Draft 1

3. The application is not properly signed by the voter and the provisional ballot judge;
 4. An assertion in the provisional ballot application relating to an action of the local board is wrong and, without the assertion, the provisional ballot application fails to justify the casting of a provisional ballot (see subsection D of this section);
 5. The form of photographic identification used is not acceptable; or
 6. The agency where the voter claims to have attempted to register to vote is not a Voter Registration Agency.
- C. The local board may not challenge an assertion made by a voter in a provisional ballot application unless the assertion relates directly to an action of the local election office. For example:
1. If the voter claims to have attempted to register to vote at the MVA, the local board may not challenge that fact by contacting the MVA and determining whether the voter actually received service on the date indicated.
 2. If the voter claims that the local election office staff failed to accept his or her registration, the local board could, based on information from the office staff, challenge the accuracy of that assertion. (*also see Tab 7*)
- D. The Election Director shall keep a log (*see Tab 8*) noting the status of each TCR including:
1. Whether it was rejected or approved; and
 2. If rejected, the reasons why.
- 5.4 Canvass of Provisional Ballots
- A. When the board has determined that a TCR is acceptable, the board shall open the provisional ballot envelope and any secrecy envelope and remove the ballot.
 - B. The procedure for removing ballots from the envelopes and reviewing the ballots shall be the same as the procedures used for removing absentee ballots from their envelopes.
- 5.5 Counting and Reporting Results
- After the election, the local board shall:
- A. Convene to canvass the absentee ballots on the Thursday following the election;
 - B. After holding back 5 absentee ballots per ballot style, count the absentee ballots cast;
 - C. Store the memory cartridge used for the absentee count;
 - D. Convene to canvass the provisional ballots on:
 1. The second Wednesday following a Gubernatorial Primary Election;
 2. The second Friday following all other elections.
 - E. Use a new memory cartridge to count:
 1. The provisional ballots;
 2. The absentee ballots that were held back; and
 3. The overseas absentee ballots.
 - F. Add the results to the absentee ballot results.

Section 6. Post Election Procedures.

6.1. Voter Notification.

- A. If, within 10 days after the election, the Election Director receives a request from a provisional voter as to the status of the voter's provisional ballot, the Election Director shall send written confirmation that the application and ballot were either accepted or rejected. (*see Tab 5*)
- B. If the application and ballot were rejected, the Election Director shall state the reason why.

EXHIBIT E-1 (continued)
GUIDELINES FOR ADMINISTRATION OF PROVISIONAL BALLOTS

Final Draft 1

6.2 Storage of Materials.

A TCR that is submitted to a local board shall be retained for not less than 22 months following the election. If a provisional ballot application was rejected, the ballot shall remain sealed inside the provisional ballot application envelope or in any other form in which it was received from the voter.

6.3 Record Keeping and Reporting.

A. Each local board shall keep a record of the following information:

1. The number of provisional ballot packets issued before Election Day;
2. The number of provisional ballot packets issued on Election Day;
3. The number provisional ballot packets completed and brought to the local board for review;
4. The number of provisional ballots rejected, broken down by rejection reason; and
5. The number of provisional ballots accepted.

B. Within three days after the canvass, each Election Director shall report to the State Administrator:

1. The information required under subsection A of this section, and
2. Any critical issues or areas of concern relating to the provisional ballot process during the election.

APPENDIX F

ELIGIBILITY REQUIREMENTS FOR PROVISIONAL VOTING

Stat	Eligibility Requirements*
Alaska	<ol style="list-style-type: none">1. Voter's name is not on the official registration list.2. Voter desires to use a new name.3. Voter claims to be a registered voter but no evidence of registration in the precinct can be found.4. Voter's registration is inactive.5. Voter cannot exhibit a required form of identification.6. Voter failed to obtain a transfer of registration to a new precinct.7. Voter's qualifications are questioned.
Arizona	<ol style="list-style-type: none">1. Voter moved from the address at which the voter was registered to another address within the same county and failed to notify the county recorder of the change of address before the date of an election.2. Voter's name does not appear on the precinct register
Arkansas	<ol style="list-style-type: none">1. Voter's name is not on the precinct voter registration list, the precinct election official is unable to verify with the county clerk the voter's registration within the county (and if the county is divided into more than one congressional district, within the same congressional district), and the voter contends that he or she is eligible to vote.2. An absentee ballot was sent to the voter according to the poll books.
California	<ol style="list-style-type: none">1. Voter claims to be properly registered but the voter's qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official.2. Absent voter unable to surrender his or her absent voter's ballot.3. Voter moved from one address to another within the same county, has not registered to vote at the new address, and elects to vote in the precinct of his or her current address or at the office of the county elections official or other central location designated by that official.
Colorado	<ol style="list-style-type: none">1. Voter claims to be properly registered but the voter's qualification to vote cannot be immediately established upon examination of the registration list for the precinct or upon examination of the records on file with the county clerk.2. Voter to whom an absentee ballot has been mailed or delivered has not returned the absentee ballot to the county clerk and recorder or designated election official and elects to vote a provisional ballot at the voter's polling location in lieu of returning the absentee ballot.3. Voter was registered to vote in another county before the close of the registration, had no knowledge that he or she was required re-register with the county clerk and recorder within the prescribed period after a change of residence to a new county, and has not and will not cast a voter in the election in the county of previous residence.4. Voter applied to vote prior to the close of registration by federal postcard application, by mail registration application or at a designated voter-registration agency and, if applicable, is able to provide the name and local of and the approximate date of registration application at the voter-registration agency.

*—The eligibility requirements include requirements prescribed by statute, regulation, or practice.

State **Eligibility Requirements***

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- District of Columbia
1. Voter listed as an absentee voter on the alphabetical list of registered voters in the precinct claims he or she has not voted by absentee ballot.
 2. Voter listed on the alphabetical list of registered voters in the precinct claims in a primary election that the party affiliation indicated on the listing is in error.
 3. Voter alleges that his or her name has been erroneously omitted from or erroneously printed on the list of registered voters.
 4. Voter who moved from the address listed on the registration records and did not notify the Board of Elections and Ethics of the voter's current address by the registration deadline presents himself or herself to vote at the precinct serving his or her current residence address.
 5. Voter deemed "inactive" on the voter roll presents himself or herself to vote at the address serving his or her current residence address.
 6. Voter's qualifications to vote are challenged pursuant to a written challenge made by a duly authorized watcher or the precinct captain and the challenge is accepted by the precinct captain after hearing comments from both parties.
 7. Voter is challenged because a voter-registration notification mailed to him or her as a new registrant was returned by the U.S. Postal Service during the 30-day period immediately before an election, indicating the voter does not reside at the address of voter registration.
 8. Voter wishes to vote in a precinct other than that serving the voter's address because of age, handicap, or limitation of health.
 9. Voter is employed by the Board of Elections and Ethics or by the District and performs election duties that prevent the voter from voting in the voting precinct serving the voter's current residence address.
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- Florida
1. Voter's name is not on the precinct register and the poll worker is unable to verify whether or not the person is a registered voter of the county.
 2. Voter's name is not on the precinct register and the poll worker verifies that the voter is not registered in the county, but the voter maintains that he or she is entitled to vote.
 3. Voter's name is on the precinct register with an indication that he or she has received an absentee ballot and the poll worker is unable to verify whether the absentee ballot has been returned to the supervisor of elections.
 4. Voter's name is on the precinct register with an indication that he or she has received an absentee ballot and the poll worker confirms that the supervisor has received the voted absentee ballot, but the voter maintains that he or she has not returned the absentee ballot.
 5. Voter's name is not on the precinct register but the voter has completed either a change-of-name or change-of-residence address affidavit and the poll worker is unable to verify whether the person is a registered voter of the county.
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Georgia

Provisional ballot: Voter believes that he or she has timely registered to vote but the voter's name does not appear on the list of registered electors and it cannot be immediately determined that the voter did timely register to vote.

Challenged ballot: Right of a voter whose name appears on the list of electors to vote is challenged and a hearing conducted by the registrars on the challenge cannot be completed on election day.

* — The eligibility requirements include requirements prescribed by statute, regulation, or practice.

State	Eligibility Requirements*
Hawaii	Voter's right to vote is challenged on the ground either that the voter is not the person the voter alleges to be or that the voter is not entitled to vote in the precinct and the challenger or challenged voter appeals the ruling of the precinct officials to the county board of registration.
Indiana	Voter's name does not appear on the registration list and the voter is not otherwise permitted to vote pursuant to fail-safe voting procedures.
Iowa	<ol style="list-style-type: none"> 1. Voter's name does not appear on the election register of a precinct, the county commissioner of elections cannot find a record of the person's registration, and the voter insists that he or she is a registered voter of that precinct. 2. Voter's status as a registered voter is challenged by a precinct election official or registered voter and the challenge is not withdrawn after examination under oath of the voter.
Kansas	<ol style="list-style-type: none"> 1. Voter who an election judge knows or suspects is not qualified as an elector. 2. Voter moved from an address in the registration book to another address in the same county. 3. Voter has not moved but the registration list indicates otherwise. 4. Voter changes name by marriage, divorce, or legal proceeding. 5. Voter moved from an address on the registration list to another address in the county but has not re-registered.
Maine	Voter's right to vote has been challenged because (1) the voter is not a registered voter, (2) the voter is not enrolled in the proper party (if voting in a primary election), (3) the voter is not qualified to be a registered voter because the voter is not at least 18 years of age, a citizen of the United States, or a resident of the municipality or appropriate electoral district within the municipality, (4) the voter did not properly apply for an absentee ballot, (5) the voter did not properly complete the affidavit on the absentee return envelope, (6) the voter did not cast the ballot or complete the affidavit before the appropriate witness, (7) the voter engaged in a prohibited communication, (8) the voter did not have the ballot returned to the clerk by the time prescribed, (9) the voter voted using the name of another, (10) the voter committed any other specified violation of the election law, or (11) the voter voted using the wrong ballot for the appropriate electoral district.
Maryland	<ol style="list-style-type: none"> 1. Voter whose voter-registration information is not included in the precinct register is currently registered in another county but has moved to a new county where he or she seeks to vote. 2. Voter whose voter-registration information is not included in the precinct register made a timely effort within the last two years to vote or update a voter-registration record and, following the transaction, believed in good faith that, without further action on the part of the applicant, the requirements for registration or for updating the registration record had been satisfactorily completed.
Massachusetts	<ol style="list-style-type: none"> 1. Voter asserts the right to vote but is not permitted to vote. 2. Voter is challenged for any legal cause. 3. Voter fails to present suitable written identification.

*—The eligibility requirements include requirements prescribed by statute, regulation, or practice.

State	Eligibility Requirements*
Michigan	<ol style="list-style-type: none"> 1. Voter is unable to present a receipt for a vote-registration application but signs an affidavit affirming that application was made, completes a new application, and provides sufficient picture identification. 2. Voter is not a qualified and registered elector of the precinct. 3. Voter's name does not appear in the registration book, precinct voting list, or qualified voter file. 4. A challenge appears in connection with the voter's name in the registration book. 5. Voter previously applied for an absent voter ballot and claims to have never received the ballot or to have or destroyed the ballot.
Mississippi	Voter's name does not appear on the pollbook.
Missouri	Voter claims to be properly registered in the jurisdiction of the election authority and eligible to vote but the voter's eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority.
Nebraska	<p>Conditional ballot: Voter moved to a new residence within the same county and has continuously resided in such county since registering to vote but the new residence is in a different precinct and the voter-registration register has not been updated to reflect the move.</p> <p>Provisional ballot: Voter is registered to vote but the voter's name does not appear in the voter-registration register.</p>
New Jersey	<ol style="list-style-type: none"> 1. Voter moved within the same county after the time for filing an application for a change of residence without having made application for a change of residence. 2. Voter has not returned a confirmation notice sent to the voter by the county commissioner of registration. 3. Voter has not moved since the previous election but the voter's registration information is missing or otherwise deficient. 4. Voter otherwise failed to notify the county commissioner of registration of the voter's change of address within the county.
New Mexico	Voter's name does not appear on the voter list and signature roster for the precinct in which the voter offers to vote and the voter is entitled to vote pursuant to the National Voter Registration Act of 1993 (i.e., the voter moved within the same precinct, the voter moved from one precinct to another with the same county clerk's jurisdiction, or the voter did not move but the voter-registration records show that he has).
New York	<ol style="list-style-type: none"> 1. No registration poll record for a voter can be found in the poll ledger. 2. Voter's name does not appear on the computer-generated registration list. 3. Voter's signature does not appear next to the voter's name on the computer-generated registration list. 4. Voter's registration poll record or computer-generated registration list does not show voter to be enrolled in the party in which the voter claims to be enrolled.

*—The eligibility requirements include requirements prescribed by statute, regulation, or practice.

State	Eligibility Requirements*
North Carolina	<p>Provisional Ballot (Fail Safe):</p> <ol style="list-style-type: none"> 1. Registered voter in the county moved into the precinct 30 days or more prior to the election and did not report the change to the board of elections. 2. Voter claims to have applied for voter registration in the county but there is no record of the voter's name on the registration records. 3. Voter was removed from the registration list, but maintains continuous eligibility within the county. 4. Voter disputes the voting districts (and ballots) to which the person has been assigned. <p>Challenged ballot: Challenged voter submits an application for challenged ballot to the chief judge of election of the precinct after the chief judge and judges of election of the precinct sustained a challenge that the voter (1) is not a State resident, (2) is not a resident of the county or precinct in which the voter is registered, (3) is not 18 years of age, (4) has been adjudged guilty of a felony and is ineligible to voter under State law, (5) is dead, (6) is not a U.S. citizen, (7) is not a resident of the municipality in which the voter is registered (with respect to municipal registration only), (8) has already voted, or (9) is not the person he or she represents himself or herself to be.</p>
Ohio	<ol style="list-style-type: none"> 1. Voter moved from one precinct to another within a county on or prior to election day and did not file a notice of change of residence with the board of elections. 2. Voter moved from one precinct to another and changed his or her name on or prior to election day and did not file a notice of change of residence and change of name with the board of elections. 3. Voter moved from one county to another county within the State on or prior to election day and did not register to vote in the county to which the voter moved.
Oregon	<p>Provisional ballot (mail elections):</p> <ol style="list-style-type: none"> 1. Voter's eligibility has not yet been determined. 2. Voter resides in another county. <p>Provisional ballot (polling-place elections): Voter for whom no evidence of active or inactive registration can be found.</p> <p>Challenged ballot (polling-place elections): Voter whom the clerk or another voter knows or suspects not to be qualified as an elector.</p>
South Carolina	<p>Provisional ballot (Fail Safe):</p> <ol style="list-style-type: none"> 1. Voter moved from an address in one precinct to an address in another precinct and failed to notify the board of registration of the change of address. 2. Voter moved to another county within the 30-day period before an election and failed to notify the board of registration of the change of address. <p>Provisional vote (Challenge):</p> <ol style="list-style-type: none"> 1. Voter's name does not appear on the registration book 2. Person who may be known or suspected not to be a qualified voter.

* – The eligibility requirements include requirements prescribed by statute, regulation, or practice.

Stat	Eligibility Requirements*
Utah	<ol style="list-style-type: none"> 1. Voter's name is not found on the official register. 2. Voter is registered to vote in another voting precinct but has changed residence to a new voting precinct and has not registered to vote in that voting precinct and the new voting precinct is in the same county and congressional district as the voter's previous voting precinct. 3. Voter's right to vote is challenged by another person who has alleged that (1) the voter is not the person whose name appears in the official register and under which name the right to vote is claimed, (2) the voter is not a resident of Utah, (3) the voter is not a U.S. citizen, (4) the voter has not or will not have resided in Utah for 30 days immediately before the date of the election, (5) the voter does not live in the voting precinct, (6) the voter does not live within the geographic boundaries of the entity holding the election, (7) the voter's principal place of residence is not in the voting precinct, (8) the voter's principal place of residence is not in the geographic boundaries of the election area, (9) the voter has voted before in the election, (10) the voter is not at least 18 years old, (11) the voter is involuntarily confined or incarcerated in jail or prison and was not a resident of the entity holding the election before the voter was confined or incarcerated, (12) the voter is a convicted felon and is incarcerated for the commission of a felony, or (13) in a regular primary election, the voter does not meet the political party affiliation criteria established by the political party whose ballot the voter seeks to vote.
Virginia	<p>Voter's name does not appear on the precinct registered voter list and the general registrar is not available or cannot State that the person is registered to vote.</p>
Washington	<p>Special ballot:</p> <ol style="list-style-type: none"> 1. Voter's name does not appear in the poll book. 2. There is an indication in the poll book that the voter requested or was issued an absentee ballot but the voter wishes to vote at the polls. 3. There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote. 4. Voter's registration was canceled in error. 5. Other circumstances as determined by the precinct election official. <p>Challenged ballot: Voter's right to vote is challenged on the ground that (1) the voter is unqualified, (2) the voter no longer maintains a legal voting residence at the address shown on the registration record, (3) the voter is not 18 years or over, (4) the voter is not a U.S. citizen, or (5) the voter has not lived in the State, county, and precinct 30 days immediately preceding the election.</p>
West Virginia	<ol style="list-style-type: none"> 1. Voter's registration record is not available at the time of the election. 2. Signature written by the voter in the poll book does not correspond with the signature purported to be the voter's on the registration record. 3. Voter is not eligible or duly registered to vote. 4. Voter's registration record lists one residence address but the voter has since moved to another address in a different precinct in the same county. 5. Voter's registration record indicates any other legal disqualification (e.g., voter voted an absentee ballot).
Wyoming	<p>Voter's right to vote is challenged on the ground that (1) the voter is not a qualified elector, (2) the voter is not entitled to vote in the precinct, (3) the voter is not the person he or she represents himself or herself to be, or (4) the voter has already voted.</p>

* — The eligibility requirements include requirements prescribed by statute, regulation, or practice.



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