

Casting and Counting Provisional Ballots

This was the second Federal election in which voters in all 50 States, the U.S. territories, and the District of Columbia were allowed to cast a ballot even if their name did not appear on the voter registration rolls or if their eligibility was questioned or challenged. Pursuant to HAVA, the vote was recorded on what is called a provisional ballot. Later, if elections officials determined the person was eligible to vote, the ballot was tallied into the vote count. In some States, specialized (and generally Web-based) systems were created to allow voters to inquire of the status of their provisional vote after the election.

HAVA mandated the use of provisional ballots in Federal elections beginning in 2004. Prior to that, the rules regarding the use of provisional ballots varied among the States. Although HAVA provides

a minimum standard for provisional balloting, the application of how and when individuals may cast a provisional ballot—and how and when the ballot will be counted—still varies across the country. In 2006, provisional ballots could be counted in 15 States if they were cast outside the individual’s home precinct, while in 30 other States they could not be counted.

The seven States with election day registration are not required to offer provisional ballots, but three of these (Maine, Wisconsin, and Wyoming) offered some type of provisional balloting. This also applies to North Dakota, which does not have voter registration.

The *2006 Election Administration and Voting Survey* asked State election officials how many

Figure 5. Percentage of Provisional Ballots Counted of Those Cast November 2006 General Election

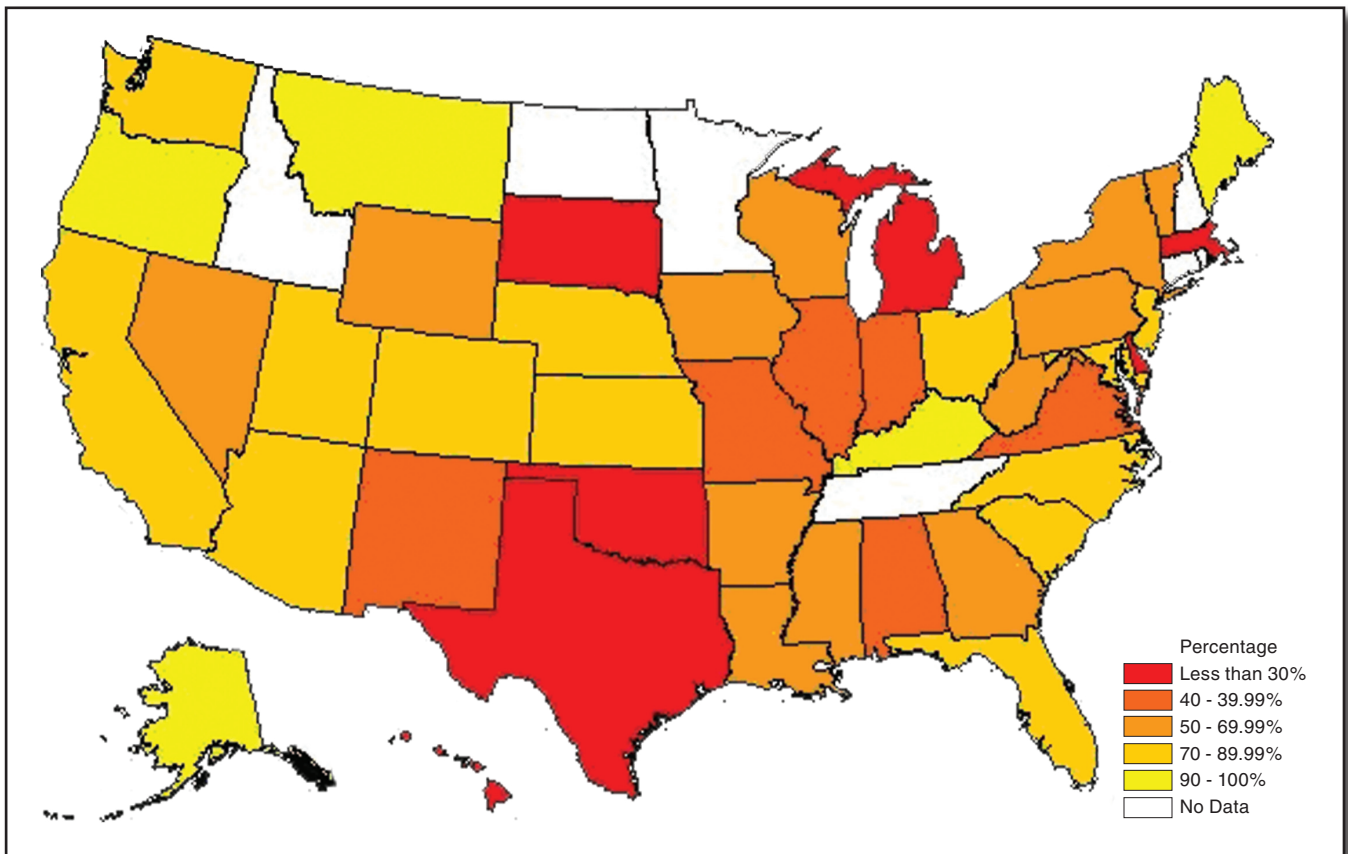


Table C
Provisional Ballots—Cast and Counted

State	Total Ballots Cast in Polling Places	Total Provisional Ballots Cast	Percentage of Ballots Cast at Polling Places	Total Provisional Ballots Counted	Percentage Provisional Ballots Counted of Cast
Alabama	1,162,063	2,370	0.20%	770	32.5%
Alaska	185,693	11,990	6.46%	11,059	92.2%
Arizona	762,963	73,880	9.68%	52,645	71.3%
Arkansas	567,648	1,155	0.20%	715	61.9%
California	5,526,026	288,213	5.22%	250,685	87.0%
Colorado	702,492	26,455	3.77%	22,505	85.1%
Connecticut	1,168,856	0	0.00%	0	N/A
Delaware	250,434	25	0.01%	4	16.0%
District of Columbia	114,878	4,219	3.67%	2,497	59.2%
Florida	3,385,239	14,550	0.43%	10,693	73.5%
Georgia	1,759,287	4,632	0.26%	2,479	53.5%
Hawaii	318,932	157	0.05%	35	22.3%
Idaho*	402,569	0	0.00%	0	N/A
Illinois	3,418,078	12,611	0.37%	4,572	36.3%
Indiana	1,548,844	2,031	0.13%	905	44.6%
Iowa	836,343	6,027	0.72%	3,305	54.8%
Kansas	678,701	21,097	3.11%	16,426	77.9%
Kentucky	1,305,962	75	0.01%	5	6.7%
Louisiana	911,082	274	0.03%	137	50.0%
Maine	557,734	316	0.06%	316	100.0%
Maryland	1,608,708	41,485	2.58%	36,146	87.1%
Massachusetts	321,527	215	0.07%	49	22.8%
Michigan	2,999,983	1,821	0.06%	347	19.1%
Minnesota*	2,071,289	0	0.00%	0	N/A
Mississippi	480,494	7,073	1.47%	3,853	54.5%
Missouri	2,052,920	7,403	0.36%	3,282	44.3%
Montana	291,049	2,242	0.77%	2,133	95.1%
Nebraska	496,863	7,119	1.43%	6,000	84.3%
Nevada	290,393	501	0.17%	277	55.3%
New Hampshire*	393,056	0	0.00%	0	N/A
New Jersey	1,291,751	11,410	0.88%	10,474	91.8%
New Mexico	172,968	1,378	0.80%	643	46.7%
New York	4,700,632	27,268	0.58%	18,524	67.9%
North Carolina	1,651,063	22,491	1.36%	16,760	74.5%
North Dakota*	185,202	0	0.00%	0	N/A
Ohio	3,592,358	127,758	3.56%	106,212	83.1%
Oklahoma	883,827	563	0.06%	131	23.3%
Oregon	1,395,868	1,408	0.10%	1,386	98.4%
Pennsylvania	3,005,818	12,345	0.41%	7,787	63.1%
Rhode Island	373,472	0	0.00%	0	N/A
South Carolina	1,012,410	3,013	0.30%	2,387	79.2%
South Dakota	247,479	341	0.14%	90	26.4%
Tennessee	983,795	0	0.00%	0	N/A
Texas	2,488,899	5,571	0.22%	1,668	29.9%
Utah	496,408	14,730	2.97%	11,192	76.0%
Vermont	263,025	16	0.01%	10	62.5%
Virginia	2,281,956	1,779	0.08%	646	36.3%
Washington	226,641	18,825	8.31%	16,049	85.3%
West Virginia	372,962	4,358	1.17%	3,279	75.2%
Wisconsin	1,992,291	271	0.01%	168	62.0%
Wyoming	167,364	22	0.01%	15	68.2%
American Samoa	11,132	5	0.04%	0	0.0%
Guam	0	0	N/A	0	N/A
Puerto Rico	0	0	N/A	0	N/A
Virgin Islands	33,478	343	1.02%	293	85.4%
TOTAL	64,400,905	791,831	1.23%	629,554	79.5%

*States allow election day registration and, therefore, under HAVA, they are exempt from the requirement to provide provisional ballots. North Dakota has no registration.

provisional ballots were cast and how many were counted. Some States did not report information on provisional ballots for all jurisdictions. The States' responses are shown in table C.

California and Ohio had the largest number of provisional ballots of all the States, and accounted for over 52.5 percent of all provisional ballots cast nationwide in the 2006 election. Arizona (at 9.68 percent) and Washington (at 8.31 percent) had the largest percentage of their polling place voters casting provisional ballots. Alaska (6.46 percent), California (5.22 percent), Colorado (3.77 percent), the District of Columbia (3.67 percent), Ohio (3.56 percent), Kansas (3.11 percent), Utah (2.97 percent), and Maryland (2.58 percent) all reported more than twice the nationwide average of polling place voters who cast provisional ballots.

A Profile of the Provisional Voter Based on the Survey Results

On election day 2006, slightly more than 791,000 individuals cast a provisional ballot, or less than one percent of all persons who voted, and 1.23 percent of those persons who voted in a polling place. (More than 629,000 provisional ballots were counted, or 79.5 percent of all the provisional ballots cast.)

The number of provisional ballots for 2006 was less than half of the levels reported for the 2004 election. Part of the decrease was likely due to the lower participation that is historically evident in off-year elections compared to Presidential elections.

However, according to the survey responses, a significantly larger share of the provisional ballots were counted in 2006 compared to 2004. Only 64.5

2006 Provisional Ballots

- ▶ 791,763 provisional ballots cast
- ▶ 629,486 provisional ballots counted (79.5 percent of provisional ballots cast)

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percent of provisional ballots were counted in the 2004 election, compared to the 79.5 percent in the 2006 election.

Yet, there are large differences between States on how many provisional ballots are counted. Five States reported more than 90 percent of their provisional ballots were counted, but fifteen States noted that less than half of its provisional ballots were ultimately counted. Because of the different size of States, an average of all State percentages shows that nationwide only 59.2 percent of provisional ballots were counted. A map showing the percentage of provisional ballots that were counted is shown as Figure 5. The raw data for the map are contained in table C, as well as table 28a & 28c in appendix B.

Jurisdiction-wide Acceptance

In the 15 States¹⁰ that allowed the counting of provisional ballots cast outside a voter's home precinct, 2.34 percent of ballots cast in a polling place were cast as provisional ballots. In the 30 States that disqualified provisional ballots cast outside the home precinct, provisional ballots were only 0.80 percent of ballots cast in a polling place. The States allowing jurisdiction-wide acceptance of provisional ballots also had higher rates of counting provisional ballots, 84.96 percent compared to 71.82 percent of other jurisdictions.

¹⁰For a summary of the provisions for provisional balloting, see the EAC Web site: www.eac.gov.

Reasons Provisional Ballots were Rejected

The EAC survey asked the States and jurisdictions to report the number of provisional ballots that were rejected (and therefore were not counted) and to specify the reasons why they were rejected. Table D shows the reasons for rejection, sorted in descending order. A strong plurality of the ballots were rejected because the persons attempting to vote were found, upon further research, not to be registered in the jurisdiction. Another 16 percent were voters who sought to vote in a precinct other than where they are registered.

Table D
Reasons for Rejecting Provisional Ballots

Reason Rejected	Number	Percent of Total Rejected
Not registered	74,490	43.59%
Wrong precinct	26,631	15.59%
Other	15,726	9.20%
Not categorized	9,738	5.70%
Ineligible to vote	9,269	5.42%
No identification provided	5,938	3.48%
Ballot not timely received (absentee)	5,738	3.36%
Incomplete ballot form	5,449	3.19%
Wrong jurisdiction	4,879	2.86%
No signature	3,732	2.18%
Already voted	3,147	1.84%
Registration purged	2,545	1.49%
Missing ballot	1,945	1.14%
Non-matching signature	1,477	0.86%
Multiple ballots in one envelope	74	0.04%
Elector challenged	64	0.04%
Deceased	30	0.02%
Total Rejected	170,872	100.00%