

## Chapter 6 Provisional Ballots

Table 6 presents data from the Election Day Survey on provisional ballots. Under the Help America Vote Act of 2002 (HAVA), if an individual appears at the polls on Election Day to cast a ballot but is not listed on the voter registration rolls, that individual is permitted to cast a provisional ballot. And if the individual is later determined to be eligible to vote, the provisional ballot is counted as a vote. The Election Day Survey asked for the number of provisional ballots cast, the number counted, and the five most common reasons for rejecting provisional ballots.

Section 302(a) of HAVA establishes the process of provisional balloting:

If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows.

The applicability of provisional balloting covers individuals who appear at the polls on Election Day to cast a ballot but are not listed on the voter registration rolls; in some states, first-time voters who cannot provide identification, as required under HAVA; and in some states, voters who were challenged at the poll. Election administrators are required to notify individuals of their opportunity to cast a provisional ballot.

While all individuals may cast a provisional ballot, the states differed in their interpretation of the phrase “registered voter in the jurisdiction in which the individual desires to vote” as to what defines a valid provisional ballot: is the jurisdiction an individual’s voting precinct, county, or some other jurisdiction? The ambiguity in the HAVA language resulted in controversy in the 2004 election and lawsuits seeking to expand the definition of “jurisdiction” when counting provisional ballots. In 2004, as detailed below, in 18 states provisional ballots were eligible to be counted if cast outside the individual’s home precinct. In 25 states, provisional ballots were disqualified if cast outside the individual’s home precinct. Seven states with Election Day registration were exempt from the HAVA provision, but three of these adopted provisional ballots for some classes of individuals seeking to vote.

If the individual is later determined to be eligible to vote, the provisional ballot is counted as a vote. A 2004 survey of 35 state election administrators by the National Association of Secretaries of State (NASS) revealed that for the 2004 election states begin verification procedures as early as Election Day and as late as one week after the election. The procedure may last as short a period as the completion of Election Day up to more than two weeks.

HAVA requires that states provide individuals casting provisional ballots with free access to a mechanism by which they can determine the disposition of their ballots. The NASS survey revealed that the methods of notification varied among Web sites, toll-free phone lines, and direct contact by local election administrators.

## Applicability and Coverage

HAVA required all states to offer provisional ballots in federal elections beginning in 2004, although some states are exempt because they have no voter registration (North Dakota) or have alternative systems, such as Election Day registration (Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming). The states of Maine, Wisconsin, and Wyoming allowed provisional balloting for first-time voters who were unable to provide identification or whose ballots were challenged at the polls. The other four states had no form of provisional balloting and no data was reported for them. New Hampshire and North Dakota allowed voters without identification to sign affidavits swearing to their identity. Minnesota and Idaho did not allow first-time voters without identification to cast ballots.

Mississippi and Pennsylvania failed to provide any data on provisional ballot use in their states. The states of California, Indiana, Iowa, Kansas, Missouri, New Mexico, New York, and West Virginia did not provide full statistics for all their jurisdictions.

Reasons for rejecting provisional ballots vary. In 18 states, provisional ballots are eligible to be counted if cast outside the individual's home precinct. In 25 states, provisional ballots are disqualified if cast outside the individual's home precinct.

States where provisional ballots are eligible to be counted if cast outside the correct precinct:

Alaska	Delaware	New Mexico	Utah
Arizona	Georgia	North Carolina	Vermont
Arkansas	Illinois	Oregon	Washington
California	Louisiana	Pennsylvania	
Colorado	Maryland	Rhode Island	

## Historical Context

Prior to the adoption of HAVA, some states provided for the casting and counting of provisional ballots. The rules regarding the use of "provisional ballots" were uneven among states. For example, Ohio provided a method of provisional balloting to persons who moved within the state but did not reregister at their new address by Election Day. California provided a method of provisional balloting to persons who could not establish their eligibility at the polls. Texas provided a method of provisional balloting for persons who were challenged at the polls. State and local jurisdiction statistics are unavailable as to the incidence of these pre-HAVA forms of provisional balloting.

HAVA mandated the use of provisional ballots in federal elections starting January 1, 2004. The November 2, 2004, election is the first federal election to be conducted with national usage of provisional ballots. Although provisional balloting has provided a minimum standard for provisional balloting, as described above, the application of how and when provisional ballots will be cast and counted varies among the states. Furthermore, some states permit provisional balloting only in federal elections.

## Survey Results

Table 6 presents data on provisional ballots cast and counted from questions 8 and 9 on the Election Day Survey. In the table, the number of provisional ballots cast is calculated as a percentage of reported total registration, and the number of provisional ballots counted is calculated as a percentage of provisional ballots cast. The column headings in Table 6 are as follows:

### Column Headings for Table 6. Provisional Ballots

Col.	Heading	Description
1	Code	State census code
2	Name	Respondent to Election Day Survey
3	Jurisdiction	Number of local election jurisdictions from survey question 22
4	Total Registration	Number of active and inactive registered voters, number of persons who voted on Election Day in six states, and VAP data for North Dakota and jurisdictions in Wisconsin that do not have voter registration, from col. 4 of Table 2, "Registration"
5	Cases	Number of jurisdictions that responded to survey question 1, provided Election Day registration data, or for which VAP data was substituted for voter registration data
6	Ballots Cast in Polling Places	Number of ballots cast in polling places on Election Day, from col. 9 of Table 4, "Turnout Source"
7	Cases	Number of jurisdictions that responded to survey questions 1 and 3, that provided Election Day registration data, and for which VAP data was substituted for voter registration data
8	Total Provisional Cast	Number of provisional ballots cast from survey question 8
9	Cases	Number of jurisdictions that responded to question 8
10	Percent Provisional Cast of Registration	Number of provisional ballots cast (col. 6) divided by the number of registered voters (col. 4)
11	Cases	Number of jurisdictions that responded to survey questions 1 and 8, provided Election Day registration data, or for which VAP data was substituted for voter registration data
12	Cases > 100%	Number of jurisdictions where the reported number of provisional ballots cast (col. 6) is greater than the reported number of registered voters (col. 4)
13	Percent Provisional Cast of Polling Places	Number of provisional ballots cast (col. 8) divided by the number of ballots cast in polling places on Election Day (col. 6)
14	Cases	Number of jurisdictions that responded to survey questions 3 and 8
15	Cases > 100%	Number of jurisdictions where the reported number of provisional ballots cast (col. 8) is greater than the number of ballots cast in polling places on Election Day (col. 6)
16	Total Provisional Counted	Number of provisional ballots counted from survey question 9
17	Cases	Number of jurisdictions that responded to question 9

**Column Headings for Table 6 (cont.)**

<b>Col.</b>	<b>Heading</b>	<b>Description</b>
18	Percent Provisional Counted of Prov Cast	Number of provisional ballots counted (col. 11) divided by the number of provisional ballots cast (col. 6)
19	Cases	Number of jurisdictions that responded to questions 8 and 9
20	Cases > 100%	Number of jurisdictions where the reported number of provisional ballots counted (col. 11) is greater than the reported number of provisional ballots cast (col. 6)

## Analysis of Survey Results

The following is our analysis of the data in Table 6 for each of the 18 cross-tabulation factors described earlier in this report. A description of each factor follows a general summary and a state-level summary of the survey data.

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|--|---|
| 1) Regions                                     | 10) Changed Voting Equipment since 2000   |
| 2) Urban to Rural                              | 11) Statewide Voter Registration Database |
| 3) Size of Jurisdiction                        | 12) Election Day Registration             |
| 4) Race and Ethnicity                          | 13) Provisional Ballot Acceptance         |
| 5) Median Income                               | 14) No Excuse Absentee Balloting          |
| 6) High School Education                       | 15) Early Voting                          |
| 7) Section 203 Language Minority Requirements  | 16) Battleground States                   |
| 8) Section 5 Preclearance of Voting Procedures | 17) Presidential Margin of Victory        |
| 9) Type of Voting Equipment                    | 18) Red versus Blue Jurisdictions         |

This analysis is based only on data that was *reported* to the U.S. Election Assistance Commission on the Election Day Survey. Many state responses to a survey question or part of a question did not cover all local election jurisdictions. In Table 6 as well as other tables in this report, a jurisdiction was excluded from a statistical calculation if its response was missing for one or more of the data items (i.e., columns) used in the calculation. A column labeled “Cases” next to each statistical calculation shows the number of jurisdictions covered by that calculation.

### Summary

Regarding provisional ballots, the Election Day Survey asked for the number of provisional ballots cast, the number counted, and the five most common reasons for rejecting provisional ballots. Overall, at least 1,901,591 individuals sought to cast a provisional ballot in the 2004 election. That amounted to 1.25 percent of all persons registered for the election and 2.56 percent of ballots cast in polling places on Election Day. The states reported that at least 1,225,915 provisional ballots were counted, or 64.50 percent of those provisional ballots cast.

States were also asked to provide the five most common reasons why the provisional ballots were rejected, although the actual numbers of ballots rejected categorized by the reasons for rejection were not requested. The states were not asked to provide this information for their individual jurisdictions, just a statewide summary. The reasons, according to their frequency of mention by states, are as follows:

Reasons for Rejecting Provisional Ballots	Frequency of Mention
Not registered	18
Wrong precinct	14
Improper ID	7
Incomplete ballot form	6
Wrong jurisdiction	5
Already voted	3
Ballot not timely received	3
Ineligible to vote	3
No signature	3
Administrative error	2
Non-matching signature	2

Reasons for Rejecting Provisional Ballots (cont.)	Frequency of Mention
Other	2
Registration purged	2
Deceased	1
Elector challenged	1
First-time voter registering on Election Day	1
Missing ballot	1
Multiple ballots in one envelope	1
Name missing from voter list	1
Nonappearance within 24 hours	1
Nonverifiable signature	1

We calculated three measures of provisional balloting in our analysis: the number of reported provisional ballots cast as a percentage of the voter registration, the number of reported provisional ballots cast as a percentage of ballots cast in polling places, and the report number of provisional ballots that were counted as a percentage of the reported number of provisional ballots cast. Generally we found the same relationships for the number of provisional ballots cast as a percentage of voter registration or as a percentage of ballots cast in polling places.

The patterns of provisional balloting revealed by our analysis suggest that administrative rules and procedures are most related to the casting and counting of provisional ballots. Most notably, jurisdictions that permitted jurisdiction-wide acceptance of provisional ballots reported higher rates of provisional ballots being cast, but also reported a much higher incidence of provisional ballots being counted, than other jurisdictions.

Those jurisdictions with statewide voter registration databases reported a lower incidence of casting provisional ballots than states without voter registration databases, suggesting that better administration of voter registration rolls might be associated with fewer instances where voters would be required to cast a provisional ballot due to a problem with their voter registration.

Over one million provisional ballots were reportedly cast in Section 203 covered jurisdictions, and correspondingly, there was a higher incidence of provisional ballots cast in Section 203 covered jurisdictions than those jurisdictions not covered. The rate of counting the provisional ballots was slightly higher in Section 203 jurisdictions, but could not offset the much higher incidence of casting provisional ballots.

On a related note, predominantly Hispanic jurisdictions had the highest rate of casting provisional ballots, followed by predominantly non-Hispanic Native American jurisdictions. While the counting of provisional ballots was highest in predominantly Hispanic jurisdictions, predominantly non-Hispanic Native American jurisdictions had a counting rate under 50 percent.

Higher incidences of casting provisional ballots can also be found in urban and high population density areas, but these jurisdictions also had higher rates of counting provisional ballots. Rates of counting provisional ballots also tended to increase with the income and education level within a jurisdiction.

### *States*

Among those jurisdictions reporting, Alaska reported the highest incidence of provisional ballots cast as a percentage of voter registration, at 4.93 percent, followed by California, at 4.08 percent, and Arizona at 3.84 percent. Twenty-four states reported provisional ballots as a percentage of registration at 0.3 percent or lower, with Vermont and Wyoming the lowest at just under 0.03 percent.

As a percentage of votes cast at the polling place, Washington was the highest at 11.29 percent, followed by Alaska, 10.63 percent; Arizona, 8.99 percent; and California, 8.47 percent. The change in the relative order is a consequence of the varied incidence of other methods of voting, such as absentee and early voting. The states with the lowest incidence of provisional balloting were again Vermont and Wyoming at 0.05 percent.

States reported a very wide range of whether the ballots were counted. Maine had the highest rate of provisional ballots counted, and serves as an interesting case, since the state permits first-time voters without required identification to cast a provisional ballot. Maine reports slightly more ballots counted, 486, than cast, 483. This is presumably a consequence of a data-entry error. More generally, nearly all provisional ballots cast in Maine were counted.

After Maine, Alaska reported the highest rate of counting provisional ballots, at 96.60 percent. Thus, even though Alaska had the highest incidence of provisional balloting, those ballots tended to be counted. Oregon followed at 85 percent, and also serves as an interesting case because persons casting a provisional ballot are motivated people who go to their county election administrative offices to cast a ballot if they did not receive one by mail. Washington, Nebraska, and Ohio all reported counting rates near 79 percent.

States with low reported rates of counting provisional ballots were Delaware at 6.3 percent, Hawaii at 7.20 percent, and Oklahoma at 7.70 percent. Table 6A shows the states sorted by the two methods of calculations.

### *Regions*

Jurisdictions in the West reported the highest percentage of provisional ballots cast, 2.94 percent of voter registration or 6.54 percent of votes cast in polling places, but also reported the highest rate of counting those ballots, 74 percent. The Northeast reported the second highest percentage of provisional ballots cast as a percentage of voter registration, 1.34, but reported the lowest rate of counting those ballots, 42.8 percent. As percentage of ballots cast at the polling place, the Northeast reported the lowest incidence of cast provisional ballots at 0.86 percent. The Midwest was next in provisional ballots cast, 0.80 percent of registration or 1.91 of votes cast in polling place, and reported the second highest rate of counting, 69.20 percent. The South reported the lowest rate of casting provisional ballots, at 0.44 percent of registration and 1.01 percent of ballots cast in polling places, and the third highest rate of counting, at 49.90 percent.

### *Urban to Rural*

Urban jurisdictions reported the highest rate of provisional ballots cast, 1.55 percent, followed by suburban jurisdictions at 1.12 percent, small towns at 1.02 percent, and rural jurisdictions, at 0.67 percent. The same pattern was reported when calculated as a percentage of ballots cast in polling places. Suburban jurisdictions reported the highest rate of counting provisional ballots, 73.10

percent, followed by rural jurisdictions at 68.50 percent, urban jurisdictions at 61.60 percent, and small towns at 59.30 percent.



**Table 6a. Provisional Ballot Usage, Sorted**

		Provisional Ballots Cast		Provisional Ballots Counted	
Ranking	Name	Percent Provisional Cast of Registration	Name	Percent Provisional Counted of Prov Cast	
1	Alaska	4.93	Maine	100.0	
2	California	4.08	Alaska	96.6	
3	Arizona	3.84	Oregon	85.3	
4	District of Columbia	2.92	Nebraska	79.1	
5	Kansas	2.69	Washington	79.0	
6	Washington	2.67	Ohio	78.4	
7	New York	2.21	Virgin Islands	77.6	
8	Utah	2.06	Colorado	75.9	
9	Ohio	1.98	California	73.2	
10	Colorado	1.66	Arizona	72.5	
11	Maryland	1.58	District of Columbia	71.1	
12	Nebraska	1.50	Kansas	70.4	
13	North Carolina	1.40	Utah	70.4	
14	New Mexico	1.31	Maryland	65.1	
15	New Jersey	1.28	South Carolina	65.1	
16	West Virginia	1.25	North Carolina	65.0	
17	Puerto Rico	0.88	Puerto Rico	58.4	
18	Iowa	0.69	West Virginia	58.2	
19	Illinois	0.60	Michigan	57.5	
20	Nevada	0.57	New Jersey	55.3	
21	Virgin Islands	0.50	Wisconsin	53.1	
22	Arkansas	0.45	Iowa	52.2	
23	Oregon	0.39	Montana	51.2	
24	Rhode Island	0.30	Illinois	51.2	
25	Georgia	0.30	Arkansas	47.9	
26	Texas	0.27	Rhode Island	45.8	
27	Florida	0.27	New Mexico	44.5	
28	Alabama	0.25	New York	40.3	
29	Massachusetts	0.25	Missouri	40.2	
30	Tennessee	0.23	Nevada	39.8	
31	South Carolina	0.21	Louisiana	39.3	
32	Louisiana	0.20	Tennessee	37.6	
33	Missouri	0.20	Florida	36.1	
34	Indiana	0.14	Connecticut	31.7	
35	Oklahoma	0.12	Georgia	30.8	
36	South Dakota	0.11	Alabama	28.8	
37	Virginia	0.10	Wyoming	25.3	
38	Montana	0.10	Vermont	24.8	
39	Connecticut	0.09	Massachusetts	23.1	
40	Michigan	0.08	Texas	20.2	
41	Delaware	0.07	Indiana	15.9	
42	Hawaii	0.05	Virginia	15.6	
43	Kentucky	0.05	Kentucky	14.8	
44	Maine	0.05	South Dakota	12.4	
45	Wisconsin	0.04	Oklahoma	7.7	
46	Wyoming	0.03	Hawaii	7.2	
47	Vermont	0.03	Delaware	6.3	
48	Idaho		Idaho	0.0	
49	Minnesota		Minnesota		
50	Mississippi		Mississippi		
51	New Hampshire		New Hampshire		
52	North Dakota		North Dakota		
53	Pennsylvania		Pennsylvania		
54	American Samoa		American Samoa		
55	Guam		Guam		
	Total	1.25	Total	64.5	
	Maximum	4.93	Maximum	100.0	
	Average	0.96	Average	47.9	
	Minimum	0.03	Minimum	0.0	

### *Size of Jurisdiction*

The urban-to-rural trend on rate of provisional ballots cast persists for the population size of the jurisdiction. The reported rate of provisional ballots cast increases with population size, from 0.10 percent for voter registration in jurisdictions under 1,000 voting age population (VAP), to 2.51 percent in jurisdictions over one million VAP. For percentage of ballots cast in polling places, the percentages ranged from 0.08 percent for the smallest jurisdiction to 6.08 percent for the largest.

The reported rate of counting provisional ballots generally increased with population size of the jurisdiction. Jurisdictions with a population between 1,000 and 3,500 VAP reported the lowest rate of counting provisional ballots, at 52.10 percent, while the largest jurisdictions reported 66.90 percent. However, the trend did not hold for the smallest jurisdictions below 1,000 VAP, which reported 65.40 percent.

### *Race and Ethnicity*

The highest reported incidence of casting provisional ballots among voter registration was in predominantly Hispanic jurisdictions, 2.81 percent, followed by predominantly non-Hispanic Native American jurisdictions, 1.89 percent; predominantly non-Hispanic Black areas, 1.28 percent; and predominantly non-Hispanic White communities, 1.12 percent. The order was the same when calculated as a percentage of ballots cast in polling places, ranging between 6.25 and 2.25 percent.

The highest reported rate of counting provisional ballots was also among predominantly Hispanic jurisdictions, 79.30 percent, followed by predominantly non-Hispanic White areas, 62.60 percent; predominantly non-Hispanic Black communities, 58.60 percent; and predominantly non-Hispanic Native American jurisdictions, 48.70 percent.

### *Median Income*

Reported rates of casting provisional ballots as a percentage of voter registration generally rise with the income level of the jurisdiction, from a 0.22 percent rate for jurisdictions with a median income less than \$25,000 to a 1.52 percent rate for median income between \$40,000 and \$45,000. The rate drops off for the highest income jurisdictions, to 1.29 percent for those with a median income above \$50,000. The same pattern holds when calculated as a percentage of ballots cast in polling places, ranging from 0.63 percent for the lowest category to 3.22 percent for jurisdictions with \$40,000–\$45,000 median income, before dropping slightly to 2.49 percent for the highest category.

Generally, higher income jurisdictions counted provisional ballots at nearly twice the rate of lower income communities. The reported rates for counting ballots follows a similar pattern, from a low of 39.80 percent counted in the lowest income category, to a high in the \$45,000 and \$50,000 range of 75.90 percent, and then dropping off slightly for the highest income category to 69.30 percent. However, jurisdictions in the \$35,000 and \$40,000 range break the pattern, dipping to a 42.20 percent counted rate.

### *High School Education*

The greatest variation in reported rates of provisional ballots cast occurs for the two lowest education categories. For the lowest, the rate of casting ballots is 0.23 percent; the rate jumps to 2.37 percent in the next highest category, and then declines to a little more than 1.00 percent for the remainder. The pattern is the same when calculated as a percentage of ballots cast in polling places,

0.84 percent for the lowest category, 5.41 for the next highest, and about 2.00 percent for the remainder.

The reported counting rate of provisional ballots generally shows a positive relationship between ballots counted and education levels, rising from a low of 52.60 percent for the lowest education category and rising to 72.30 percent for the highest. The deviation from the increasing pattern occurs at the medium range of 70–80 percent high school education, with a counting rate dipping to 52.60 percent.

### *Section 203 Language Minority Requirements*

There is a large difference in the reported rate of provisional ballots cast among Section 203 covered jurisdictions. Those covered reported a rate based on voter registration much higher, 2.04 percent, than those that are not covered, 0.82 percent. When calculated as a percentage of ballots cast in polling places, Section 203 covered jurisdictions reported 5.09 versus 1.38 percent for other jurisdictions. Section 203 covered jurisdictions reported a slightly higher rate of counting provisional ballots, 68.4 percent, than those not covered, 59.8 percent.

### *Section 5 Preclearance of Voting Procedures*

Section 5 covered jurisdictions reported a slightly lower rate of casting provisional ballots when calculated as a percentage of voter registration, 1.03 versus 1.25 percent, and a slightly higher rate when calculated for ballots cast in polling places, 2.49 versus 2.42 percent. Section 5 covered jurisdictions reported a slightly higher rate of counting provisional ballots than jurisdictions not covered by Section 5, 68.40 versus 63.20 percent.

### *Type of Voting Equipment*

Among those jurisdictions reporting voting equipment, those with lever machines reported the highest rate of casting provisional ballots when calculated as a percentage of voter registration, at 1.61 percent, but the second lowest when calculated as a percentage of ballots cast in polling places, 0.68 percent. Paper jurisdictions reported the lowest rate by either measure, 0.30 percent for voter registration and 0.39 percent for ballots cast in polling places. Most jurisdictions using other types of voting equipment have similar rates of casting provisional ballots, around 1 percent for voter registration or 2 to 3 percent for ballots cast in polling places.

Lever machine jurisdictions reported the lowest rate of counting those ballots, 41.30 percent, followed by paper jurisdictions, which reported a counting rate of 58 percent. Other jurisdictions ranged between 60 and 70 percent counting rates.

### *Changed Voting Equipment since 2000*

Those jurisdictions that changed voting equipment reported a higher rate of provisional ballots cast— 1.54 percent for voter registration and 3.42 percent for ballots cast in polling places—than those jurisdictions that did not, which measured 1.05 and 1.97 percent, respectively. Those jurisdictions that changed voting equipment also reported a higher rate of provisional ballots counted, 67.50 percent, than those jurisdictions that did not, 62.40 percent.

### *Statewide Voter Registration Database*

Statewide voter registration databases lead to almost half the number of provisional ballots being cast. Those jurisdictions with statewide voter registration databases reported a lower rate of casting provisional ballots, 0.59 percent for voter registration and 1.21 percent for ballots cast in polling places, than other jurisdictions, 1.37 and 2.86 percent, respectively. Both types of jurisdictions reported similar levels of counting provisional ballots, slightly above 64 percent.

### *Election Day Registration*

Those jurisdictions with Election Day registration might reasonably be assumed to not need provisional ballots because voters can register at the polls. However, for three of the seven Election Day registration states—Maine, Wisconsin, and Wyoming—provisional balloting was provided for first-time voters who were unable to provide identification or voters whose ballots were challenged at the polls. As the numbers show, this was a rare event in these three states. In those states with Election Day registration the reported incidence of provisional ballots cast was 0.03 percent or registration or 0.04 percent of ballots cast in polling places, and 78 percent of these ballots were counted. For states without Election Day registration, the reported incidence of provisional ballots cast was 1.22 percent of registration or 2.50 percent of ballots cast in polling places, and 64.3 percent were counted.

### *Provisional Ballot Acceptance*

Jurisdictions with jurisdictionwide provisional ballot acceptance reported higher rates of provisional ballots cast, 2.09 percent of registration or 4.67 percent of ballots cast in polling places, than those with in-precinct-only acceptance, 0.72 and 1.18 percent, respectively. Predictably, those jurisdictions with more permissive jurisdictionwide acceptance reported higher rates of counting provisional ballots, 71.50 percent, than other jurisdictions, 52.50 percent.

### *No Excuse Absentee Balloting*

Jurisdictions with no excuse absentee balloting reported more than twice the rate of casting provisional ballots, 1.94 percent of registration or 4.20 of ballots cast in polling places, than those jurisdictions that did not, 0.74 and 1.14 percent, respectively. Jurisdictions with no excuse absentee balloting reported a higher rate of counting provisional ballots, 71.7 percent, than those jurisdictions that did not, 52.5 percent.

### *Early Voting*

Jurisdictions with early voting reported a higher incidence of provisional ballots cast, 1.52 percent of registration and 3.430 percent of ballots cast in polling places, than those jurisdictions that did not, 0.93 and 1.45 percent, respectively. Jurisdictions with early voting reported a higher rate of provisional ballots counted, 68.40 percent, compared to other jurisdictions, 58.60 percent.

### *Battleground States*

Jurisdictions in battleground states reported a slightly lower incidence of casting provisional ballots, 1.04 percent pf registration and 2.39 of ballots cast in polling places, than those jurisdictions that were not battleground states, which measured 1.27 and 2.46 percent, respectively. Jurisdictions in battleground states reported a higher rate of counting provisional ballots, 71.30 percent, than those jurisdictions that were not in battleground states, at 61.80 percent.

### *Presidential Margin of Victory*

No clear pattern emerges for provisional balloting and presidential margin of victory. The reported incidence of casting provisional ballots ranged from 0.78 to 1.32 percent of registration and 1.68 to 2.86 percent of ballots cast in polling places. The reported rate of counting provisional ballots ranged from 62.60 to 79.60 percent. Of note, the range where either presidential candidate won by between 5.00 to 7.50 percent reported both the highest incidence of provisional ballot casting and rate of counting.

### *Red versus Blue Jurisdictions*

Jurisdictions in which Bush won a plurality of the vote reported the lowest incidence of casting provisional ballots, 0.37 percent of registration and 0.51 percent of ballots cast in polling places, while those that were won by Kerry by more than 55 percent reported the highest incidence of casting provisional ballots, 1.65 and 3.28 percent, respectively. For the other categories, the incidence of casting provisional ballots was slightly less than 1 percent for registration and around 2 percent for ballots cast in polling places.

Jurisdictions in which Bush won a plurality of the vote reported the lowest rate of counting provisional ballots, 54.5 percent, while those that were won by Bush with between 50 and 55 percent reported the highest rate of counting provisional ballots, 73.2 percent. Those that were won by Kerry by more than 55 percent reported the second highest rate of counting ballots, at 71.0 percent. The remainder of jurisdictions varied between 59.9 percent and 68.2 percent.

## **REFERENCES**

National Association of Secretaries of State. 2004. *Summaries and Highlights: NASS Survey of the Election Community Regarding Provisional Ballots*. Washington, DC.



Provisional

EAC Election Day Survey		Cases = Number of Jurisdictions Reporting Subject Matter																	
Provisional Ballots 2004 General Election		Provisional Ballots Cast										Provisional Ballots Counted							
Code	Name	Election Administration Jurisdictions	Total Registration	Cases	Ballots Cast In Polling Place	Cases	Total Provisional Cast	Cases	Percent Provisional Cast of Registration	Cases	Cases >100%	Percent Provisional Cast of Polling Place	Cases	Cases >100%	Total Provisional Counted	Cases	Percent Provisional Counted of Prov Cast	Cases	Cases >100%
<b>Election Administration</b>																			
<b>Voting Equipment Used in 2004 General Election</b>																			
	None / Unknown	908	14,484,493	877	7,286,032	248	159,860	260	1.16	259		2.19	242		112,497	250	70.3	230	1
	Punch card	260	15,767,547	259	3,875,388	132	155,157	238	1.06	237		2.33	132	1	105,075	238	67.7	204	
	Lever	394	21,662,619	390	3,700,759	287	268,706	349	1.61	349		0.68	287		111,043	348	41.3	249	
	Paper	1,734	3,085,167	1,733	1,044,700	1,011	6,830	883	0.30	883		0.39	854		3,905	881	58.0	261	1
	Optical scan	2,541	69,198,628	2,523	28,352,237	1,617	855,694	1,735	1.39	1,730		3.27	1,409		597,380	1,719	69.5	1,433	2
	Electronic	608	40,068,685	608	17,384,983	441	364,916	595	0.97	595		2.06	439		235,489	595	64.5	504	3
	Multiple Systems	123	12,997,891	122	5,959,893	114	90,428	101	0.73	101		1.60	95		60,526	101	66.9	96	1
<b>Changed Voting Equipment Since 2000 General Election</b>																			
	Yes	1,753	51,149,755	1,746	21,652,417	874	727,717	824	1.54	821		3.42	696		491,529	814	67.5	556	6
	No	4,815	126,115,275	4,766	45,951,575	2,976	1,173,874	3,337	1.05	3,333		1.96	2,762	1	734,386	3,318	62.4	2,421	2
<b>State Wide Voter Registration System in Place</b>																			
	Yes	1,335	37,384,852	1,321	19,051,011	1,089	203,421	1,234	0.59	1,233		1.20	1,001		131,619	1,232	64.7	895	5
	No	5,233	139,880,178	5,191	48,552,981	2,761	1,698,170	2,927	1.37	2,921		2.86	2,457	1	1,094,296	2,900	64.3	2,082	3
<b>Election Day Registration</b>																			
	Yes	2,823	10,323,368	2,806	4,701,563	912	952	649	0.03	649		0.04	583		629	618	78.1	147	1
	No	3,745	166,941,662	3,706	62,902,429	2,938	1,900,639	3,512	1.22	3,505		2.49	2,875	1	1,225,286	3,514	64.3	2,830	7
<b>Provisional Ballot Acceptance</b>																			
	In Overall Jurisdiction	1,162	65,077,741	1,143	23,631,193	917	1,178,607	1,075	2.09	1,068		4.67	912	1	845,145	1,078	71.5	812	4
	In Precinct Only	4,350	103,336,604	4,316	37,233,762	1,880	700,807	2,415	0.72	2,415		1.17	1,875		367,562	2,384	52.5	1,962	3
	None	1,056	8,850,685	1,053	6,739,037	1,053	22,177	671	0.50	671		0.68	671		13,208	670	59.5	203	1
<b>No Excuse Absentee Balloting</b>																			
	Yes	3,781	64,333,790	3,750	27,451,170	1,746	1,172,134	1,859	1.94	1,858		4.20	1,685	1	842,965	1,831	71.7	1,067	3
	No	2,787	112,931,240	2,762	40,152,822	2,104	729,457	2,302	0.74	2,296		1.13	1,773		382,950	2,301	52.5	1,910	5
<b>Early Voting Allowed</b>																			
	Yes	1,701	73,710,075	1,686	32,353,422	1,657	1,106,561	1,624	1.52	1,623		3.43	1,597		760,108	1,626	68.4	1,260	6
	No	4,867	103,554,955	4,826	35,250,570	2,193	795,030	2,537	0.93	2,531		1.44	1,861	1	465,807	2,506	58.6	1,717	2
<b>Covered By Section 203, Language Minority Requirements</b>																			
	Yes	468	50,756,496	453	18,294,853	414	1,002,817	437	2.04	436		5.09	408		688,397	440	68.4	393	1
	No	6,100	126,508,534	6,059	49,309,139	3,436	898,774	3,724	0.82	3,718		1.37	3,050	1	537,518	3,692	59.8	2,584	7
<b>Covered By Section 5 of Voting Rights Act</b>																			
	Yes	880	40,868,855	864	15,774,405	681	405,262	788	1.03	788		2.49	672		277,405	788	68.4	687	4
	No	5,688	136,396,175	5,648	51,829,587	3,169	1,496,329	3,373	1.25	3,366		2.41	2,786	1	948,510	3,344	63.2	2,290	4

Provisional

EAC Election Day Survey		Cases = Number of Jurisdictions Reporting Subject Matter																	
Provisional Ballots 2004 General Election		Provisional Ballots Cast								Provisional Ballots Counted									
Code	Name	Election Administration Jurisdictions	Total Registration	Cases	Ballots Cast In Polling Place	Cases	Total Provisional Cast	Cases	Percent Provisional Cast of Registration	Cases	Cases >100%	Percent Provisional Cast of Polling Place	Cases	Cases >100%	Total Provisional Counted	Cases	Percent Provisional Counted of Prov Cast	Cases	Cases >100%
<b>Demographics</b>																			
<b>Region</b>																			
	Northeast	1,710	34,273,670	1,709	9,736,138	1,583	322,060	1,398	1.34	1,398		0.86	1,341		137,813	1,397	42.8	566	1
	South	1,423	62,606,676	1,407	25,158,163	1,094	271,037	1,341	0.44	1,341		1.01	1,094		135,361	1,340	49.9	1,185	5
	Midwest	2,902	44,048,138	2,879	16,057,271	696	299,947	912	0.80	906		1.88	551		207,473	882	69.2	799	
	West	420	33,845,684	406	14,674,575	366	986,853	399	2.94	398		6.54	361	1	732,546	402	74.0	316	2
	Territories	113	2,490,862	111	1,977,845	111	21,694	111	0.87	111		1.10	111		12,722	111	58.6	111	
<b>Urban to Rural</b>																			
	Urban	567	63,441,314	566	23,932,272	286	894,564	341	1.55	340		2.80	276		551,182	322	61.6	276	
	Suburban	871	47,552,530	868	18,338,813	486	466,973	491	1.12	490		2.44	442		341,398	485	73.1	387	
	Small Towns	1,710	44,193,768	1,690	15,783,352	1,133	404,198	1,244	1.02	1,243		2.42	1,007		242,128	1,243	59.3	941	2
	Rural	3,307	19,586,556	3,277	7,571,710	1,834	114,162	1,974	0.67	1,970		1.55	1,622	1	78,485	1,971	68.5	1,262	6
	Not Available - Territories	113	2,490,862	111	1,977,845	111	21,694	111	0.87	111		1.10	111		12,722	111	58.6	111	
<b>Size of Jurisdiction (VAP)</b>																			
	< 1,000	1,761	895,006	1,757	181,680	535	236	466	0.10	466		0.08	459		90	465	65.4	55	1
	>=1,000 to <3,500	1,165	2,182,148	1,164	818,638	638	2,081	566	0.19	566		0.30	519		1,081	560	52.1	234	
	>=3,500 to <10,000	1,043	5,966,645	1,037	2,618,360	764	12,298	820	0.26	819		0.47	667		6,606	810	53.2	602	3
	>=10,000 to <50,000	1,704	31,472,681	1,681	12,888,120	1,245	115,002	1,513	0.41	1,508		0.86	1,166		69,882	1,502	60.3	1,321	4
	>=50,000 to <250,000	586	48,992,270	582	18,301,533	419	306,278	528	0.69	527		1.42	403	1	199,874	528	64.6	509	
	>=250,000 to <1,000,000	140	51,396,493	139	20,669,035	106	619,796	122	1.39	122		2.85	103		384,099	122	62.0	121	
	>=1,000,000	25	33,867,508	25	10,147,890	19	824,206	24	2.51	24		6.05	19		551,561	24	66.9	24	
	Not Available	144	2,492,279	127	1,978,736	124	21,694	122	0.87	122		1.10	122		12,722	121	58.6	111	
<b>Race and Ethnicity</b>																			
	Predominantly NH White	6,264	163,662,585	6,234	60,592,039	3,627	1,622,859	3,913	1.12	3,907		2.24	3,240	1	1,017,790	3,885	62.6	2,761	7
	Predominantly NH Black	85	3,098,023	81	1,460,762	42	35,430	64	1.28	64		2.37	42		20,751	64	58.6	50	1
	Predominantly NH Native American	24	231,022	24	82,833	11	3,746	15	1.89	15		4.82	8		1,895	16	48.7	12	
	Predominantly Hispanic	50	7,749,995	45	3,480,693	45	217,449	46	2.81	45		6.25	45		172,429	45	79.3	42	
	Not Available	145	2,523,405	128	1,987,665	125	22,107	123	0.88	123		1.11	123		13,050	122	59.0	112	
<b>Median Income</b>																			
	< \$25,000	298	2,504,552	287	607,157	168	4,906	238	0.22	237		0.63	164		1,952	237	39.8	147	1
	>=\$25,000 to <\$30,000	884	8,917,739	871	3,268,500	594	39,738	694	0.48	693		1.16	568		21,588	693	54.3	482	2
	>=\$30,000 to <\$35,000	1,372	22,970,583	1,366	7,393,539	842	114,745	983	0.61	981		1.43	785		74,899	982	65.1	732	2
	>=\$35,000 to <\$40,000	1,215	40,443,694	1,213	11,981,812	703	443,747	768	1.23	768		2.17	619	1	189,262	764	42.2	554	2
	>=\$40,000 to <\$45,000	881	37,780,840	877	16,288,261	452	545,436	457	1.52	454		3.21	388		401,079	453	73.5	341	
	>=\$45,000 to <\$50,000	587	21,218,675	587	8,091,829	292	263,544	270	1.39	270		3.09	241		200,092	267	75.9	182	1
	>=\$50,000	1,180	40,936,586	1,178	17,994,126	672	467,781	628	1.29	628		2.47	570		324,321	614	69.3	428	
	Not Available	151	2,492,361	133	1,978,768	127	21,694	123	0.87	123		1.10	123		12,722	122	58.6	111	
<b>High School Education</b>																			
	< 60%	126	1,817,027	124	456,226	73	3,973	107	0.23	107		0.84	70		2,088	107	52.6	73	
	>=60% to <70%	661	14,944,978	648	6,195,326	421	338,669	543	2.37	542		5.41	416		215,147	542	63.5	444	3
	>=70% to <80%	1,646	49,285,773	1,631	15,020,134	959	513,390	1,120	1.13	1,116		2.12	885		272,695	1,120	52.6	854	2
	>=80% to <90%	3,111	93,198,279	3,105	36,448,287	1,692	886,040	1,753	1.08	1,751		2.20	1,491	1	623,535	1,738	70.3	1,197	3
	>=90%	873	15,495,512	871	7,496,339	578	137,412	514	1.06	514		1.99	472		99,400	502	72.3	297	
	Not Available	151	2,523,461	133	1,987,680	127	22,107	124	0.88	124		1.11	124		13,050	123	59.0	112	



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<b>Political</b>																			
<b>Battleground States in 2004 Presidential Election</b>																			
	<b>Yes</b>	<b>3,093</b>	64,166,639	3,062	23,916,154	960	505,069	838	1.04	837		2.37	630	1	359,854	806	71.3	761	2
	<b>No</b>	<b>3,475</b>	113,098,391	3,450	43,687,838	2,890	1,396,522	3,323	1.27	3,317		2.46	2,828		866,061	3,326	61.8	2,216	6
<b>Margin of Victory in 2004 Presidential Election</b>																			
	< 2.5%	<b>515</b>	15,923,548	513	5,750,849	291	110,895	283	0.78	281		1.64	246		72,213	282	65.1	175	
	>=2.5% to < 5.0%	<b>476</b>	11,133,130	472	3,999,669	266	89,616	266	0.99	265		1.95	235		56,003	261	62.6	154	
	>=5.0% to < 7.5%	<b>510</b>	13,830,932	508	5,578,649	276	169,276	292	1.31	292		2.86	245		134,658	288	79.5	203	
	>=7.5% to < 10.0 %	<b>429</b>	8,833,490	428	3,452,732	235	65,284	229	0.83	229		1.78	199		47,317	228	72.5	138	
	>=10.0 %	<b>4,492</b>	125,044,988	4,463	46,839,469	2,664	1,444,826	2,978	1.29	2,974		2.63	2,420	1	903,002	2,960	62.3	2,196	8
<b>Red vs Blue Jurisdictions Won By in 2004 Presidential Election</b>																			
	<b>Bush &gt; 55%</b>	<b>3,115</b>	68,178,580	3,094	26,081,362	1,780	604,309	2,094	0.97	2,091		2.22	1,622	1	374,479	2,087	61.5	1,672	7
	<b>Bush 50% to 55%</b>	<b>982</b>	26,682,203	979	9,749,715	516	227,774	521	0.95	521		2.25	426		166,657	517	73.2	358	
	<b>Bush &lt; 50%</b>	<b>136</b>	2,041,746	135	654,013	85	6,534	86	0.37	85		0.51	75		3,556	85	54.4	34	
	<b>Kerry &lt; 50%</b>	<b>150</b>	4,850,492	150	1,743,644	91	58,781	89	1.29	89		2.43	83		43,771	89	74.5	47	
	<b>Kerry 50% to 55%</b>	<b>872</b>	23,160,396	866	8,518,800	508	196,453	504	0.95	502		1.93	454		134,011	498	68.2	307	
	<b>Kerry &gt; 55%</b>	<b>1,161</b>	49,846,628	1,154	18,869,951	746	786,041	748	1.82	747		3.28	679		490,714	737	62.4	447	1
	<b>Tied</b>	<b>25</b>	14,032	21	8,659	12	5	8	0.06	8		0.10	8		5	8	100.0	1	