Information Sheet—Provisional Ballots

A provisional ballot is a conditional electronic or paper ballot that may be cast by a voter at a polling place on Election Day.

Under the Help America Vote Act (HAVA), any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be immediately determined, should request and be given a provisional ballot.

Election officials, in addition to posting voting information, must post information about provisional ballots at each polling place.

Each person casting a provisional ballot must be given written instructions on how to contact a “free access system” to determine whether the voter’s ballot was counted. The instructions must contain not only information on how to access the system, but also information the voter must provide in order to find out whether the ballot was counted.

In most cases provisional ballots will be examined by the local election board to determine whether the voter was entitled to vote at the precinct where the ballot was cast. The election board must also determine that the voter did not otherwise vote in that particular election. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the election board will compare the signature on the provisional ballot envelope with the signature on the voter registration record and, if the two signatures match, will count the ballot.

Sample Questions for Election Officials about Provisional Ballots:

- How will you establish standards for counting provisional ballots?
- How will those standards ensure that all eligible voters will have their votes counted?
- What will be done to ensure that the law is applied uniformly across the state?
- How will you ensure transparency in providing and counting of provisional ballots?
- What will be done to address registration and eligibility questions ahead of time to reduce the need for provisional ballots?
- What system is being put in place to train poll workers on the provisional ballot requirement?
- How will you educate voters about this new requirement and their right to ask for a provisional ballot?
- If the voter does not have a proper ID, what steps will you take to provide a provisional ballot and to count the ballot if the person is eligible to vote?
- How will voters verify whether or not their vote was counted?
- What are you doing to guarantee that voters who had to vote provisionally once will not face the same situation the next time they vote?