

Provisional Ballot Guidance

The following information is from the Pennsylvania Department of State and is based on the Help America Vote Act of 2002, which established the provisional ballot to ensure that no eligible voters is turned away at the polls:

A provisional ballot is a paper ballot that is offered to voters who believe they are registered but whose name does not appear in the poll book or on the general voter registration list.

Who may vote by provisional ballot?

- A voter who claims to be properly registered and eligible to vote at the election district but his/her name does not appear on the general voter registration list.
- A first-time voter who does not have an acceptable form of identification.
- A voter who presents a federal or state court order to vote.

A voter whose identity or residency is challenged may vote a provisional ballot if the voter is unable to, or chooses not to, produce a witness to sign an affidavit affirming the voter's identity and residency. A voter who does produce such a witness is permitted to vote normally, either by paper ballot or on the machines.

Poll workers should provide the voter with the paper ballot, a secrecy envelope and an outer provisional ballot envelope. The voter should then be directed to a private, accessible place to mark the ballot. The voter may not take the ballot out of the polling place.

What does the voter do?

Once the voter marks the ballot, the voter should place the ballot in the secrecy envelope, seal it and placed the secrecy envelope inside the provisional ballot envelope. The outer envelope is printed with the mandatory affirmation form. The voter must sign the affirmation, affirming his (or her) name, date of birth, the municipality in which he is registered, the fact that he is registered and eligible to vote in that election district and that he has not already cast a ballot in the election.

If a voter feels entitled to cast a provisional ballot but is not offered one, the voter should contact the Delaware County Board of Elections immediately or call 866-OUR VOTE.

What must poll workers do?

Poll workers must provide the voter with the provisional ballot materials, instruct the voter on the proper procedures to mark the ballot, instruct the voter to fill out the affirmation form, provide the voter with a private place to mark the ballot and, after the voter has voted, the poll worker should check to make sure that the voter has followed all the instructions.

At the close of the polls all the provisional ballot envelopes must remain sealed and should be returned to the county board of elections in the appropriate envelope or pouch along with other election materials.

How do provisional ballots get counted?

The county board of elections has a duty to decide promptly whether a provisional ballot should be counted. The Pennsylvania Election Code requires that provisional ballots be canvassed within seven days of the election at a public meeting that the board has publicized, which may be attended by the public, the press, candidates, watchers, attorneys and others.

The county staff must evaluate each provisional ballot before the meeting and gather information that would permit the board of elections to determine whether the voter was registered in the county and the election district where the ballot was cast, whether the voter has registered in another election district, in another county or not at all. The staff also determines whether the voter who cast a provisional ballot did not vote in any other manner in the election and whether the voter's signature is genuine. The board should also verify whether the voter attempted to register through PennDOT or online voter registration and whether that attempt failed.

At the public meeting, the board of elections must determine as to each ballot whether it is invalid because the voter cast another ballot, whether the ballot should be counted in full, whether the ballot should be rejected and the reason for the rejection, or whether the ballot should be partially counted and the reason for partial counting.

After the board of elections has decided which provisional ballots should be counted, the board removes the secrecy envelopes from the outer provisional ballot envelopes co-mingles the sealed secrecy envelopes and then opens the envelopes, remove the ballots and counts them in front of the assembled audience.