

Understanding the Provisional Ballot Process

October 14, 2020



Vasu Abhiraman
Policy Counsel
VAbhiraman@acluga.org



Lana Goitia
Voting Rights Organizer
LGoitia@acluga.org



Jeff Danovich
Fulton County Training
Coordinator



Andrew Kurish
Fulton County Poll Manager


Provisional Ballots 101

- The provisional ballot system was created by the Help America Vote Act (HAVA) of 2002 to allow a person to cast a ballot even if their qualifications to vote in that election were not confirmed.
- Sometimes HAVA contradicts state laws - HAVA usually overrules
- After Election Day, election officials investigate provisional ballots to see whether they were cast by someone who is qualified to vote and registered. If a person is qualified and registered, the provisional ballot will be counted.
- In Georgia, a voter must cast their provisional ballot in the same county in which they are registered in order for that provisional ballot to end up counting.



Provisional Ballot Paperwork/Supplies

NOTICE TO PROVISIONAL VOTERS


FULTON COUNTY
DEPARTMENT OF REGISTRATION AND ELECTIONS
ELECTIONS OFFICE
130 PEACHTREE STREET, S.W., SUITE 2186
ATLANTA, GA 30303
Ph: 404-730-9872
Fax: 404-730-4833

Dear Provisional Voter: You have been permitted to vote a Provisional Ballot for one or more of the following reasons:

1. We were not immediately able to confirm that you registered to vote before the deadline date.
2. You are a first-time Georgia voter who registered to vote by mail and did not provide proper identification at the time you mailed in your voter registration application AND you did not present the proper identification for voting at your precinct.
3. You were required to vote a Provisional Ballot because the time period for voting was extended by a court order.
4. You were required to vote a Provisional Ballot because of a delay in voting on the touch screen voting units.
5. You are a voter who has moved outside of a City that is having an election in which you are not eligible to vote.
6. You are eligible to vote, but do not have an acceptable form of identification. (3 days to provide ID)
7. You are not on the registered list of electors for this precinct (Not at your precinct, but are registered).
8. You are registered for the first time in Georgia and is pending verification. There is a mismatch between your identification and what DOS has on file. (3 days to provide ID)
9. Voter who did not provide proof of Citizenship. (3 days Challenged Voter)

The following explains what will happen with your ballot:

For Items A-F below, The Registrar's Office has **three (3) days** to research your voter registration, based on the address provided on the Provisional Voter's Certificate, in order to determine if you registered to vote timely and validly.

A. FOUND ELIGIBLE TO VOTE IN THE PRECINCT: If you are found eligible to vote in the precinct in which you have cast your Provisional Ballot, we will count your entire ballot. We will not notify you that your ballot has been counted. **If you would like to know if your ballot was counted, you may contact the Registrar, starting Friday at 1-866-677-5328 or go to our website at fultonelections.com please.**


B. FOUND ELIGIBLE TO VOTE IN ANOTHER PRECINCT: If you are found eligible to vote in another precinct, your ballot may be partially counted if you voted on an office for which you were not eligible to vote. This means that we will duplicate your ballot to include only the offices for which you were eligible to vote. For example, if you voted for a candidate in the 45th House District, but after our research it is found that you should have voted in the 44th House District, we will not include this vote on the duplicated ballot, because you are not eligible to vote for a candidate in another district. We will notify you in writing if your ballot is partially counted.

C. REGISTRAR CANNOT DETERMINE IF VOTER IS REGISTERED AND ELIGIBLE TO VOTE: If by the close of business on the **third business day** after the election, the Registrar cannot determine you are a registered voter or are eligible to vote in this election, you will be notified in writing that your ballot was not counted.

D. YOU ARE A FIRST TIME GEORGIA VOTER WHO REGISTERED BY MAIL AND DID NOT PROVIDE IDENTIFICATION AT THE TIME YOU REGISTERED TO VOTE NOR AT THE POLL: You must provide the Fulton County Voter Registration Office (address and phone number to each of our offices is found on the reverse side of this election) with a copy of one of the 10 forms of identification accepted for voting no later than 5:00 p.m. Friday after the election (the acceptable forms of identification is on the reverse side of this notice). You may submit your identification via fax; in-person; or, if you are a disabled voter and are not able to appear in person at the Registrar's Office, you may send a copy of your identification by another person.

E. POLL HOUR FOR VOTING WAS EXTENDED OR YOU VOTED AN EMERGENCY PROVISIONAL BALLOT DUE TO A DELAY IN VOTING ON THE TOUCH SCREEN VOTING UNITS: Your ballot will be counted without delay unless you were also listed under categories 1 or 2 above. If you were found to be listed under categories 1 or 2 above, the decision on your ballot will be based on your compliance with Items A-D above.

Revised March 22, 2018 FECR


FULTON COUNTY
NOTICE TO PROVISIONAL VOTING STATION

Top section be completed by the ExpressPoll Clerk

Attention Provisional Voting Station, the voter listed below appeared at the EXPRESSPOLL STATION (ELECTOR'S LIST) and the following was found:

Voter's Name _____ Precinct _____

☐ Voter not found on the ExpressPoll (Elector's List). **CODE PR**

☐ Voter has IDR next to his/her name on the ExpressPoll (Elector's List) and **DOES NOT** have one of the 10 forms of acceptable photo identification. **CODE IDR**

☐ Poll hour has been extended and the voter must vote a Provisional Ballot. **CODE EH**

☐ Voter is being issued an Emergency Ballot because voting has been delayed due to problems with all touch screen voting units or encoders. **CODE EM**

☐ Registered voter does not have one of the 6 forms of acceptable identification. **CODE PI**


☐ Voter not registered in your precinct, but is registered at another precinct. **CODE OP**

☐ Registered voter does not have any forms of acceptable identification. **CODE V**

☐ Registered voter did not provide proof of citizenship prior to Election Day. **CODE X**

Signature of ExpressPoll Clerk _____ Date _____

Send Voter to the Provisional Ballot Station.


Bottom section is to be completed by Provisional Ballot Clerk

ACTION TAKEN:

☐ Voter issued a Provisional Ballot.

☐ Voter sent to correct precinct _____ (Indicate Precinct).

☐ Voter authorized to vote on the TS Unit at the Precinct.

☐ Authorized by: _____ (Enter name of office staff who authorized voter).

☐ Voter not permitted to vote.

PLACE THIS FORM IN THE _____

- Notice to Provisional Voting Station (salmon)
- Voter Certificate (salmon)
- Provisional Registration Application
- Inner Envelope (white)
- Outer Envelope (salmon)
- Provisional Ballot
- Provisional Numbered List of Voters
- Notice to Provisional Voter (salmon)

Situations when a provisional ballot should be used:

- 1) The voter is not on any list of registered voters.
 - Be sure to check the poll pad list and the supplemental voter list before determining the voter is not on the voter rolls.
- 2) The voter is unable to show one of the required forms of ID.
- 3) The voter registered by mail, did not provide ID in their mailed registration application, and cannot present acceptable ID while attempting to vote in person.
- 4) The voter arrives to vote in person at the wrong polling location but in the correct county and they decide they cannot travel to the correct polling place.
- 5) The voter arrives to vote in person and the poll pad shows they are registered to vote in a different county, but they believe they registered on time to vote in this county.
- 6) The voter is voting during court-ordered extended polling hours in an election in which federal candidates are on the ballot.

Who should not get a provisional ballot?

- A voter whose name appears on the poll pad as an active or inactive voter
- A voter whose name appears on the supplemental voter list
- A voter who gets their absentee ballot properly canceled
- A voter who simply does not want to vote on the touchscreen device

→ These voters should vote on a ballot marking device, not with a provisional ballot. ←

- A voter who self admits that they already cast their ballot (early voting, absentee)
- A voter who self admits that they are not eligible to vote
 - Defer to a poll manager or the central registration office

Provisional Ballot Codes

OP - Out of Precinct

PR - Person believing they timely registered to vote but does not appear on any voter list

PI - Registered voter who does not have a photo ID to present at the time of voting

IR - First time voter who registered by mail but did not send in photo ID when registering who also does not have acceptable ID to present at the time of voting

X - Voter who registered for the first time in Georgia but citizenship not verified

V - Person who did not provide missing information to complete application

EH - Voter who is casting a ballot during court ordered extended poll hours

EM - Voter who is casting a ballot during an emergency that affect use of the touchscreens

CHAL - Challenged

OP - Out of Precinct

- Person whose name does not appear on electors list for your precinct.
 - Be sure to check all lists!
- If a person is not on your Electors List but is showing registered in another precinct, inform the voter of their assigned precinct and then let the voter decide if they can go to their assigned precinct, or vote a provisional ballot.

PR - Prior Registration

- Person believing that he or she has timely registered to vote but whose name does not appear on the Elector List
 - Be sure to check all lists! Check the Poll Pad, the supplemental voter list, and the paper back up list.
- If a person is not listed on Poll Pad, the supplemental list, or the paper back up list, they may be issued a provisional ballot

PI - No Photo ID

- Registered voter who does not have one of the required forms of photo ID to present at time of voting
- If a voter does not have the appropriate photo ID, he or she should be issued a provisional ballot and instructed that the ballot will be counted only if the voter provides the proper identification to the registrar's office no later than three days following the day of the election.

Acceptable Photo ID in Georgia:

- Georgia driver's license (*even if expired*)
- Georgia voter identification card
- United States passport
- United States military photo identification card
- Tribal identification card containing a photograph
- Photo identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States
 - This includes photo IDs issued by public Georgia colleges, universities, and technical schools.
- Employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state or any county, municipality, board, authority, or other entity of this state

IR - IDR Voter without ID

- Voter who registered for the first time by mail but did not provide required identification and does not have ID when voting. They will listed as an IDR voter on the Electors List or Poll Pad.
- If the voter cannot supply the appropriate identification the voter must be issued a Provisional Ballot. Please note that an IDR voter is allowed to show other forms of identification in addition to the listed forms of photo ID. If they show one of the following, they do not need to use a provisional ballot.
 - Utility bill with name and address
 - Bank statement with name and address
 - Government check with name and address
 - Paycheck with name and address
 - Government document with name and address

Verification Code: X

- Voter who registered for the first time in Georgia but citizenship is not verified.
- If an elector is marked on the electors list as a potential non-citizen and the voter does not have a proof of citizenship document with them, a provisional ballot should be issued.
- This type of provisional ballot should be coded with an X on the Provisional Numbered List of Voters and the salmon outer envelope.

Forms of Acceptable Citizenship Verification

- (1) Birth certificate, issued by a U.S. State (if the person was born in the U.S.), or by the U.S. Department of State (if the person was born overseas and the parents registered the child's birth and U.S. citizenship at birth with the U.S. Embassy or Consulate).
- (2) U.S. Passport, issued by the U.S. Department of State.
- (3) Certificate of Citizenship, issued to a person born outside the U.S. who was still a U.S. citizen at birth, or to a person who later automatically became a U.S. citizen.
- (4) Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
- (5) A Report of Birth Abroad of a U.S. Citizen.
- (6) A Certification of birth issued by the Department of State.
- (7) A U.S. Citizen ID card.
- (8) An American Indian Card issued by the Department of Homeland Security with the classification code "KIC" (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).
- (9) Final adoption decree showing the child's name and U.S. birthplace.
- (10) Evidence of civil service employment by the U.S. government before June 1976.

Forms of Acceptable Citizenship Verification Cont.

- (11) An official U.S. military record of service showing a U.S. place of birth.
- (12) A Northern Mariana Identification Card (Issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986).
- (13) Extract of U.S. hospital record of birth established at the time of the person's birth indicating a U.S. place of birth.
- (14) Life or health or other insurance record which indicates a U.S. place of birth and which is dated at least 5 years before the initial application date.
- (15) Federal or State census record which indicates U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).
- (16) Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (17) Medical (clinical, doctor, or hospital) record which indicates a U.S. place of birth and which is dated at least 5 years before the application date.
- (18) A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.
- (19) Other document that was created at least 5 years before the application. Document must be one of the following and show a U.S. place of birth: Seneca Indian tribal census record; Bureau of Indian Affairs tribal census records of the Navaho Indians; U.S. State Vital Statistics official notification of birth registration; an amended or delayed U.S. public birth record that is amended more than 5 years after the person's birth; or statement signed by the physician or midwife who was in attendance at the time of birth.
- (20) If other forms of documentation cannot be obtained, documentation may be provided by a written affidavit, signed under penalty of perjury, from two citizens, one of whom cannot be related to the person in question, who have specific knowledge of event(s) establishing the person in question's citizenship status or another knowledgeable individual must also submit an affidavit stating why the documents are not available. Affidavits are only expected to be used in rare circumstances.

Verification Code: V

- Data mismatch. Caused by a mismatch between the information submitted on the voter registration card and the information contained in the Department of Driver Services (DDS) database.
- Voter will have been sent a letter explaining the process for verifying their registration in advance of election day. They can also verify on election day by presenting one of the forms of acceptable photo identification that exactly matches the information in their voter registration record.
- If the information in the record does not exactly match the ID provided or the voter does not have ID they will vote a provisional ballot and complete a Provisional Voter Application Card to update their registration record.
- This type of provisional ballot should be coded with a V on the Provisional Numbered List of Voters and the salmon outer envelope.

EM - Emergency Provisional Ballot

- Voter who is casting a ballot during an emergency involving problems with all the touch screen voting units and scanners.
- As long as you have at least one touch screen voting unit available for voting, you may continue voting on the touch screen voting unit.
- In the event that all BMDs are down but there is a working scanner then emergency ballots will be issued using the Poll Pads and the scanner will be used to tabulate those ballots.

EH - Extended hours

- Voter who is casting a ballot during extended poll hours as a result of a court order (applies to federal elections only)
- This provision only applies when there is a federal race on the ballot. In the event that the time for closing the polls at a polling place is extended by court order, all electors who vote during such extended time period shall use provisional ballots.

CHAL - Challenged Ballot

- If an elector has been challenged and appears at the polls to vote prior to the challenge hearing or decision, the elector shall be permitted to vote by casting a challenged ballot on the same type of ballot used for provisional ballots. Use the code “CHAL.”

Challenged Ballot Procedure

1. Verify that the voter has signed the Voter's Certificate
2. Verify that the voter completed the Provisional Voter Section on the back of the certificate
3. Write "Challenged" on the bottom of the Provisional Section of the Voter's Certificate
4. On the Official Provisional Ballot, you must:
 - Mark the type of election.
 - Write "CHALLENGED" on the bottom of the colored section.
 - Write the voter's name and your precinct name or code.
 - Add the ballot style or district combo on the ballot to be issued.
 - Write the election date and time.

Challenged Ballot Procedure Cont.

5. Issue the correct optical scan ballot for the voter's District Combo. Detach the ballot from the pad, leaving the stub attached to the pad.
 - Give the voter the following instructions: "Take the ballot to the voting booth. Vote your ballot by filling in the ovals next to the candidate or question of your choice" "Fold your ballot to fit into the white envelope" "Put your ballot into the smaller white envelope and seal it. Put that envelope into the larger salmon envelope and seal it."
 - While the voter is voting: Write the ballot stub number on the Voter's Certificate and initial as issued. On the Numbered List of Provisional Voters, record the voter's name, the provisional code of CHAL, and the District Combo. Place the Voter's Certificate in the provisional binder

Challenged Ballot Procedure Cont.

6. When finished voting, the voter drops the sealed salmon ballot envelope into a secure ballot container or bag
7. Hand the voter the written instructions about the challenged ballot process
8. Hand the Voter an “I’m a Georgia Voter I SECURED MY VOTE” sticker and thank them for voting

Provisional Ballot Procedure

1. Voter should complete the Provisional section of the paper Voter Certificate (Salmon colored) and if required, a Provisional Voter Registration Application
 - Ask voter to provide Photo ID unless reason for voting a provisional ballot is no ID can be provided (IR or PI)
 - Initial the form in the proper space
2. Confirm forms are complete
3. Complete the outer Provisional Envelope:
 - Print voter's name
 - Precinct number and ballot style number
 - Date and name of election
 - Note appropriate provisional code

Provisional Ballot Procedure Cont.

4. Write the voter's name on the Provisional Numbered List of Voters, note appropriate provisional code in the PROVISIONAL CODE column and BALLOT STYLE in the appropriate column
5. Record the ballot number on the voter certificate and initial as issued
6. Hand voter the ballot and both Official Provisional Ballot Envelopes. Instruct the voter to go to the Provisional Ballot Booth to vote the ballot by filling in the ovals next to the candidate or answer of his or her choice. When finished voting, the voter will fold and insert the ballot into the inner Provisional Ballot Envelope and seal. The inner envelope will then be inserted into the larger salmon-colored envelope and seal. The voter will then insert the ballot in the Provisional Ballot Container

Provisional Ballot Procedure Cont.

7. After the voter has cast the provisional ballot, provide the voter with written contact information so the voter will be able to determine whether the ballot was counted and, if the ballot was not counted, the reason why such ballot was not counted. If a federal candidate is on the ballot, the contact information provided to the voter must include a free access system, such as a toll-free telephone number or an internet website, to receive such information.
8. Place all of the VOTED Provisional Ballots in the PROVISIONAL BALLOT CONTAINER. Place the Numbered List of Provisional Voters and Provisional Recap Sheet in the proper envelope.

Remember: A Provisional Recap Sheet is completed even if there are no provisional voters at your polling place.

Once a ballot has been issued:

- *Curing a ballot:* If a voter has cast a provisional ballot because they were unable to show acceptable identification, they have three days after the election to remedy the issue with their county board of elections. This usually involves showing acceptable ID to the county in person, by email, by fax or, in the case of disabled voters, by third party delivery. Voters need to be made aware of this time frame and persistent in resolving their voter ID issue.
- *Self-curing ballots:* If a voter casts a provisional ballot for a non-ID related reason, the county will determine within three days if they were in fact eligible to vote in that county and their vote will be counted accordingly. The voter does not need to “cure” their ballot.
- According to Georgia law, county registrars are responsible for establishing a free access system, such as a toll-free number or a website, for voters to call and find out if their ballot was counted and if not, why it was not counted.

Myths and Fun Facts about Provisional Ballots

Q&A

Use the chat to ask us questions!

Please email
voting@acluga.org
with any additional questions.

ACLU

Georgia

WE THE PEOPLE