

The procedures outlined below represent the latest guidelines for **qualifying Provisional Ballot voters**. The Board of Elections reserves the right to amend these procedures without notice based on future rulings or advisories by the Secretary of State, the courts, or directives of the Board of Election Commissioners. These procedures were posted on Oct. 25, 2004, and have not been amended.

## **PROVISIONAL BALLOTS**

### **PROCEDURES TO DETERMINE ELIGIBILITY TO BE COUNTED OR DENIED**

#### **STATEMENT OF PURPOSE**

The purpose of allowing a voter to cast a Provisional Ballot is to offer those voters whose eligibility cannot be immediately determined a chance to cast a ballot. An investigation of their registration shall be conducted by the election authority, and a determination as to the voters' qualifications will be decided by a bi-partisan team, subject to the approval of the Directors and/or the Board of Commissioners, prior to opening any ballot.

#### **STATEMENT OF PRINCIPAL AND BASIC GUIDELINES**

The eligibility of each voter casting a Provisional Ballot shall be determined by a bi-partisan team of election officials. Research for eligibility of voters will be conducted in the same manner for each voter regardless of age, location, sex, etc. It is the intent of this office to verify the eligibility of each provisional ballot cast by a series of internal searches that will date back to 2000, unless additional specific information is provided by the voter. The basic guidelines for determining the eligibility of a voter are:

- if a registration record cannot be found, the voter will be declared ineligible to vote in the election and their ballot will not be counted.
- if a registration record is found and no document of removal or deletion can be produced, the voter will be considered eligible and their ballot will be counted.
- if a registration record is found, but there is a delete or removal record of a later date, including notification to remove a voter from our records by another election jurisdiction, the ballot will not be counted.
- If one or both judges failed to sign the affidavit envelope, the ballot may be counted if determined by a bi-partisan team that the voter was eligible to vote and at the proper location.
- If a voter knowingly voted from the wrong polling place their ballot will not be counted
- If the judges failed to check the box on the provisional ballot envelope indicating that a voter was given polling place information the ballot will count. However, the ballot will be duplicated and the congressional district will be eliminated if the voter voted in the wrong congressional district.
- If a voter voted a straight party ballot from the wrong polling place because of incorrect information or lack of information the entire ballot will be counted.
- Prior to approving a provisional ballot from a voter who voted in the wrong polling place, the precinct binder from the correct polling place will be checked to assure the voter did not vote in both locations.

**NOTE:** Any ballot that was returned to the election board office by means other than inside the ballot can on election day will be considered a spoiled ballot. Names and locations will be re-

corded. These ballots will not be included in the Accepted or Denied ballot totals. They will be stored with the denied provisional ballots.

### **PROVISIONAL BALLOT INSPECTION TEAMS**

A provisional ballot inspection team shall consist of a member from each of the two major political parties of the administrative level of Assistant Director or higher, unless otherwise designated by the Directors. It shall be the primary responsibility of the team to determine the validity of each provisional ballot submitted by a voter prior to the opening and counting of the provisional ballots.

### **CHALLENGERS (As provided by RSMo 115.105 and 115.107)**

One Challenger from each established party may be present during all times that the bipartisan counting teams are reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority.

### **APPEALS**

Any appeals by either a provisional ballot team or a challenger shall be submitted to the Directors of Elections or the Board of Election Commissioners for final determination of validity. In the case of multiple teams, if there is a question or an appeal, the challengers present shall be notified so they may observe the appeal process.

### **FOR EACH LOCATION**

#### **PROVISIONAL BALLOTS**

1. Photocopy each provisional ballot envelope and enter name into database.
2. Record the seal number for a ballot case signed by one election official from each of the two major political parties on the ballot seal log. Seal log should include locations contained in the ballot can and the number of provisional ballots for each location. Out side of ballot case should have the location numbers of the ballots located on a label.
3. Place unopened provisional ballot envelopes in ballot case along with signed record of the seal and information. All provisional ballot envelopes are to be kept in their sealed ballot cases until the completion of the approval or denial of all voted provisional ballots as substantiated by their corresponding affidavits.

#### **AFFIDAVITS**

- 1) Separate regular affidavits from provisional ballot affidavits. (Send regular affidavits immediately to Data Entry for processing.)
- 2) Match provisional ballot affidavits with copies of provisional ballot envelope and registration form for each ballot. Inspect affidavit for completion. Verify code number on affidavit matches the code number issued by election authority. If a code was not issued because the judge couldn't get through to the election authority by phone (this should be noted in the box on the provisional affidavit envelope) note this on the affidavit in red on the code number line.
- 3) Count the number of provisional ballots for each location and check against the number recorded "received" from the election night Provisional Ballot log.

- 4) EI06 name and EI09 address of voter. Record Township/Precinct and congressional district on top right corner of affidavit and registration form.
  - Check if in correct polling place for given address
  - Check if judges completed and checked affidavit envelope properly
  - Check that voter completed and signed affidavit envelope

### **IF NO SPECIFICS ARE PROVIDED**

Using information from BOEC records, research the voter before denying or approving a ballot.

### **IF SPECIFICS ARE PROVIDED BY THE VOTER**

- If specifics are given by the voter, research the voter using the additional information provided. (Some examples of additional information are specific year registered, last date voted, place of registration, name change, etc.) If the voter has provided the name of a registration sight or a registrar a phone call must be made to the registration sight for verification. Acceptance or denial will be based on findings.
- If a voter casts a provisional ballot and it is determined that he does not reside in the election jurisdiction from which the ballot was cast, the **BALLOT WILL BE DENIED**. If a registration form has been completed by the voter, the registration form will be forwarded to the correct jurisdiction

### **PROCESSING AND RECORDING**

- Record all information as it is attained on the copy of the provisional ballot envelope. Be sure to include Township and Precinct and Congressional District.
- Write Provisional Ballot on bottom of registration form. If no registration form was provided, fill out new registration form using information provided on the provisional ballot envelope. Attach registration form, and any additional printed information to copy of provisional ballot envelope. Voter's signature on envelope will be copied and pasted on the registration form to be imaged for their signature on record.
- Place all attached information in the folder for each location in the proper box. Ballots accepted in the "accepted" box, and ballots denied in the "denied" box.
- If a ballot was approved - the voter will be added as a new registration if no registration could be found. If a record is found the voter will be reinstated using the original registration date. Voter records will be updated during this process should an address change or name change occur. Affidavit is then processed according to standard procedures and voter is given credit for voting in this election if their provisional ballot is accepted.
- In the event a vote is denied, the voter will be registered and the registration will be handled as a mail-in registration. The voter will receive a letter stating that his registration was received. The denied provisional ballot and attached information will be set aside in the denied ballot box.

Once all provisional ballots have been decided and accounted for, the ballot cans containing the original provisional ballots will be opened. The provisional ballots that have been accepted by the election authority and deemed valid will be opened and prepared for counting by the tabulating machines. The ballots will be removed from their provisional ballot envelopes and placed

behind the proper header card. The provisional ballot envelope will be attached to the copy of their envelope and all relating information and forms. (except registration form)

After opening the ballot, the stubs will be removed and kept separate according to location. The location number and total will be recorded on the top stub.

Denied unopened provisional ballots will be attached to all relating forms and information and placed in a separate container that will be marked “denied provisional ballots” and sealed prior to storage.

All provisional ballots and relating information will be kept for a period of 12 months according to the provisions set forth in RSMO 115.493.

At the completion of the provisional ballot investigation process, a compilation of the findings and numbers will be provided.