



EVERY LAWFULLY CAST VOTE ACCURATELY COUNTED

PROVISIONAL BALLOT VOTING CONCERNS

A provisional voter is defined as a citizen whose eligibility to vote in a given precinct cannot be immediately established by poll workers on Election Day—in other words, a voter whose name does not appear on the precinct roster. Voters not on the roster through error, or because they are not at their home precinct, must be offered the opportunity to vote provisionally.

[EC § 2300, 14217, 14310(a)(1)]

This is a necessary protection for those who are true victims of error, but since California extends the use of provisional ballots as a convenience for those who go to a polling place other than their own through carelessness or perceived convenience, the provisional ballot becomes problematic in many ways:

- as the cause of unintentional disenfranchisement
- as a convenient tool for fraud
- as the cause of significant delay in obtaining election results
- as a waste of taxpayer money

A provisional ballot is a regular ballot that is placed inside a provisional envelope, color-coded by county. The voter writes name and current address on the envelope and signs it. The envelopes are returned sealed with all other ballots to the county elections office, where they are held to be counted only after all Election Day and vote- by-mail ballots are counted. It could take up to THREE WEEKS or more after Election Day for all provisional ballots to be counted.

[EC §§ 14217, 14299, 14310(a)(1)]

Voters do not know this, and neither do many of the poll workers. Many provisional voters express concern that their ballot be counted “today” and are routinely assured it will be. Poll workers are not being dishonest - they just don’t know! They also don’t know how provisional ballots are processed.

Each ballot goes through a verification process:

1. Is the voter properly registered in the county?

If “yes”

2. Has the voter cast a ballot in any other way in the current election? (This is why ALL other ballots must be counted and recorded first, and the voter history updated, thus necessitating the delay of provisional ballot processing.)

If “yes”

3. Does the signature on the envelope match the signature on file for the voter?
(Because decisions for signature match must be “liberally construed in favor of the voter”, this is an unfortunate opportunity for voter impersonation to succeed.)

If “yes”....

4. Is the ballot different from the ballot the voter should have cast in the assigned precinct? This is to assure that voters cast no vote to which they are not entitled. **[EC §§ 14217, 14310]**

Precinct lines have a reason. Ballots in neighboring precincts may be in different school board districts, water districts, fire districts, even Assembly, Senatorial or Congressional districts, or cross city or city/county lines.

5. If the ballot is different, which is more likely than not, two workers, *with little or no supervision*, will COPY the voter’s choices onto a blank version of the ballot to which the voter should have cast. This process assures that voters do not cast votes to which they are unentitled, but also emphasizes the choices for which the voters have disenfranchised themselves by not obtaining the correct ballot.

Voters have reason for concern with regard to the ballot duplication process. They have no choice but to trust that the worker reading the marks on the original ballot does so accurately, and that the worker marking the new ballot hears and marks correctly. There is little protection against tired, distracted workers, or against workers with an agenda.

As one can see, the processing of provisional ballots is complicated and risky for the voter. The probability of error increases with each pass of the ballot. And for the elections office it is a labor- and time-intensive, and thus expensive, procedure. The process can disenfranchise legitimate voters, but the greater likelihood is that, in the effort to disenfranchise no one, illegitimate votes are counted, *each one of which cancels out the vote of a legitimate voter.*

The provisional ballot is meant as a protection against clerical error, but California’s laws have expanded their use so that Californians routinely go anywhere they think is convenient and vote out of their own precinct. They are **inadvertently CHOOSING (out of laziness and ignorance)** the LEAST SAFE way to vote.

Poorly trained poll workers exacerbate the risk. People who show up at the wrong location because their polling place has changed and they didn’t notice the change on their sample ballot are cajoled (at times almost strong-armed) to cast a provisional ballot instead of going down the street to the correct place. Sometimes hundreds of people not on a precinct’s list show up ~~there~~ to vote, and this creates chaos on Election Day and increases the probability that fraudulent votes will be cast and counted.

California accounted for 40% of the nation’s provisional ballots in November of 2012. This statistic alone should cast great doubt on the accuracy of our election results, given all that can and certainly does, at times, go wrong.

Friends don’t let friends vote provisionally!

SPREAD THE WORD!!