What is a Provisional Ballot?

A provisional ballot, otherwise known as “challenge ballots” or “affidavit ballots” in some states, is a ballot which allows a voter to still vote in the event there is an administrative error. Provisional ballots allow for a fail-safe system for voters who arrive to their polling site on Election Day and their voting eligibility is uncertain.

Provisional ballots are required by the federal Help America Vote Act of 2002 (HAVA). Uncertainty about a voter’s eligibility falls under one of the following:

- The voter’s name does not appear on the electoral roll for the given precinct (polling place), because the voter is not registered to vote or is registered to vote elsewhere
- The voter’s eligibility cannot be established or has been challenged
- The voter lacks a photo identification document (in jurisdictions that require one)
- The voter requested to vote by absentee ballot but claims to have not received, or not cast, the absentee ballot
- The voter's registration contains inaccurate or outdated information such as the wrong address or a misspelled name
- In a closed primary (limited to members of a political party), the voter’s party registration is listed incorrectly [1]

If any of these situations arise, or some other situation where an election official is unsure whether a voter is eligible to vote on Election Day or not, then an election official is required to offer the voter a provisional ballot instead of a regular ballot.

After a provisional ballot is cast, they are kept separately from the regular ballots until the election ends. A decision is then made as to whether the voter behind each provisional ballot was eligible to vote at the time or not. If the voter was eligible
to vote at the time, then the provisional ballot would be counted. If the voter was not eligible to vote at the time, then the provisional ballot is not counted. Generally, a board of elections or other local election officials will investigate each provisional ballot within days of the election’s conclusion.

The number of provisional ballots allowed to be counted by each state is limited on a state-by-state basis. They can be limited to as few as 100 cast statewide or as many as 100,000. State law determines the official standards of how to handle provisional ballots.

It is important to note that the following states do NOT issue provisional ballots at all:

- Idaho
- Minnesota
- New Hampshire

References