APPENDIX F: PROVISIONAL VOTING STATUTES BY STATE

Alabama

Ala.Code § 17-10A-2. Provisional ballots; certification; tabulation; identification of ballots.

Ala.Code § 17-10A-1. Voter identification requirements.

Ala. Admin. Code 820-2-6-.01 Applicability Of The Help America Vote Act And Provisional Voting.

Ala. Admin. Code 820-2-6-.02 Provisional Voter.

Ala. Admin. Code 820-2-6-.03 Provisional Ballot Officer.

Ala. Admin. Code 820-2-6-.04 Voter Eligibility Verification.

Ala. Admin. Code 820-2-6-.05 Notice To Provisional Voter.

Ala. Admin. Code 820-2-6-.06 Provisional Ballot Roster.

Ala. Admin. Code 820-2-6-.07 Provisional Verification Envelope.

Ala. Admin. Code 820-2-6-.08 Provisional Voting Documents.

Ala. Admin. Code 820-2-6-.09 Provisional Ballot.

Ala. Admin. Code 820-2-6-.09 Provisional Ballot.

Ala. Admin. Code 820-2-6-.11 Sworn Statement Of Provisional Voter.

Ala. Admin. Code 820-2-6-.12 Provisional Voter Reidentification "Update" Form And Inspector Challenge Form.

Ala. Admin. Code 820-2-6-.13 Provisional Ballot Completion.

Ala. Admin. Code 820-2-6-.14 Provisional Voting Poll Closing Procedure.

Ala. Admin. Code 820-2-6-.15 Provisional Voting Verification Procedure.

Provisional Voting Statutes (Current through 7/31/2005)

Ala.Code § 17-10A-2. Provisional ballots; certification; tabulation; identification of ballots.

(a) A voter shall be required to cast a provisional ballot when:

(1) The name of the individual does not appear on the official list of eligible voters for the precinct in which the individual seeks to vote, and the individual's registration cannot be verified while at the polling place by the registrar, deputy registrar, or a member of the canvassing board.
(2) An inspector has knowledge that the individual is not entitled to vote at that precinct and challenges the individual.
(3) The individual is required to comply with the voter identification provisions of Section 17-10A-1 but is unable to do so.
(4) A federal or state court order extends the time for closing the polls beyond that established by state law and the individual votes during the extended period of time. Notwithstanding any other provision of state law, where provisional ballots are cast pursuant to a federal or state court order extending the time for closing the polls beyond that established by state law, the provisional ballots shall be segregated from other provisional ballots into a separate sealed container for such purpose and shall be counted, tabulated, and canvassed only pursuant to the order of a court having proper jurisdiction.

(b) The procedure for casting a provisional ballot at the polling place shall be as follows:

(1) An inspector at the polling place shall notify the individual that the individual may cast a provisional ballot in that election and shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system described in subsection (g) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.
(2) The individual shall execute a written affirmation by the individual before the inspector or clerk stating the following:

"State of Alabama, County of _____ I do solemnly swear (or affirm) that I am a registered voter in the precinct in which I am seeking to vote and that I am eligible to vote in this election.

_____

Signature or Mark

_____

Printed Name of Voter

_____

Printed Residence Address of Voter

_____

City State Zip Code

_____

Date of Birth"

(3) The individual shall complete a voter reidentification form prescribed by the Secretary of State for use in updating the state voter registration list. This form shall indicate whether it is associated with a provisional ballot.
(4) Where a provisional ballot is required on the basis of an inspector's knowledge that a voter is not qualified to vote in the precinct in which the individual is seeking to vote, the inspector shall sign a statement under penalty of perjury setting forth facts which the inspector believes to support his or her belief that the individual is not qualified to vote in the precinct in which the voter is seeking to vote. The challenge statement of the inspector shall be written on a multi-part form prescribed for such purpose by the Secretary of State and the inspector shall give one copy to the provisional voter, provide one copy to be sealed with the provisional ballots, and provide one copy to be returned to the board of registrars in a sealed envelope.
(5) The voter shall cast the provisional ballot and place it into a sealed ballot box separately identified and utilized for containing provisional ballots.

(c) The procedure for voting a provisional ballot by absentee voting shall be as follows:

(1) Upon receipt of an absentee ballot from an individual required to provide identification, the absentee election manager shall determine whether such identification has been properly provided. If the identification has not been properly provided, the absentee election manager shall notify the voter in writing of the following:
a. That unless such identification is provided to the absentee election manager by 5:00 p.m. on the Monday before the election, the voter's absentee ballot will become a provisional ballot.
b. That in the event the voter's ballot becomes a provisional ballot due to lack of identification, such identification must be provided to the board of registrars no later than 5:00 p.m. on the Monday following the election and shall include the address and telephone information for the board of registrars.
c. That in the event the voter fails to provide identification to the board of registrars by 5:00 p.m. on the Monday following the election, the voter's ballot will not be counted.
d. That any individual who casts a provisional ballot will be able to ascertain under the system described in subsections (d) and (f) whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.
(2) Upon receipt of an application for an absentee ballot where the voter is not identified as appearing in the precinct for which the voter seeks a ballot, the absentee election manager shall:
a. Mark the word "Provisional" on the second or affidavit envelope prior to transmittal of the absentee ballot.
b. Enclose the following information with the transmittal of the absentee ballot:

1. A written explanation as to why the ballot is a provisional ballot; how to complete the voter reidentification form and affirmation of provisional voter form; and the procedure followed by the board of registrars in verifying and certifying provisional votes.
2. A voter reidentification form and an affirmation of provisional voter form.
3. A written explanation that any individual who casts a provisional ballot will be able to ascertain under the system described in subsection (d) whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.

(3) When an absentee ballot becomes a provisional ballot as a result of an absentee precinct inspector or clerk having knowledge that the individual is not entitled to vote at the precinct applicable to the voter's ballot and challenges the voter's right to vote a particular ballot, the absentee precinct inspector or clerk shall follow the same procedure identified in subdivision (4) of subsection (b) except as follows:

a. In lieu of providing the provisional voter with a copy of the poll worker challenge statement, the inspector shall provide two copies to the absentee election manager once the results from the absentee precinct have been tabulated and certified.
b. The absentee election manager shall mail one copy of the challenge statement of the inspector by first class mail by the day after the election to the mailing address provided on the provisional voter's application for an absentee ballot and shall enclose with it a written explanation of the procedure used by the board of registrars in verifying and certifying provisional ballots; an address and telephone number by which the provisional voter may respond; and a written explanation that any individual who casts a provisional ballot will be able to ascertain under the system described in subsection (d) whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.

(d) Upon the closing of the polls, the sealed ballot box containing the provisional ballots shall be returned unopened to the sheriff who shall keep it securely until such time as the provisional ballots are counted in accordance with subsection (f). The written affirmations of the provisional voters, inspector challenge statements, and all voter reidentification forms shall be placed in a sealed envelope addressed to the board of registrars and delivered by the sheriff to the board of registrars no later than noon on the day following the election.

(e) Upon receipt of materials returned from the polling places, the board of registrars shall forthwith update the state voter registration list utilizing the voter reidentification forms of provisional voters and shall verify by a certification attached to each provisional voter affirmation whether the provisional vote is entitled to be counted and the reason for or against counting the provisional ballot. When verifying a provisional ballot based upon the challenge of an inspector, the board of registrars shall promptly contact the voter by first class mail and provide an explanation of how the provisional voter may respond to the challenge. After determining that the provisional voter has had notice and an opportunity to be heard, the board of registrars shall verify by a certification attached to the challenge statement whether the provisional ballot is due to be counted and, if not, why it should not be counted. The board of registrars shall deliver the provisional voter affirmations and inspector challenge statements, with the certified findings of the board of registrars attached, to the judge of probate no later than noon seven days after the election until which time such findings shall remain confidential. Upon delivery of such materials, the board of registrars shall enter into the state voter registration list a voter history providing identification of voters who cast provisional ballots, whether their ballot was counted, and the reason the ballot either was or was not counted.

(f) Commencing at noon seven days after the election, the appointing board for poll workers, in the

presence of watchers designated by any interested candidates, shall tabulate provisional ballots which have been certified by the board of registrars as cast by registered and qualified voters of the precincts in which such ballots were cast. For the purpose of making election returns of provisional ballots, provisional balloting results shall be returned and canvassed as a separate precinct while disclosing all votes for candidates and ballot measures cast in such ballots. The appointing board shall certify on a form to be prescribed by the Secretary of State the results of the provisional votes cast and shall post one copy in a public location within the courthouse and shall seal one copy with the provisional ballots, provisional voter affirmations, inspector or clerk challenge statements, and certifications of the board of registrars into a sealed container or, in the case of primary elections, containers designated for each political party for such purpose. Such containers shall be delivered and remain secured with the other records of the election in accordance with state law.

(g) The board of registrars, after verifying the identity of a provisional voter, shall make available at the request of such voter, the findings of the board of registrars as to whether the individual's provisional ballot was counted and, if not, the reason why. This may be accomplished by telephone, by letter, or by secured electronic means. The Secretary of State shall provide a secure means for provisional voters to verify by electronic means whether the individual's vote was counted and, if not, the reason why. There shall be no charge to the provisional voters for obtaining this information.

(h) The Secretary of State may by rule address the means of identifying ballots cast by particular provisional voters by the appointing board and the method of providing confidentiality and security to communications with provisional voters seeking information about the status of their ballot. Notice of any proposed rule or amendment to an existing rule relating to provisional balloting shall be sent by certified mail to every judge of probate at least 30 days prior to certification of the proposed rule or amendment under the Administrative Procedure Act

Ala.Code § 17-10A-1. Voter identification requirements.

(a) Each person registering to vote by mail after January 1, 2003, shall provide identification prior to the first time they vote in an election containing a federal office on the ballot. Such voters shall not subsequently be required to show identification in order to vote.

(1) For voters required to show identification who are voting in person, the voter must:
a. Present to the appropriate election official a current and valid photo identification; or
b. Present to the appropriate election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
(2) For voters required to show identification who are voting by mail, the voter must submit with the ballot a copy of one of the forms of identification listed in subdivision (1).

(b) Notwithstanding the foregoing, a voter who registers by mail after January 1, 2003, shall be exempt from subsequent voter identification requirements if the registrant:

(1) Submits as part of such registration a copy of one of the forms of identification listed in subdivision (1) of subsection (a).

(2) Submits as part of such registration a driver's license number or the last four digits of the individual's Social Security number, and the board of registrars is able to match either number with a record bearing the same number, name, and date of birth in the driver's license database of the Department of Public Safety.
(3) Is entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.), Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-2(b)(2)(B)(ii), or any other federal law.

(c) An individual required to present identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by provisional ballot.

Ala. Admin. Code 820-2-6-.01 Applicability Of The Help America Vote Act And Provisional Voting.

This administrative regulation is to comply with the requirements of the Help America Vote Act of 2002, Public Law 107-252, Section 302; and Alabama Act 2003-313, mandating provisional voting in federal, state, and local elections. The statutory requirement of provisional voting is codified in Section 17-10A-1 et seq. Code of Ala. 1975 and replaces the state's previous voting practice utilizing challenged ballots. Copies of the Help America Vote Act may be obtained without charge from the Secretary of State's Office, State Capitol, Room S-105, Montgomery, Alabama 36130. The Help America Vote Act (HAVA) requires that Provisional Voting be utilized in Alabama Elections after January 1, 2004.

Ala. Admin. Code 820-2-6-.02 Provisional Voter.

During an election if a poll worker

(a) determines that the name of the individual does not appear on the official list of eligible voters for the precinct in which the individual seeks to vote,

(b) receives notice by an inspector that the individual is not entitled to vote at that precinct and challenges the individual,

(c) concludes that the individual is unable to meet the statutory requirements of voter identification, or

(d) believes that the individual applied for but did not receive or vote an absentee ballot for said election; the poll worker should direct the voter to a designated poll worker for special assistance.

Ala. Admin. Code 820-2-6-.03 Provisional Ballot Officer.

Each county appointing board shall designate at least one election official in each precinct to serve as the provisional ballot officer. The provisional ballot officer shall administer all requirements of provisional voting in the precinct.

Ala. Admin. Code 820-2-6-.04 Voter Eligibility Verification.

The provisional ballot officer shall explain to the individual the process of voting a provisional ballot and in the presence of the individual use reasonable efforts to contact the county board of registrars and/or members of the appointing board to determine whether or not the individual is eligible to vote in that precinct. The individual may request voting assistance from another person and such person shall be allowed to accompany and assist the individual during the process of provisional voting. If the provisional ballot officer verifies the individual's registration and/or eligibility to vote in that precinct, the provisional ballot officer shall write the source of verification in the designated area of the voter reidentification form which shall be completed by the individual or by the person providing voting assistance to the individual. Then the individual shall be directed to the appropriate poll worker so that he or she can vote a regular ballot. The individual will be directed to give the poll worker the reidentification form so that the form will be maintained with other election materials as prescribed by state and federal law.

Ala. Admin. Code 820-2-6-.05 Notice To Provisional Voter.

A provisional ballot officer, who cannot confirm an individual's registration or eligibility to vote in that precinct, shall inform the voter of his or her legal right to vote a provisional ballot.

Ala. Admin. Code 820-2-6-.06 Provisional Ballot Roster.

The voter shall sign a provisional ballot roster prescribed by the Secretary of State, which shall provide space for the voter's name, address, signature, date of birth, and telephone number. The provisional ballot roster shall be numbered in a uniform manner by the provisional ballot officer. The roster number shall include the precinct number, and in the case of primaries, each party roster number shall include party affiliation. The provisional ballot roster number shall be clearly written by the provisional ballot officer upon the provisional verification envelope and the outer ballot envelope given to the provisional voter.

Ala. Admin. Code 820-2-6-.07 Provisional Verification Envelope.

(1) Before giving the voter his or her provisional verification envelope, which shall be prescribed by the Secretary of State, the provisional ballot officer shall write on said envelope

(a) the election date,

(b) precinct number, and

(c) ballot style.

(2) The provisional ballot officer shall then check the appropriate box next to the reason for issuing the provisional ballot. The list of reasons shall include:

(a) voter's name does not appear on the list of registered voters,

(b) voter's registration status cannot be determined by the provisional ballot officer,

(c) voter refutes the determination that he or she is not registered and or eligible,

(d) voter does not have identification,

(e) the list of registered voters indicates that the voter requested and was mailed an absentee ballot; but the voter maintains that he/she did not received the absentee ballot or that the circumstances requiring the absentee ballot request have changed and the voter did not vote the absentee ballot,

(f) voter has been challenged by an election official,

(g) voter is voting pursuant to a Federal or state court order extending polling hours, or

(h) other.

Ala. Admin. Code 820-2-6-.08 Provisional Voting Documents.

The provisional ballot officer shall give the voter the following documents:

(a) a provisional verification envelope,

(b) a provisional ballot,

(c) a provisional ballot inner envelope,

(d) a provisional ballot outer envelope,

(e) a voter reidentification form, and

(f) an instructional sheet, all prescribed by the Secretary of State.

Ala. Admin. Code 820-2-6-.09 Provisional Ballot.

Any ballot used as a provisional ballot shall be printed and plainly marked as a "Provisional Ballot". The upper left corner of each provisional ballot shall be clipped or cut. Such a cut or clip shall insure that a provisional ballot is rejected by electronic tabulation equipment if the provisional voter mistakenly places his or her provisional ballot in tabulation equipment on the day of the election.

Ala. Admin. Code 820-2-6-.09 Provisional Ballot.

The provisional voting instruction sheet shall explain the procedure for casting a provisional ballot and shall include information explaining when and where the provisional voter must forward documents of identification. The instructions shall contain user-friendly guidelines for the voter to follow when responding to the challenge of a poll inspector and how to determine whether or not his or her vote was counted.

Ala. Admin. Code 820-2-6-.11 Sworn Statement Of Provisional Voter.

To cast a provisional ballot, an individual shall complete the provisional verification envelope by completing the written sworn statement that he or she is a registered voter in the county and resides

within the geographical boundaries of the precinct. The sworn statement, signed by the provisional voter in the presence of the provisional ballot officer, shall include the following: the voter's name, current residential and mailing address, telephone number, voters date of birth, that the voter is registered in the county and resides in the precinct, that the individual has not voted and shall not vote in another precinct or by absentee ballot during this election, that the voter understands that any person who falsely signs and verifies this form shall be guilty of perjury and subject to prosecution.

Ala. Admin. Code 820-2-6-.12 Provisional Voter Reidentification "Update" Form And Inspector Challenge Form.

The provisional voter shall complete a voter reidentification form and place that form inside the provisional verification envelope. The provisional voter shall then return the completed but unsealed provisional verification envelope containing the reidentification form to the provisional ballot officer. If the basis of the provisional ballot results from an inspector's challenge, the provisional ballot officer shall separate the multi-part challenge statement and place the original in the provisional ballot box, give one copy of the challenge statement to the provisional voter, and place one copy of the challenge statement in the provisional verification envelope.

Ala. Admin. Code 820-2-6-.13 Provisional Ballot Completion.

The provisional voting officer shall then direct the voter to a designated voting area where he or she shall cast a provisional ballot. After completing his or her ballot, the provisional voter shall place the provisional ballot in the provisional ballot inner envelope and seal the envelope. The provisional voter shall then place the sealed provisional ballot inner envelope in the provisional ballot outer envelope and seal the envelope. The provisional ballot officer shall direct the provisional voter to the location of the provisional ballot box. The provisional voter shall place the sealed provisional ballot outer envelope into the sealed ballot box for provisional ballots.

Ala. Admin. Code 820-2-6-.14 Provisional Voting Poll Closing Procedure.

Upon the closing of the polls, the provisional ballot officer shall complete the administrative responsibilities of collecting the provisional verification envelopes, the provisional ballot roster or rosters, and related forms and shall place these documents in a precinct verification envelope which shall be given to the Sheriff and addressed to the county board of registrars. Before giving the Sheriff the provisional ballot box, the provisional ballot officer shall determine from the provisional ballot roster a tally of the number of provisional ballots cast, and shall write the total number of provisional ballots cast upon the sealed provisional ballot box. The provisional ballot officer shall then place the provisional ballot roster in the precinct verification envelope and seal.

Ala. Admin. Code 820-2-6-.15 Provisional Voting Verification Procedure.

(1) The Sheriff will deliver the precinct verification envelope from each precinct in the county to the county board of registrars. Upon receipt of all the precinct verification envelopes, the board of registrars shall tally the number of provisional verification envelopes received in each precinct verification envelope. The number of listings set forth on the provisional ballot roster from the precinct should equal the total number of provisional verification envelopes. If the roster listing and

tally correctly correspond, the board of registrars shall begin updating the state voter registration list using the voter reidentification form contained in each provisional verification envelope.

(2) When a discrepancy exist between the roster listing and tally, the board of registrars shall notify members of the county appointing board of the discrepancy and request assistance from the county appointing board to resolve the matter. If the discrepancy remains unresolved at the time of tabulation of provisional ballots, the appointing board shall create a written record of the discrepancy and each member of the appointing board and the county board of registrars shall attest to the same. The written record of the discrepancy shall be included in the container housing the records of the election as mandated by federal and state law.

(3) The board of registrars shall first identify all provisional ballots that were cast as a result of a challenge statement from an inspector. When all the provisional ballots resulting from a challenge statement are identified, the board of registrars shall promptly mail notice statements, as prescribed by the Secretary of State, addressed to each "inspector-challenged" provisional voter and provide him or her with additional information on how he or she may respond to the challenge from the poll inspector.

(4) The board of registrars shall use reasonable efforts to determine whether or not the ballot of each provisional voter should be counted. The Absentee election manager should be contacted to resolve matters involving an absentee ballot request that triggered a provisional ballot. A provisional voter who cast an absentee ballot because he/she could not provide identification at the polling place shall have until 5:00 P.M. on the Monday following the election to provide the board of registrars with a copy of his/her acceptable form of identification. If identification is not received by the board of registrars prior to the 5:00 P.M. deadline, the vote will not count. When a final determination is made that a vote shall or shall not be counted, a brief statement explaining the board of registrars findings shall be written in the designated area of the provisional verification envelope. If the board of registrars creates any work papers or other correspondence in the verification process, a copy of such papers and correspondence shall be placed inside the provisional verification envelope for safekeeping. Each member of the board of registrars shall sign the findings of the board by certification and such certification shall include the printed name and signature of each registrar

Provisional Voting Statutes (Current through 7/31/2005)

Alaska Statutes

Sec. 15.20.205 Time of district questioned ballot counting review.

Sec. 15.20.207 Procedure for district questioned ballot review.

Sec. 15.15.225 Voter identification at polls.

6 AAC 25.050. Transportation and receipt of ballots.

6 AAC 25.640. Rejection of questioned ballot.

6 AAC 25.643. Counting of district questioned ballots.

Provisional Voting Statutes (Current through 7/31/2005)

Sec. 15.20.207 Procedure for district questioned ballot review.

(a) The district questioned ballot counting board shall examine each questioned ballot envelope and shall determine whether the questioned voter is qualified to vote at the election and whether the questioned ballot has been properly cast.

(b) A questioned ballot may not be counted if the voter

(1) has failed to properly execute the certificate;

(2) is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, has not provided the identification required by AS 15.15.225(a), was not eligible for waiver of the identification requirement under AS 15.15.225(b), and has not provided the identifiers required in AS 15.07.060(a)(2) and (3) that can be verified through state agency records described in AS 15.07.055(e); or

(3) is a voter other than one described in (2) of this subsection, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3).

(c) Any person present at the district questioned ballot review may challenge the name of a questioned voter when read from the voter's certificate on the envelope if the person has good reason to suspect that the questioned voter is not qualified to vote, is disqualified, or has voted at the same election. The person making the challenge shall specify the basis of the challenge in writing. The district questioned ballot counting board by majority vote may refuse to accept and count the questioned ballot of a person properly challenged under grounds listed in (b) of this section.

(d) The election supervisor shall place all rejected questioned ballots in a separate envelope with statements of challenge. The envelope shall be labeled "rejected questioned ballots" and shall be forwarded to the director with the election certificates and other returns.

(e) If a questioned ballot is not rejected, the envelope shall be opened and the secrecy sleeve containing the questioned ballot shall be placed in a container and mixed with other secrecy sleeves containing questioned ballots.

(f) The secrecy sleeves shall be drawn from the container, the questioned ballots shall be removed from the secrecy sleeves, and the questioned ballots counted at the times specified in AS 15.20.205 and according to the rules for determining properly marked ballots in AS 15.15.360.

(g) Upon completion of the questioned ballot review, the election supervisor shall prepare an election certificate for execution by the district questioned ballot counting board, and shall forward the original certificate and returns to the director as soon as the count is completed but no later than the 16th day following the election.

(h) The director shall prepare and mail to each questioned voter whose questioned ballot was rejected under this section a summary of the reason that the challenge to the questioned ballot was

upheld and the questioned ballot was rejected.

(i) The director shall mail the materials described in (h) of this section to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election;

(2) 60 days after certification of the results of a general or special election.

(j) In addition to mailing the materials under (i)(1) of this section, for a questioned voter whose questioned primary election ballot was rejected, not later than the deadline set out in (i)(1) of this section, the director shall

(1) determine whether, from the information obtained under AS 15.07.070(h), the voter's name may be entered on the voter registration list;

(2) if the voter is eligible, register the voter in accordance with the information submitted by the voter under AS 15.07.070(h); and

(3) confirm or deny the registration by written notice mailed to the voter.

(k) The director shall make available through a free access system to each voter voting a questioned ballot a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than 10 days after certification of the results of a primary election and not less than 30 days after the certification of the results of a general or special election.

Sec. 15.15.225 Voter identification at polls.

(a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including

(1) an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or

(2) an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this paragraph must show the name and current address of the voter.

(b) An election official may waive the identification requirement if the election official knows the identity of the voter. The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, and did not provide identification as required in AS 15.07.060.

Sec. 15.15.198 Voters not on official registration list.

(a) If a voter's name does not appear on the official registration list in the precinct in which the voter seeks to vote, the election official shall affirmatively advise the voter that the voter may cast a

questioned ballot, and the voter shall be allowed to vote a questioned ballot. At the time the voter casts a questioned ballot, the voter shall be given written information stating that the voter will be able to ascertain whether the ballot was counted and, if not counted, the reason the ballot was not counted.

(b) A person whose registration is inactive under AS 15.07.130(b) and who votes a questioned or absentee ballot shall have the ballot counted if

(1) the person was registered to vote in the last four calendar years;

(2) the person signs a statement to that effect; and

(3) the earlier registration is verified by the director.

Sec. 15.20.205 Time of district questioned ballot counting review.

(a) On the second day following the day of the election, the election supervisor or the supervisor's designee, in the presence and with the assistance of the district questioned ballot counting board, shall review all voter certificates of questioned ballots received by that date. The review of questioned ballots shall continue at times designated by the election supervisor until completed.

(b) Counting of questioned ballots which have been reviewed shall begin on the third day following the day of the election and shall continue at times designated by the election supervisor until all questioned ballots reviewed and eligible for counting have been counted. The counting teams shall report the count to the district questioned ballot counting board.

(c) The district questioned ballot counting board may certify the questioned ballot totals as soon as the count is completed but no later than the 15th day following the election.

(d) Questioned ballots received after certification of the count shall be forwarded immediately to the director by the most expeditious service.

Sec. 15.20.190 Appointment, duties, and compensation of district counting boards.

(a) Thirty days before the date of an election, the election supervisors shall appoint, in the same manner provided for the appointment of election officials prescribed in AS 15.10, district absentee ballot counting boards and district questioned ballot counting boards, each composed of at least four members. At least one member of each board must be a member of the same political party of which the governor is a member, and at least one member of each board must be a member of the political party whose candidate for governor received the second largest number of votes in the preceding gubernatorial election. The district boards shall assist the election supervisors in counting the absentee and questioned ballots and shall receive the same compensation paid election officials under AS 15.15.380.

(b) *[Repealed, § 92 ch 82 SLA 2000.]*

6 AAC 25.643. Counting of district questioned ballots.

The counting of questioned ballots for a district shall begin when the questioned ballots for the entire district have all been reviewed by the district questioned ballot counting board. If the ballots for the entire district have not all been reviewed by the third day following the election, the ballot counting for that district may not take place until the sixth day following the election.

6 AAC 25.050. Transportation and receipt of ballots.

(a) Following the elections in all precincts using hand-counted ballots, each election board shall seal the voted and counted ballots in envelopes or bags provided for that purpose. The election board shall mail the ballots to the director no later than the day after the election. Upon arrival in the director's office, the envelopes containing the voted ballots will be logged and placed in the designated secured area.
(b) In locations where an Accu-Vote precinct tabulator is used, the voted ballots counted by the Accu-Vote tabulator must be transported on election night to a secured storage area prearranged by the director or the director's designee or mailed to the director's office.
(c) On the day following the election, or on a day determined by the director, the ballots described in (b) of this section that were not mailed must be transported by air to the director. The ballots must be accompanied from the secured storage area to the airport of departure, and from the airport of destination to a designated secured storage area by a licensed and bonded courier service or licensed security officer.
(d) A chain of custody document will accompany each ballot shipment. Access to the secured area will be limited to election personnel, state trooper, or authorized licensed security officer.
(e) On each day after the election designated by the director for the counting of absentee and questioned ballots and after the completion of the counting by each election supervisor, the counted absentee and questioned ballots will be transported to the designated secured areas in Anchorage, Fairbanks, Juneau, and Nome.
(f) Repealed 8/9/94.
(g) After certification by the district absentee ballot counting board or by the district questioned ballot counting board, as appropriate, absentee and questioned ballots must be transported from all regional elections offices by a licensed and bonded air courier service to the director's office. A chain of custody document must accompany the ballots.
(h) Repealed 8/9/94.
(i) Upon the arrival of the absentee and questioned ballots in the director's office, an elections official or a licensed security officer will transport the ballots to the secured area in the director's office.
(j) Repealed 8/9/94.

6 AAC 25.640. Rejection of questioned ballot.

The ballot of a voter voting a questioned ballot at a polling place on election day will not be counted if
(1) the voter's qualifications under AS 15.05.010 and registration under AS 15.07 cannot be verified;
(2) in the case of a voter voting in a presidential election, the voter's qualifications to register and to vote under AS 15.05.012 - 15.05.014 cannot be verified;

(3) in the case of a voter whose registration has been inactivated under AS 15.07.130(b), the voter's prior registration for either of the two most recent general elections cannot be verified; or
(4) the voter failed to
(A) sign the voter certification;
(B) repealed 8/23/2001.
(C) provide identification as described in AS 15.20.207(b)(2).

Provisional Voting Statutes (Current through 7/31/2005)

Arizona Statutes

Ariz. Rev. Stat. Ann. § 16-135 (B), (C), (D) - Change of Residence from One Address to Another

Ariz. Rev. Stat. Ann. § 16-137 Change of Name

Ariz. Rev. Stat. Ann. § 16-549 (D) Special Election Boards; Procedure for Voting Ill or Disabled Electors; Expenses

Ariz. Rev. Stat. Ann. § 16-592 Proceedings on Challenge; Disposition of Ballot.

Provisional Voting Statutes (Current through 7/31/2005)

Ariz. Rev. Stat. Ann. § 16-135 (B), (C), (D) - Change of Residence from One Address to Another

A. An elector who is correcting the residence address shown on the elector's voter registration record shall reregister with the new residence address or correct the voter registration record as prescribed by this section.

B. An elector who moves from the address at which he is registered to another address within the same county and who fails to notify the county recorder of the change of address before the date of an election shall be permitted to correct the voter registration records at the appropriate polling place for the voter's new address. The voter shall present a form of identification that includes the voter's given name and surname and the voter's complete residence address that is located within the precinct for the voter's new residence address. The voter shall affirm in writing the new residence address and shall be permitted to vote a provisional ballot.

C. When an elector completes voting a provisional ballot, the election official shall place the ballot in an envelope for provisional ballots and shall deposit the envelope in the ballot box designated for provisional ballots.

D. Within ten calendar days after a general election that includes an election for a federal office and within five business days after any other election, a provisional ballot shall be compared to the signature roster for the precinct in which the voter was listed and if the voter's signature does not appear on the signature roster for that election and if there is no record of that voter having voted early for that election, the provisional ballot shall be counted. If the signature roster or early ballot information indicates that the person did vote in that election, the provisional ballot for that person shall remain unopened and shall not be counted.

E. An elector may also correct the residence address on the elector's voter registration record by requesting the address change on a written request for an early ballot that is submitted pursuant to § 16-542 and that contains all of the following:

1. A request to change the voter registration record.

2. The elector's new residence address.

3. An affirmation that the information is true and correct.

4. The elector's signature.

Ariz. Rev. Stat. Ann. § 16-137 Change of Name

An elector desiring to register under a new name, resulting either from a court order or marriage, shall reregister and shall state on the new affidavit of registration the elector's former legal name. An elector may also correct the voter registration record by providing the new name while voting a provisional ballot pursuant to § 16- 584 at the appropriate polling place.

Ariz. Rev. Stat. Ann. § 16-549 (D) Special Election Boards; Procedure for Voting Ill or Disabled Electors; Expenses

Provisional Voting Statutes (Current through 7/31/2005)

A. The county recorder or other officer in charge of elections, for the purpose of making it possible for qualified electors who are ill or disabled to vote, may appoint such number of special election boards as needed. In a partisan election, each such board shall consist of two members, one from each of the two political parties which cast the highest number of votes in the state in the last preceding general election. The county chairman of each such party shall furnish, within sixty days prior to the election day, the county recorder or other officer in charge of elections with a list of names of qualified electors within the chairman's political party, and such additional lists as may be required, from which the county recorder or other officer in charge of elections shall appoint members to such special election boards. The county recorder or other officer in charge of elections may refuse for cause to appoint or may for cause remove a member of this board. A person who is a candidate for an office other than precinct committeeman is not eligible to serve on the special election board for that election.

B. Members of special election boards appointed under the provisions of this section shall be reimbursed for travel expenses in the manner provided by law and shall also receive such compensation as the board of supervisors or the governing body prescribes, all of which shall be paid by the county or other political subdivision.

C. In lieu of the mailed early ballot procedure, any qualified elector who is confined as the result of a continuing illness or physical disability and is, therefore, not able to go to the polls on the day of the next election and who does not wish to vote by the mailed early ballot procedure, may make a verbal or a signed written request to the county recorder or other officer in charge of elections to have a ballot personally delivered to the elector by the special election board at the elector's place of confinement within the county or other political subdivision. The ballot shall be delivered to the elector in person by a special election board as provided in this section. Such requests must be made by 5:00 p.m. On the second Friday before the election.

D. Qualified electors who become ill or disabled after the second Friday before the election may nevertheless request personal ballot delivery pursuant to this section, and the county recorder or other officer in charge of elections shall when possible honor such requests up to and including the last day before the election. Qualified electors who are admitted to a hospital after 5:00 p.m. On the second Friday preceding the election and before 5:00 p.m. On election day may request the county recorder or other officer in charge of elections to provide a special election board with a ballot at the elector's place of confinement. If the county recorder or other officer in charge of elections is able to accommodate the request, the voted ballot of the elector shall be sealed in an envelope and shall be processed as a provisional ballot pursuant to § 16-584.

E. The manner and procedure of voting shall be as provided in § 16-548, except that the marked ballot in the sealed envelope shall be handed by the elector to the special election board and shall be delivered by the board to the county recorder or other officer in charge of elections.

Ariz. Rev. Stat. Ann. § 16-592 Proceedings on Challenge; Disposition of Ballot

Provisional Voting Statutes (Current through 7/31/2005)

A. Upon challenge being made, if the person challenged appears to be registered, the person shall take and subscribe to the oath prescribed in the "affidavit of registration" and, if the person so elects, may be at once sworn to answer fully and truly all questions material to the challenge as are put to the person by the inspector. Any returned United States mail addressed to the person challenged or the spouse of the person challenged, or both, and to the address appearing on the precinct register or affidavit shall be considered as sufficient grounds to proceed under this section.

B. If after the examination on the challenge, a majority of the election board is satisfied that the challenge is not valid, the person challenged shall be permitted to vote.

C. If the person challenged refuses to be sworn or affirmed, or refuses to answer questions material to the challenge or if a majority of the election board finds that the challenge is valid, the person challenged shall be permitted to vote a provisional ballot pursuant to § 16-584.

Provisional Voting Statutes (Current through 7/31/2005)

Arkansas

Ark. Code. Ann. § 7-5-201 – Registration; Residency

Ark. Code. Ann. § 7-5-202 - Public notice of elections

Ark. Code. Ann. § 7-5-305 Requirements

Ark. Code. Ann. § 7-5-306 - Procedure when voter's name is not on the precinct voter registration list

Ark. Code. Ann. § 7-5-315 - Ballot counting procedures

Ark. Code. Ann. § 7-5-411 - Voting methods

Ark. Code. Ann. § 7-5-412 - Marking and return of ballots--Delivery of mailed ballots

Ark. Code. Ann. § 7-5-416 - Counting of absentee ballots

Ark. Code. Ann. § 7-5-417 – Challenging of absentee votes

Ark. Code. Ann. § 7-5-701 - Declaration of results--Certification, delivery, and custody of returns

Ark. Code. Ann. § 7-5-707 - Vote certification--Report

Provisional Voting Statutes (Current through 7/31/2005)

Ark. Code. Ann. § 7-5-201 – Registration; Residency

(a) To be qualified to vote, a person shall have registered at least thirty (30) calendar days immediately prior to the election and in the manner set forth by Arkansas Constitution, Amendment 51. The person shall be eligible to vote only in the county in which he resides on the date thirty-one (31) calendar days prior to the election, unless specifically exempted under § 7- 5-406.

(b) "Voting residence" shall be a voter's domicile and shall be governed by the following provisions:

(1) The domicile of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention to return;
(2) A change of domicile is made only by the act of abandonment, joined with the intent to remain in another place. A person can have only one (1) domicile at any given time;
(3) A person does not lose his domicile if he temporarily leaves his home and goes to another country, state, or place in this State with the intent of returning;
(4) The place where a person's family resides is presumed to be his place of domicile, but a person may acquire a separate residence if he takes another abode with the intention of remaining there;
(5) A married person may be considered to have a domicile separate from that of his spouse for the purposes of voting or holding office. For those purposes, domicile is determined as if the person were single; and
(6) Persons who are temporarily living in a particular place because of a temporary work-related assignment or duty post or as a result of their performing duties in connection with their status as military personnel, students, or office holders shall be deemed residents of that place where they established their home prior to beginning such assignments or duties.

(c) No person may be qualified to vote in more than one (1) precinct of any county at any one (1) time.

(d)(1) Any person registering to vote by mail and who has not previously voted in a federal election in this state shall:

(A) Present to the election official a current and valid photo identification or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter when appearing to vote in person either early or at the polls on election day; or
(B) When voting by mail, submit with the ballot a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
(2) The provision of subdivision (d)(1) of this section does not include:
(A) Persons whose applications are transmitted by state or federal voter registration agencies;
(B) Persons who are covered by the Uniformed and Overseas Citizens Absentee Voting Act;
(C) Persons covered by the Voting Accessibility for the Elderly and Handicapped Act;
(D) Persons who are entitled to vote otherwise than in person under any other federal law;
(E) Persons who register to vote by mail and submit as part of the registration any of the identification documents listed in subdivision (d)(1) of this section; or
(F) Persons who register to vote by mail and submit with the registration either a driver's license number or at least the last four (4) digits of the individual's social security number and with respect to whom a state or local election official matches the license number or social security number with

an existing state identification record bearing the same number, name, and date of birth as provided in the registration.

(e) Any person who receives an absentee ballot according to the precinct voter registration list but elects to vote by early voting or to vote at his or her polling site on election day shall be permitted to cast a provisional ballot.

Ark. Code. Ann. § 7-5-202 - Public notice of elections

(a) It shall be the duty of the county board of election commissioners at least twenty (20) days before each preferential primary and general election and at least ten (10) days before the holding of each general primary, general runoff, or special election to give public notice in a newspaper of general circulation in the county of:
(1) The date of the election;
(2) The hours of voting on election day;
(3) Polling sites for holding the elections in the county~~.~~;
(4) The candidates and offices to be elected at that time; and
(5) The time and location of the opening, processing, canvassing, and counting of absentee ballots.
(b) At least five (5) days prior to a preferential primary, general primary, general election, general runoff, or special election, a copy of the public notice may be posted at each polling site fixed for holding the election and shall be published in a newspaper of general circulation in the county.
(c) On the day of any election, the following information shall be posted at each polling site and remain posted continuously therein until the polls close:
(1) The public notice required in subsection (a) of this section;
(2) A sample version of the ballot or ballots that will be used for that election;
(3) Instructions on how to vote, including how to cast a provisional ballot;
(4) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
(5) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.
(d) The Secretary of State shall provide to each county board of election commissioners and each county clerk the information to be posted at each polling site according to subdivisions (c)(4) and (5) of this section.

Ark. Code. Ann. § 7-5-305 Requirements

(a) Before a person is permitted to vote, the election official shall:
(1) Request the voter to identify himself or herself in order to verify the existence of his or her name on the precinct voter registration list;
(2) Request the voter, in the presence of the election official, to state his or her address and state or confirm his or her date of birth;
(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;
(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;
(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.

(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.
(C) If the address is not within the precinct, instruct the voter to:
(i) Contact the county clerk's office to determine the proper precinct; and
(ii) Go to the polling site serving that precinct in order for his or her vote to be counted;
(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files;
(7) Request the voter, in the presence of the election official, to sign his or her name, including the given name, middle name or initial, if any, and last name in the space provided on the precinct voter registration list. If a person is unable to sign his or her signature or make his or her mark or cross, the election official shall enter the voter's initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list;
(8)(A) Request the voter for purposes of identification to provide a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
(B)(i) If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.
(ii) A first-time voter who registers by mail without providing identification when registering, and desires to vote in person, but who does not meet the identification requirements of subdivision (a)(8)(A) may cast a provisional ballot.
(iii) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing identification at the polls to the prosecuting attorney.
(iv) The prosecuting attorney may investigate possible voter fraud; and
(9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-523, if the person is a voter with a disability and presents himself or herself to vote.
(10) Permit the person to cast a provisional ballot if the person received an absentee ballot according to the precinct voter registration list.
(b) A person not listed on the precinct voter registration list may vote only in accordance with § 7-5-306.

Ark. Code. Ann. § 7-5-306 - Procedure when voter's name is not on the precinct voter registration list

(a) If the voter's name is not on the precinct voter registration list, the election official shall permit the voter to vote only under the following conditions:
(1) The voter identifies himself or herself by stating his or her name and date of birth and is verified by the county clerk as a registered voter within the county and, if the county is divided into more than one (1) congressional district, within the same congressional district;
(2) The voter gives and affirms his or her current residence and the election official verifies with the county clerk that the voter's residence is within the precinct;
(3) The voter completes an updated voter registration application form; and
(4) The voter signs the precinct voter registration list.
(b) If the voter is not listed on the precinct voter registration list and the election official is unable to verify the voter's registration with the county clerk and the voter contends that he or she is a registered voter in the precinct in which he or she desires to vote and that he or she is eligible to vote, then the voter shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election;
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is:
(A) A registered voter in the precinct in which the individual desires to vote; and
(B) Eligible to vote in that election;
(3) The provisional ballot shall be counted only upon verification of the voter's registration status in the precinct by the county board of election commissioners before certification of the election; and
(4)(A) Whenever a person casts a provisional ballot, the election official shall provide the voter written information that states that the individual who casts a provisional ballot will be able to ascertain whether the vote was counted, and if not, the reason the vote was not counted, by accessing a toll-free telephone number, Internet website, or other free access system established by the Secretary of State for that purpose.
(B) Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.
(c) The election official shall make a list of all voters who cast a provisional ballot.

Ark. Code. Ann. § 7-5-312 - Challenge of voter's ballot by poll watchers, candidates, or designees

(a)(1) During the progress of any election in this state, any candidate in person or by representative designated in writing, any group seeking the passage or defeat of a measure on the ballot by representative designated in writing, and any political party with a candidate on the ballot by representative designated in writing may:

(A) Have only one (1) representative present at any one (1) time at each location within a polling site where voters identify themselves to election officials, so as to observe and ascertain the identity of those persons presenting themselves to vote for the purpose of challenging any voter who appears for the purpose of casting a ballot; and
(B) Have only one (1) representative present at any one (1) time at each location within the absentee ballot processing site where absentee ballots are processed, so as to observe and ascertain the identity of absentee voters for the purpose of challenging any absentee vote.
(2) The document designating a representative of a candidate, designating a representative of a group seeking the passage or defeat of a measure on the ballot, or designating a representative of a political party with a candidate on the ballot shall be presented by the poll watcher to the election official at the polling or counting location in the following form:

POLL WATCHER AUTHORIZATION FORM

Representative of a Candidate

I, _____, state that I am a candidate for the office of _____ in the _____ election. I further state that _____ is designated by me as my representative at the election for the purpose of Arkansas Code §§ 7- 5-312, 7-5-316, 7-5-416, 7-5-417, and 7-5-615 in precinct _____ in _____ County, Arkansas.

Representative of a Group

Provisional Voting Statutes (Current through 7/31/2005)

I, _____, state that I represent the _____ group which is seeking passage/defeat (circle one) of the ballot measure entitled _____on the ballot in the _____election for the purpose of Arkansas Code §§ 7-5-312 and 7-5-417 in precinct _____in_____ County, Arkansas.

Representative of a Party

I, _____, state that I am the chairman or secretary of the state/county (circle one) committee for the _____party with candidates on the ballot in the _____election.

I further state that _____ is designated by me as a party representative at the election for the purpose of Arkansas Code §§ 7-5-312, 7-5-316, 7-5-416, 7-5-417, and 7-5-615 in precinct _____in_____ County, Arkansas.

_____

Signature of Candidate, Group Representative, or Chairman/Secretary of the State/County Committee

Acknowledged before me this _____ day of _____, 20_____.

Notary Public: _____ My Commission Expires: _____

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

_____

Signature of the Poll Watcher

Acknowledged before me this _____ day of _____, 20 ___.

Notary Public: _____ My Commission Expires: _____

I do hereby acknowledge filing of the poll watcher authorization form with the county clerk's office.

_____

Signature of County Clerk

(3) The poll watcher rights and responsibilities shall be printed on the back of the poll watcher authorization form as follows:

POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

• A candidate in person or by representative designated by a candidate;

• A representative designated by any group seeking passage or defeat of a measure on the ballot; or

• A representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

• Only one (1) poll watcher per candidate, group, or party at any one (1) time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;

• Only one (1) poll watcher per candidate, group, or party at any one (1) time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed;

• Only one (1) poll watcher per candidate or party at any one (1) time may be officially recognized as a poll watcher at the counting of the ballots; and

• Poll watchers must display a valid affidavit in the form of a " Poll Watcher Authorization Form".

Poll watchers may:

• Observe the election officials;

• Stand close enough to the precinct voter registration lists so as to hear the voter's name and observe the voter's signature;

• Compile lists of persons voting;

• Challenge ballots upon notification to an election official before the ballot is issued to the voter and upon completing a "Challenged Ballot Form";

• Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and

• Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging the vote in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

• Remain at the polling site after the poll closes if ballots are counted at the poll, be present at the counting of votes by electronic tabulation equipment at a centralized location, and be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials; and

• Upon request made to an election official, inspect any or all ballots at the time the ballots are being

counted.

Poll watchers may not:

• Be within six feet (6') of any voting machine or booth used by voters to cast their ballot;

• Electioneer inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site;

• Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site; or

• Disrupt the orderly conduct of the election.

(b)(1) When the ballot of any voter is thus challenged, it shall be treated as a provisional ballot. It shall be the duty of the election officials in the election precinct to make and retain a list of the names of all persons voting a provisional ballot. The following procedure shall be followed:

(A) The voter shall mark his or her ballot;
(B) The voter shall place the ballot in a single provisional ballot envelope and seal the envelope; and
(C) The voter shall place the sealed provisional ballot envelope and challenge form in a provisional voter envelope.
(2) All provisional ballots shall be preserved, secured, and separated from the remaining ballots to the end that the right of any person to vote may be determined later by the county board of election commissioners or the court in which an election contest may thereafter be filed.

(c)(1) Prior to certification of the results of the election, the county board shall determine whether the provisional ballots are valid.

(2) If, upon examination of any provisional ballots, the county board suspects that a violation of the election laws has occurred, the county board may refer the matter to the prosecuting attorney.

Ark. Code. Ann. § 7-5-315 - Ballot counting procedures

In counting the ballots at the polling site, the following procedures shall be followed:

(1) The votes received by an unopposed candidate in any election held in this state shall not be counted or tabulated by the election officials. The word "UNOPPOSED" shall be sufficient to insert on the tally sheet to indicate that the candidate has received a majority of the votes cast in the election. However, the votes received by an unopposed candidate for the office of mayor or circuit clerk shall be counted and tabulated by the election officials;
(2) No write-in vote in any election in this state may be counted unless the name of the write-in candidate shall have been written on the ballot in the handwriting of the person casting the vote;
(3) In counting the ballots, the ballot box shall be opened, and the ballots shall be counted by counting each ballot in turn or by counting by offices and issues. The election officials must witness the counting of the ballots and shall keep separate tally lists of the votes cast for each candidate or issue on the ballot;

(4) When two (2) or more ballots are found folded together, it shall be considered as conclusive evidence of their being fraudulent, and neither of them shall be counted. If a ballot shall be found to contain a greater number of names for any one (1) office than the number of persons required to fill the office, it shall be considered fraudulent as to the whole of the names designated to fill the office, but no further;
(5) Upon the close of the polls, the election officials shall immediately certify and attest the list of voters and continue the count to completion. If any of the election officials become sick or incapacitated from any other cause, the remaining election officials shall continue the count until it is completed;
(6) After the count is completed, the election officials shall make out the certificates of election in triplicate and immediately post one (1) copy outside the polling site; and
(7)(A) The votes received by any person whose name appeared on the ballot and who withdrew or died after the certification of the ballot or filing period ended shall be counted.
(B)(i) If the person received enough votes to win nomination or election, a vacancy in the nomination or election shall be declared.
(ii)(a) If the person received enough votes to qualify for a runoff, the person's name shall appear on the runoff ballot; and
(b) If enough votes are cast for the person to win the runoff, then a vacancy in the nomination or election shall exist.
(c) Any person who votes in an election as a result of a federal or state court order or any other order extending the time established for closing the polls may only vote in that election by casting a provisional ballot according to the procedure set out in § 7-5-306(b). The ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order.

Ark. Code. Ann. § 7-5-411 - Voting methods

(a) Absentee voting may be accomplished in one (1) of the following methods and in no other manner:

(1)(A) By ballot cast by mail which must be received in the office of the county clerk of the county of residence of the voter not later than 7:30 p.m. on election day.
(B)(i) However, except as provided in subdivision (a)(1)(B)(ii) of this section, by ballot applied for not later than thirty (30) days before the election by qualified electors outside the United States on election day which are signed, dated, postmarked, and mailed by the voters no later than the day of the election and received by the county clerk no later than 5:00 p.m. ten (10) calendar days after the date of the election.
(ii) Absentee ballots of uniformed services personnel serving in active status shall be counted if received by the county clerk no later than 5:00 p.m. ten (10) calendar days after the date of the election and if the absentee ballot was executed no later than the date of the election.
(C) Each absentee ballot shall be mailed separately by the voter and shall not be included with any other absentee ballot in a bulk mailing, except that an administrative head of a long-term care or residential facility or hospital may mail the absentee ballots of the residents and patients by bulk mail. Absentee ballots in any bulk mailing not otherwise permitted in this subsection shall not be counted;
(2)(A) By delivery of the ballot to the county clerk of the county of residence of the voter not later than 7:30 p.m. on election day by the designated bearer, administrator, or the authorized agent of the

absentee voter who is medically unable to vote at the regular polling site, upon proper verification of the signature of the voter by the county clerk and validation of the identity of the authorized agent.
(B)(i) The designated bearer, administrator, or authorized agent shall sign documentation upon delivery of absentee ballots to the county clerk.
(ii) However, no person may deliver absentee ballots to the clerk's office for more than two (2) persons; or
(3) The voter may deliver the ballot to the county clerk of the county of his or her residence not later than the close of regular business hours on the day before the election.

(b) Any person who knowingly makes a false statement on an affidavit required by this section shall be guilty of perjury and subject to a fine of up to ten thousand dollars ($10,000) or imprisonment for up to ten (10) years.

(c)(1) Any person who receives an absentee ballot according to the precinct voter registration list but elects to vote by early voting or to vote at his or her polling site on election day shall be permitted to cast a provisional ballot.

Ark. Code. Ann. § 7-5-412 - Marking and return of ballots--Delivery of mailed ballots

(a) Upon receiving the blank ballot, statement, and envelopes, whether in the office of the county clerk or elsewhere, the voter shall mark the ballot and place the ballot in the provided envelope. He or she shall then seal the envelope containing the ballot and place it in the other, provided outer envelope with the following:
(1) The executed voter statement; and
2) A copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the first-time voter, for first-time voters who registered by mail. However, this requirement does not apply if:
(A) The voter registered to vote by mail and provided the identification at that time; or
(B) The first-time voter registered to vote by mail and submitted his or her driver's license number or at least the last four (4) digits of his or her social security number at the time and this information matches the information in an existing state identification record bearing the same number, name, and date of birth as provided in the registration.
(b) The envelope containing the ballot, identification, if applicable, and voter's statement must be received in the office of the county clerk not later than 7:30 p.m. on the day of the election.
(c) An individual who desires to cast an absentee ballot but who does not meet the identification requirements of subdivision (a)(3) of this section may cast a ballot by mail, and the ballot shall be considered as a provisional ballot.
(d) Ballots by mail shall be counted if received no later than the time the polls close on election day. Ballots received by mail on election day before the polls close shall be delivered promptly by the county clerk to the election officials designated to canvass and count absentee ballots.

Ark. Code. Ann. § 7-5-416 - Counting of absentee ballots

(a)(1) The election officials for absentee ballots shall meet in the courthouse in a place designated by the county board of election commissioners on election day for the purpose of processing absentee ballots.
(2) The county board shall give public notice of the time and location of the opening, processing,

canvassing, and counting of absentee ballots as provided in § 7-5- 202.
(3) The county clerk shall forward the absentee ballot applications sorted alphabetically or by precinct to the election officials for absentee ballots.
(4) The counting of absentee ballots shall be open to the public, and candidates and political parties may be present in person or by a representative designated in writing pursuant to § 7-5-312 during the opening, processing, canvassing, and counting of the absentee ballots as provided in this subchapter.
(5) Absentee or early votes may be counted prior to the closing of the polls on election day.
(b)(1) The opening, processing, counting, and canvassing of absentee ballots shall be conducted as follows:
(A) One (1) of the election officials shall open outer absentee ballot envelopes one (1) by one (1) and verify the contents;
(B) If the required materials are properly placed in the outer absentee ballot envelope, the election official shall proceed to read aloud from the voter statement the name of the voter and the voting precinct in which the voter claims to be a legal voter;
(C) If the required materials are not properly placed in the outer absentee ballot envelope, a second election official shall open the inner absentee ballot envelope to verify the contents;
(D) If all required materials are present within one (1) or the other envelopes, the election officials shall put the materials in the proper envelopes while preserving the secrecy of the voter's ballot and shall proceed to read aloud from the voter statement the name of the voter and the voting precinct in which the voter claims to be a legal voter;
(E) As each outer envelope is opened and the name of the voter is read, the election officials for the absentee box shall list in duplicate the name and voting precinct of the voter;
(F)(i) After the election official reads aloud from the statement, the election officials shall compare the name, address, date of birth, and signature of the voter's absentee application with the voter's statement and, for first-time voters who registered by mail, the first-time voter's identification document unless the voter previously provided identification at the time of mailing the voter registration application.
(ii) If the application and the voter's statement do not compare as to name, address, date of birth, and signature, the absentee ballot shall not be counted;
(iii) If a first-time voter fails to provide the required identification with the ballot or at the time of mailing the voter registration application, then the absentee application, absentee ballot envelope, and voter's statement shall be placed in an envelope marked "provisional" and the ballot shall be considered a provisional ballot.
(G) If the absentee voter fails to return the required materials, the contents of both envelopes shall be placed in an envelope marked "provisional";
(H)(i) The election official shall record the reason for the challenge on the envelope, and it shall be referred to the county board.
(ii) The county board shall determine whether the voter is qualified and whether or not the vote shall be counted;
(I) Failure of the voter to submit the required absentee materials in the proper envelopes shall not be grounds for challenging the ballot;
(J) If no challenge is made, the election official shall, without opening the inner envelope containing the ballot, remove the inner envelope and place it in the ballot box without marking it in any way;
(K)(i) After all of the outer envelopes have been opened and a list has been made in duplicate of the name and voting precinct of the voters, as required in this section, the election officials of the absentee box shall preserve all the statements of voters and the voters' identification documents and deliver them to the county clerk, who shall file and keep them for the same length of time after the

election as is required for retention of other ballots.
(ii) The voter statements shall be made available for public inspection during regular business hours.
(iii) The voters' identification documents shall not be subject to public inspection except as part of a judicial proceeding to contest the election;
(L) When all of the inner envelopes containing the ballots have been placed in the ballot box, the ballot box shall be shaken thoroughly to mix the ballots; and
(M) The ballot box shall be opened and the ballots canvassed and counted.
(2) No election results shall be printed or released prior to the closing of the polls.
(c) If any person casting an absentee ballot dies before the polls open on election day, his or her vote shall not be counted.
(d) It is the intent of this section to permit the election officials for absentee ballots to meet and process, canvass, and count absentee ballots according to this section prior to the closing of the polls on election day.
(e)(1) Absentee votes may be cast on paper ballots or ballot cards, or both methods may be used.
(2) The ballots shall first be counted for write-in votes by the election officials. Then, the ballots may be either hand counted or automatically counted on an electronic system, whichever is more convenient.
(3) Election officials may make a true copy of absentee paper ballots on ballot cards which, after being verified in the presence of witnesses, shall be counted in the same manner as other ballot cards.
(f)(1) Absentee ballots marked as "special runoff ballots" received from a qualified voter who meets one of the categories in § 7-5-406(a) shall be opened for general primary elections and general runoff elections according to the procedures described in subsection (b) of this section.
(2) However, in counting the special runoff ballot, one (1) of the election officials shall open the envelope containing the special runoff ballot and read the numbers indicated next to the names of the two (2) candidates in the general primary election or in the general runoff election.
(3) The candidate with the highest ranking shall receive the vote.
(4) A special runoff ballot received with the preferential primary absentee ballot shall be counted in the general primary election, and a special runoff ballot received with the general election absentee ballot shall be counted in the general runoff election.
(5) The Secretary of State shall prepare instructions for opening, counting, and canvassing special runoff ballots and provide the instructions to each county board of election commissioners.

Ark. Code. Ann. § 7-5-417 – Challenging of absentee votes

(a) When the name and voting precinct of a voter is read by the election official, any candidate or qualified poll watcher pursuant to § 7-5-312 may challenge the vote in the manner provided by law for personal voting challenges, and the election officials shall consider the ballot as a provisional ballot.
(b) If the statement is not in proper form, or if for any other legal reason the vote should not be counted, the ballot shall be preserved together with the statement, and envelope for the same period of time that the statements are preserved.
(c) If the county board of election commissioners determines that the provisional voter is qualified and that the vote should be counted, it shall be handled in the same manner as provisional ballots in a regular voting precinct.

Ark. Code. Ann. § 7-5-701 - Declaration of results--Certification, delivery, and custody of returns

(a)(1) No earlier than forty-eight (48) hours after the election and no later than the fifteenth calendar day after the election, the county board of election commissioners, from the certificates and ballots received from the several precincts, shall proceed to ascertain, declare, and certify the result of the election to the Secretary of State.
(2)(A) The county board shall declare preliminary and unofficial results of the election, including a statement of the number of outstanding absentee ballots of overseas voters, immediately after the count of the vote is complete and report the preliminary and unofficial results to the county clerk, who shall immediately transmit the results to the Secretary of State by the Internet website interface provided by the Secretary of State.
(B) If it is not possible for the clerk to transmit the results via the Internet website interface, then the clerk may transmit the results by facsimile transmission.
(3) Within nineteen (19) calendar days after any general, special, or school election, the county board shall deliver a certificate of election to the person having the highest numbers of legal votes for any county office.
(b) The county board shall also file in the office of the clerk of the county court a certificate setting forth in detail the result of the election.
(c)(1)(A) No earlier than forty-eight (48) hours after the election and no later than the fifteenth calendar day after the election, the county board shall deposit certified copies of the abstracts of the returns of the election for members of Congress and for all executive, legislative, and judicial officers in the nearest post office on the most direct route to the seat of government and directed to the Secretary of State.
(B) The county board shall not receive compensation for election duties after the election until the election results have been certified and delivered to the Secretary of State.
(C) The Secretary of State shall file a complaint with the State Board of Election Commissioners pursuant to § 7-4-118 if the county board does not comply with subdivision (c)(1)(A) of this section.
(d)(1) It shall at the same time enclose in a separate envelope and direct to the Speaker of the House of Representatives, in care of the Secretary of State, at the seat of government, a certified copy of the abstract of votes given for Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General.
(2) It is made the duty of the Secretary of State to safely keep the returns addressed to the Speaker of the House of Representatives until they shall be required for the purpose of ascertaining and declaring the result of the election as prescribed in Arkansas Constitution, Article 6, § 3.

Ark. Code. Ann. § 7-5-707 - Vote certification--Report

(a) At the time that the county board of election commissioners certifies the vote to the Secretary of State, the county board shall report to the State Board of Election Commissioners:
(1) The total number of ballots cast;
(2) The total number of ballots printed and delivered to the polls;
(3) The total number of provisional ballots that were disqualified;
(4) The total number of spoiled ballots;
(5) The total number of unused ballots; and
(6) The number of over votes and under votes cast in each race and issue in the election.
(b)(1) The county board of election commissioners shall transmit the certified results for each polling place to the county clerk, who shall immediately transmit the results to the Secretary of State through the Internet website interface provided by the Secretary of State for all state and federal elections.
(2) The county board of election commissioners shall transmit the information required according to

subsection (a) of this section to the county clerk, who shall enter and transmit it to the State Board of Election Commissioners through the Secretary of State's Internet website interface.

Provisional Voting Statutes (Current through 7/31/2005)

California Statutes

Cal. Elections Code § 14310. Provisional ballots

Cal. Elections Code § 3016. Provisional ballots

Cal. Elections Code § 14105.3. Posting of voter information and voter rights at polling places

Cal. Elections Code § 14200. Voting information to be publicly posted

Cal. Elections Code § 2300. Citizens; enumerated rights; report of violation; regulations; public notice

Cal. Elections Code § 14217. Voter's name not found upon index of registration; information to be given to voter on casting provisional ballot and procedures; precinct board to furnish voter with provisional ballot

Cal. Elections Code § 15350. Provisional ballots

Cal. Elections Code § 15372. Certified statement of results; time

Provisional Voting Statutes (Current through 7/31/2005)

Cal. Elections Code § 14310. Provisional ballots

(a) At all elections, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An election official shall advise the voter of the voter's right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be a color different than the color of, but printed substantially similar to, the envelopes used for absentee ballots, and shall be completed in the same manner as absentee envelopes.

(c)(1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on absentee ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

(2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) If the ballot cast by the voter contains candidates or measures on which the voter would not

have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(f) This section shall apply to any absent voter described by Section 3015 who is unable to surrender his or her unvoted absent voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted.

Cal. Elections Code § 3016. Provisional ballots

Any absent voter who is unable to surrender his or her absent voter's ballot within the meaning of Section 3015 shall be issued a provisional ballot in accordance with Section 14310.

Cal. Elections Code § 14105.3. Posting of voter information and voter rights at polling places

(a) The federal Help America Vote Act of 2002 (P.L. 107-252) requires voting information to be publicly posted at each polling place on the day of each election for federal office. Voting information is defined as including general information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.

(b) The Secretary of State shall print posters and other appropriate materials setting forth the voter rights listed in Section 2300. The posters shall be printed in as many languages as the Secretary of State determines are necessary, but, at a minimum, in sufficient languages to comply with Section 14201 and with the federal Voting Rights Act of 1965, as amended by Public Law 94-73. The Secretary of State shall distribute the posters and materials to all county elections officials sufficiently in advance of statewide elections.

Provisional Voting Statutes (Current through 7/31/2005)

Cal. Elections Code § 14200. Voting information to be publicly posted

A member of each precinct board shall cause the following voting information to be publicly posted at each polling place on the day of each election:

(a) A sample version of the ballot that will be used for the election.

(b) Information regarding the date of the election and the hours during which polling places will be open.

(c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot.

(d) Instructions for mail-in registrants and first-time voters under Section 303(b) of the Help America Vote Act of 2002 (P.L. 107-252).

(e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.

(f) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation as they pertain to elections.

Cal. Elections Code § 2300. Citizens; enumerated rights; report of violation; regulations; public notice

(a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of Rights for voters, available to the public, which shall read:

(1)(A) You have the right to cast a ballot if you are a valid registered voter.

(B) A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.

(2) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.

(3) You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.

(4) You have the right to cast a secret ballot free from intimidation.

(5)(A) You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake.

(B) If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Absentee voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on election day.

(6) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.

(7) You have the right to return a completed absentee ballot to any precinct in the county.

(8) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.

(9)(A) You have the right to ask questions about election procedures and observe the elections process.

(B) You have the right to ask questions of the precinct board and election officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.

(10) You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's Office.

(b) Beneath the Voter Bill of Rights there shall be listed a toll-free telephone number to call if a person has been denied a voting right or to report election fraud or misconduct.

(c) The Secretary of State may develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).

(d) The Voter Bill of Rights set forth in subdivisions (a) and (b) shall be made available to the public before each election and on election day, at a minimum, as follows:

(1) The Voter Bill of Rights shall be printed in the statewide voter pamphlet, pursuant to Section 9084, in a minimum of 12-point type. Subparagraph (B) of paragraph (1) of subdivision (a), subparagraph (B) of paragraph (5) of subdivision (a), and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.

(2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

Cal. Elections Code § 14217. Voter's name not found upon index of registration; information to be given to voter on casting provisional ballot and procedures; precinct board to furnish voter with provisional ballot

If the precinct board is unable to find a voter's name upon the index of registration , it shall inform the voter that he or she may cast a provisional ballot and the procedure for doing so. If the voter elects to cast a provisional ballot, the precinct board shall furnish the voter with a provisional ballot, in accordance with Section 14310.

Cal. Elections Code § 15350. Provisional ballots

Provisional ballots cast pursuant to Section 14310 shall be processed and counted in accordance with the provisions outlined in Chapter 3 (commencing with Section 15100) and pursuant to the requirements of Sections 14310 and 14311.

Cal. Elections Code § 15372. Certified statement of results; time

The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

Provisional Voting Statutes (Current through 7/31/2005)

Colorado Statutes:

Colo. Rev. Stat. § 1-1-104 (19.5) – Definitions – "Identification"

Colo. Rev. Stat. § 1-2-217.5 – Change In Residence Before Close Of Registration – Emergency Registration

Colo. Rev. Stat. § 1-7-103 – No Voting Unless Eligible – First-Time Voters Casting A Ballot In Person After Having Registered By Mail To Vote

Colo. Rev. Stat. § 1-7-110 – Preparing To Vote

Colo. Rev. Stat. § 1-7.5-107 – Procedures For Conducting Mail Ballot Election – First-Time Voters Casting A Mail Ballot After Having Registered By Mail To Vote

Colo. Rev. Stat. § 1-8-113 – Manner Of Absentee Voting – First-Time Voters Casting An Absentee Ballot After Having Registered By Mail To Vote

Colo. Rev. Stat. § 1-9-208 – Challenges Of Provisional Ballots

Colo. Rev. Stat. § 1-9-301 – Provisional Ballot Voting

Colo. Rev. Stat. § 1-9-302 – Provisional Ballots- Available At Polling Places

Colo. Rev. Stat. § 1-9-303 – Verification And Counting Of Provisional Ballots

Colo. Rev. Stat. § 1-9-304 – Provisional Ballots – Absentee Voters

Colo. Rev. Stat. § 1-9-304.5 – Provisional Ballot Affidavit

Colo. Rev. Stat. § 1-9-305 – Rules

Colo. Rev. Stat. § 1-9-306 – Information System

Colo. Rev. Stat. § 1-1-104 (19.5) – Definitions – "Identification"

19.5)(a) "Identification" means:
(I) A valid Colorado driver's license;
(II) A valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S.;
(III) A valid United States passport;
(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;
(V) A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;
(VI) A valid United States military identification card with a photograph of the eligible elector;
(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector;
(VIII) A valid medicare or medicaid card issued by the United States health care financing administration;
(IX) A certified copy of a birth certificate for the elector issued in the United States; or
(X) Certified documentation of naturalization.

(b) Any form of identification indicated in paragraph (a) of this subsection (19.5) that shows the address of the eligible elector shall be considered identification only if the address is in the state of Colorado

Colo. Rev. Stat. § 1-2-217.5 – Change in Residence before Close of Registration – Emergency Registration

1) Notwithstanding the provisions of sections 1-2-101 and1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election by completing an emergency registration affidavit as prescribed by the secretary of state if the elector:
(a) Appears in person at the primary office of the county clerk and recorder or at any office regularly maintained by the county clerk and recorder and staffed by regular employees; and
(b) Presents identification within the meaning of section 1-1-104 (19.5)
(I) Deleted by Laws 2004, Ch. 279, § 3, eff. May 21, 2004.
(II) Deleted by Laws 2004, Ch. 279, § 3, eff. May 21, 2004.
(c) Deleted by Laws 2003, Ch. 136, § 1, eff. April 17, 2003.
(2) The elector shall declare under oath in the emergency registration affidavit that the elector wishes to register to vote in the election in the precinct and county for which the registration books are closed and that either:
(a) The elector was registered to vote in a different county prior to the close of the registration books, failed to register with the county clerk and recorder within the prescribed period after a change of residence to a different county, and has not and will not cast a vote in the election in the county of previous residence; or
(b) The elector applied to register to vote prior to the close of registration by federal postcard application, mail registration application, or at a voter registration agency designated pursuant to the federal "National Voter Registration Act of 1993",42 USC sec. 1973gg. , as amended, and is able to provide the name and location of and the approximate date of registration application at such agency.
(3) Deleted by Laws 2002, Ch. 328, § 1, eff. June 7, 2002.
(4) The elector shall subscribe to the oath before an officer authorized by law to administer oaths. Upon completion of the affidavit and the approval and qualification of the elector by the county clerk and recorder or other designated election official, the name of the elector shall be placed in the registration books or added to the list of eligible electors for the election for which the registration books were closed.
(5) An elector changing registration on an election day pursuant to this section may vote in the office of the county clerk and recorder or in the precinct where the new address is located. If the elector's qualification to vote cannot be immediately established at the office of the county clerk and recorder, the elector may vote by provisional ballot.

Colo. Rev. Stat. § 1-7-103 – No Voting unless Eligible – First-Time Voters casting a Ballot in Person after having Registered by Mail to Vote

1) No person shall be permitted to vote at any election unless the person's name is found in the registration record and all other requirements for voting as may be required by authorizing legislation have been met.
(2) A person otherwise eligible to vote whose name has been omitted from the registration list or property owner's list shall be permitted to vote upon taking substantially the following oath: "I do

solemnly swear or affirm that I am a citizen of the United States of the age of eighteen years or older; that I have been a resident of this state and precinct for thirty days immediately preceding this election and have not maintained a home or domicile elsewhere; that I am a registered elector in this precinct; that I am eligible to vote at this election; and that I have not previously voted at this election."; and
(a) Presenting to an election judge a certificate of registration issued on election day by the county clerk and recorder or a certificate of property ownership issued on election day by the county assessor; or
(b) An election judge obtaining verbal verification of the registration from the county clerk and recorder on election day, or obtaining verbal verification of property ownership from the county assessor on election day.
(3) The election judges, or any one of them, shall promptly contact the county clerk and recorder or the county assessor for the verbal verification so that every eligible elector present at the polling place is allowed to vote. Notation of verbal verification of registration or property ownership shall be made in the records of the election judges and in the records of the county clerk and recorder and assessor. All certificates of registration shall be surrendered to the election judges and returned to the designated election official with other election records and supplies.
(4) The self-affirming oath or affirmation provided in section 32-1-806 (2), C.R.S., if applicable to the election, may be accepted by an election judge in place of the oath and certificate or verbal verification required by subsection (2) of this section so that every eligible elector present at the polling place is allowed to vote.
(5)(a) Subject to the requirements of section 1-2-501 (2), the requirements of this subsection (5) shall apply to any person who has registered to vote by mail in accordance with part 5 of article 2 of this title and who:
(I) Has not previously voted in an election in Colorado; or
(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.
(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (5) and intends to cast his or her ballot in person shall present to the appropriate election official at the polling place identification within the meaning of section 1-1-104 (19.5).
(c) Any person who desires to cast his or her ballot in person but does not satisfy the requirements of paragraph (b) of this subsection (5) may cast a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.

Colo. Rev. Stat. § 1-7-110 – Preparing to Vote

(1) Except as provided in subsection (4) of this section, any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5), write his or her name and address on the signature card, and give the signature card to one of the election judges, who shall clearly and audibly announce the name in a loud and distinct tone of voice. An eligible elector who is unable to write may request assistance from one of the election judges, who shall also sign the signature card and witness the eligible elector's mark. The signature card shall provide: "I, ..., who reside at ....., am an eligible elector of this precinct or district and desire to vote at this ..... election.Date ....."

(2) If the eligible elector shows identification within the meaning of 1-1-104 (19.5) and the elector's name is found on the registration list or, where applicable, the property owner's list by the election judge in charge, the elector's name shall be repeated. The judge in charge of the pollbook or list shall then enter the eligible elector's name, and the eligible elector shall be allowed to enter the immediate voting area. Besides the election officials, no more than four electors more than the number of voting booths shall be allowed within the immediate voting area at one time.
(2.5) If the elector's qualification to vote is established by the completion of an affidavit, and if the affidavit contains all of the information required in subsection (1) of this section, then the designated election official may consider the affidavit the signature card
or may require the completion of an additional signature card.
(3) The completed signature cards shall be returned with other election materials to the designated election official.
(4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with part 3 of article 9 of this title.

Colo. Rev. Stat. § 1-7.5-107 – Procedures for Conducting Mail Ballot Election – First-Time Voters casting a Mail Ballot after having Registered by Mail to Vote

(1) Official ballots shall be prepared and all other preelection procedures followed as otherwise provided by law or rules promulgated by the secretary of state; except that mail ballot packets shall be prepared in accordance with this article.
(2)(a) Except for coordinated elections conducted as a mail ballot election where the county clerk and recorder is the coordinated election official, no later than thirty days prior to election day, the county clerk and recorder shall submit to the designated election official of the political subdivision conducting the mail ballot election a full and complete preliminary list of registered electors. For special district mail ballot elections, the county clerk and recorder and county assessor of each county in which a special district is located shall certify and submit to the designated election official a list of property owners and a list of registered electors residing within the affected district.
(b) No later than twenty days prior to election day, the county clerk and recorder and county assessor required to submit a preliminary list in accordance with paragraph (a) of this subsection (2) shall submit to the appropriate authority a supplemental list of the names of eligible electors or property owners whose names were not included on the preliminary list.
(c) All lists of registered electors and lists of property owners provided to a designated election official under this section shall include the last mailing address of each elector.
(2.5)(a) No later than twenty days before an election, the designated election official, or the coordinated election official if so provided by an intergovernmental agreement, shall provide notice by publication of a mail ballot election conducted pursuant to the provisions of this article, which notice shall state, as applicable for the particular election for which the notice is provided, the items set forth in section 1-5-205(1)(a) to(1)(d).
(b) The notice required to be given by this subsection (2.5) shall be in lieu of the notice requirements set forth in 1-5-205(1) and 31-10-501 (1), c.r.s., as applicable for the particular election for which such notice is required.
(3)(a) Not sooner than twenty-five days before an election, and no later than fifteen days before an election, the designated election official shall mail to each active registered elector, at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet, which shall be marked "DO NOT FORWARD. ADDRESS CORRECTION REQUESTED", or any other similar statement that is in accordance with United

States postal service regulations; except that with prior approval from the secretary of state, the packets shall be sent no later than ten days before election day.
(b) The ballot or ballot label shall contain the following warning:

"WARNING:
Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both."
(b.5)(I) The return envelope shall have printed on it a self-affirmation substantially in the following form:
"I state under penalty of perjury that I am an eligible elector; that my signature, name, and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".
....
Date Signature of voter"
(II) The signing of the self-affirmation on the return envelope shall constitute an affirmation by the eligible elector, under penalty of perjury, that the facts stated in the self-affirmation are true. If the eligible elector is unable to sign, the eligible elector may affirm by making a mark on the self-affirmation, with or without assistance, witnessed by another person.
(c) No sooner than twenty-five days prior to election day, nor later than 7 p.m. on election day, mail ballots shall be made available at the designated election official's office, or the office designated in the mail ballot plan filed with the secretary of state, for eligible electors who are not listed or who are listed as "Inactive" on the county voter registration records or, for special district mail ballot elections, on the list of property owners or the registration list but who are authorized to vote pursuant to section 32-1-806 c.r.s., or other applicable law.
(d)(I) An eligible elector may obtain a replacement ballot if the ballot was destroyed, spoiled, lost, or for some other reason not received by the eligible elector. An eligible elector may obtain a ballot if a mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed. In order to obtain a ballot in such cases, the eligible elector must sign a sworn statement specifying the reason for requesting the ballot. The statement shall be presented to the designated election official no later than 7 p.m. on election day. The designated election official shall keep a record of each ballot issued in accordance with this paragraph (d) together with a list of each ballot obtained pursuant to paragraph (c) of this subsection (3).
(II) A designated election official shall not transmit a mail ballot packet under this paragraph (d) unless a sworn statement requesting the ballot is received on or before election day. A ballot may be transmitted directly to the eligible elector requesting the ballot at the designated election official's office or the office designated in the mail ballot plan filed with the secretary of state or may be mailed to the eligible elector at the address provided in the sworn statement. Ballots may be cast no later than 7 p.m. on election day.
(3.5)(a) Subject to the requirements of section 1-1-501(2), the requirements of this subsection (3.5) shall apply to any person who has registered to vote by mail in accordance with part 5 of article 2 of this title and who:
(I) Has not previously voted in an election in Colorado; or
(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the department of state of a

computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.
(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (3.5) and intends to cast his or her ballot by mail in accordance with this article shall submit with his or her mail ballot a copy of identification within the meaning of section 1-1-104 (19.5).
(c) The designated election official shall include with the mail ballot packet required by paragraph (a) of subsection (3) of this section written instructions advising an elector who matches the description specified in paragraph (a) of this subsection (3.5) of the manner in which the elector shall be in compliance with the requirements contained in paragraph (a) of this subsection (3.5).
(d) Any person who desires to cast his or her ballot by mail but does not satisfy the requirements of paragraph (c) of this subsection (3.5) may cast such ballot by mail and the ballot shall be treated as a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.
(e) The requirements of this subsection (3.5) shall be implemented by state and local election officials in a uniform and nondiscriminatory manner.
(f) Notwithstanding any other provision of law, the requirements of this subsection (3.5) shall not apply to any person who is:
(I) Entitled to vote by absentee ballot under the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. sec. 1973ff et seq.;
(II) Provided the right to vote otherwise than in person under section (b)(2)(B)(ii) of the federal "Voting Accessibility for the Elderly and Handicapped Act", 42 U.S.C. sec. 1973ee-1; or
(III) Entitled to vote otherwise than in person under any other federal law.
(4)(a) Upon receipt of a ballot, the eligible elector shall mark the ballot, sign and complete the self-affirmation on the return envelope, enclose identification if required by subsection (3.5) of this section, and comply with the instructions provided with the ballot.
(b) The eligible elector may return the marked ballot to the designated election official by United States mail or by depositing the ballot at the office of the official or any place designated by the official. The ballot must be returned in the return envelope. If an eligible elector returns the ballot by mail, the elector must provide postage. The ballot shall be received at the office of the designated election official or a designated depository, which shall remain open until 7 p.m. on election day. For an election coordinated by the county clerk and recorder, the depository shall be designated by the county clerk and recorder and located in a secure place under the supervision of a municipal clerk, an election judge or a member of the clerk and recorder's staff. For an election not coordinated by the county clerk and recorder, the depository shall be designated by the designated election official and located in a secure place under the supervision of the designated election official, an election judge, or another person designated by the designated election official.
(c) Repealed by Laws 2004, Ch. 279, § 9, eff. May 21, 2004.
(d) Repealed by Laws 2004, Ch. 279, § 9, eff. May 21, 2004.
(5)(a) Once the ballot is returned, an election judge shall first qualify the submitted ballot by comparing the information on the return envelope with the registration records to determine whether the ballot was submitted by an eligible elector who has not previously voted in the election. If the ballot so qualifies and is otherwise valid, the election judge shall indicate in the pollbook that the eligible elector cast a ballot and deposit the ballot in an official ballot box.
(b) If the return envelope received from an eligible elector described in subsection (3.5) of this section does not contain identification, the ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with section 1-9-303.

(c) For November coordinated elections only, the signature of the eligible elector on the return envelope shall be compared with the signature of the eligible elector on file in the office of the county clerk and recorder in accordance with section 1-7.5-107.3.
(6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector. Rejected ballots shall be handled in the same manner as provided in section 1-8-310.

Colo. Rev. Stat. § 1-8-113 – Manner of Absentee Voting – First-Time Voters Casting an Absentee Ballot after having Registered by Mail to Vote

(1)(a) Any eligible elector applying for and receiving an absentee ballot, in casting the ballot, shall make and subscribe to the self-affirmation on the return envelope. The elector shall then mark the ballot, fold the ballot or insert the ballot card in the special envelope provided for the purpose so as to conceal the marking, deposit it in the return envelope, enclose identification if required by subsection (3) of this section, and seal the envelope securely. The envelope may be delivered personally or mailed by the elector to the designated election official issuing the ballot. Alternatively, an elector may deliver the ballot to any person of the elector's own choice or to any duly authorized agent of the designated election official for mailing or personal delivery to the designated election official; except that no one person other than a duly authorized agent of the designated election official may receive more than five absentee ballots in any election for mailing or delivery to the designated election official. All envelopes containing absentee ballots shall be in the hands of the designated election official no later than 7 p.m. on the day of the election. Absentee envelopes received after 7 p.m. on the day of the election but postmarked on or before the day of the election will remain sealed and uncounted, but the elector's registration record will not be canceled for failure to vote in a general election.
(b) Repealed by Laws 2004, Ch. 279, § 9, eff. May 21, 2004.
(c) Repealed by Laws 2004, Ch. 279, § 9, eff. May 21, 2004.
(d) If the return envelope received from an eligible elector described in subsection (3) of this section does not contain identification, the absentee ballot shall be treated as a provisional ballot and shall be verified and counted in accordance with section 1-9-303.
(2) Upon receipt of an absentee ballot from an eligible elector, the designated election official shall write or stamp upon the envelope containing the ballot the date the envelope was received in the office. The designated election official shall safely keep and preserve all absentee ballots unopened in a ballot box or transfer case that is locked and secured with a numbered seal until the time prescribed for delivery to the supply judge in accordance with section 1-8-303.
(3)(a) Subject to the requirements of section 1-2-501 (2), the requirements of this subsection (3) shall apply to any person who has registered to vote by mail in accordance with part 5 of article 2 of this title and who:
(I) Has not previously voted in an election in Colorado; or
(II) Is reregistering to vote after moving from one county in this state to another and the election in which the person intends to vote takes place prior to the creation by the

department of state of a computerized statewide voter registration list that satisfies the requirements of part 3 of article 2 of this title.
(b) Any person who matches either of the descriptions specified in subparagraph (I) or (II) of paragraph (a) of this subsection (3) and intends to cast his or her ballot by absentee ballot in accordance with the requirements of this article shall submit with his or her absentee ballot a copy of identification within the meaning of section 1-1-104 (19.5).
(c) The designated election official shall include with the absentee ballot written instructions advising an elector who matches the description specified in paragraph (a) of this subsection (3) of the manner in which the elector shall be in compliance with the requirements contained in paragraph (a) of this subsection (3).
(d) Any person who desires to cast his or her ballot by absentee ballot but does not satisfy the requirements of paragraph (b) of this subsection (3) may cast such ballot by voting absentee and the ballot shall be treated as a provisional ballot in accordance with the requirements of part 3 of article 9 of this title.
(e) The requirements of this subsection (3) shall be implemented by state and local election officials in a uniform and nondiscriminatory manner.
(f) Notwithstanding any other provision of law, the requirements of this subsection (3) shall not apply to any person who is:
(I) Entitled to vote by absentee ballot under the federal "Uniformed and Overseas Citizens Absentee Voting Act", 42 U.S.C. section 1973ff et seq.;
(II) Provided the right to vote otherwise than in person under section (b)(2)(B)(ii) of the federal "Voting Accessibility for the Elderly and Handicapped Act", 42 U.S.C. section 1973ee-1 et seq.; or
(III) Entitled to vote otherwise than in person under any other federal law.

Colo. Rev. Stat. § 1-9-208 – Challenges of Provisional Ballots

The ballot of any provisional voter may be challenged by written oath or affirmation signed by the challenger under penalty of perjury setting forth the name of the person challenged and the basis for the challenge. Challenged provisional ballots, except those rejected for an incomplete, incorrect, or unverifiable affidavit, death of the eligible elector, or submission of multiple ballots shall be counted if the other requirements for counting provisional ballots are satisfied. The election judges shall deliver all challenges and oaths or affirmations, together with the affidavits of the eligible electors challenged, to the county clerk and recorder or the designated election official. The county clerk and recorder or designated election official shall forthwith deliver all challenges and all oaths or affirmations to the district attorney for investigation and action.

Colo. Rev. Stat. § 1-9-301 – Provisional Ballot Voting

(1) At any election conducted pursuant to this title, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the registration list for the precinct or upon examination of the records on file with the county clerk and recorder shall be entitled to vote a provisional ballot if the voter:
(a) Presents identification within the meaning of section 1-1-104 (19.5); and
(b) Completes a provisional ballot affidavit in accordance with section 1-9-304.5.
(I) Deleted by Laws 2004, Ch. 279, § 9, eff. May 21, 2004.
(II) Deleted by Laws 2004, Ch. 279, § 9, eff. May 21, 2004.

(2) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot shall be secured and deposited in a ballot container. All provisional ballots voted shall remain sealed in their envelopes for return to the county clerk and recorder or designated election official.
(3) The provisional ballot envelope shall be printed with instructions on the voting and handling of provisional ballots drafted by the secretary of state.
(4) A voter who moves from one precinct to another precinct in the same county or to another county later than the thirtieth day before an election is not properly registered at the new address for purposes of this section and may not vote a provisional ballot, but the voter may vote in the precinct where registered pursuant to section 1-2-217.
(5) The provisional ballot affidavit shall constitute a voter registration for the voter for future elections. Any previous voter registration for the voter shall be cancelled pursuant to section 1-2-603 (1).
(6) If the voter does not complete and sign the provisional ballot affidavit or if the voter does not present the required identification, the ballot shall not be counted unless the county clerk and recorder or designated election official determines that the voter was
properly registered in the precinct and county.

Colo. Rev. Stat. § 1-9-302 – Provisional Ballots- Available at Polling Places

Each polling location shall have on hand a sufficient number of provisional ballots in all ballot styles applicable to that polling location.

Colo. Rev. Stat. § 1-9-303 – Verification and Counting of Provisional Ballots

Upon receipt of a provisional ballot, the county clerk and recorder or designated election official shall verify the information contained in the provisional ballot affidavit using the procedures that apply to absentee ballots. If the information cannot be verified, the ballot shall be rejected. The verification and counting of all provisional ballots shall be completed within twelve days after the election. All absentee ballots cast in any election shall be counted before any provisional ballots are counted.

Colo. Rev. Stat. § 1-9-304.5 – Provisional Ballot Affidavit

(1) The provisional ballot affidavit shall be printed on the provisional ballot envelope as follows:
"I, _____, do solemnly affirm that I am a citizen of the United States, that I have attained the age of eighteen years, and that I have resided in the state of Colorado and in my present precinct at least thirty days before the election. I further affirm that the address indicated in this affidavit is my sole legal residence and that I claim no other place as my legal residence. I further affirm that:

I registered to vote in my county and precinct of residence in the state of Colorado prior to the close of the registration books; or

I was registered to vote in the state of Colorado and moved to my county and precinct of residence at least thirty days before the election, but failed to register with the clerk and recorder of my county of residence; or

I applied to register to vote prior to the close of registration by federal postcard application or mail registration application, or I applied to register at a voter registration agency designated pursuant to section 1-2-504, Colorado Revised Statutes.

I further affirm under penalty of law that I am an eligible elector, that I have not and will not cast any vote in this election except by the enclosed ballot, that I will not vote in any other precinct, county, or state, and that my ballot is enclosed in accordance with the provisions of the "Uniform Election Code of 1992", articles 1 to 13 of title 1, Colorado Revised Statutes.

WARNING: It is a crime to make a false affirmation as to your qualifications to vote. A person who votes by knowingly giving false information regarding his or her place of present residence commits a class 6 felony punishable by a fine of up to $100,000 and/or imprisonment for up to 18 months.

Signature: _____ Address: _____

Date: _____".

(2) The election judge shall mark, on a space provided, on the provisional ballot envelope, as prescribed by the secretary of state, indicating that the elector has failed to provide required voter identification.

Colo. Rev. Stat. § 1-9-305 – Rules

The secretary of state shall promulgate all appropriate rules for the purpose of ensuring the uniform application of this part 3.

Colo. Rev. Stat. § 1-9-306 – Information System

For any election held on or after January 1, 2004, in which a provisional ballot is voted, the county clerk and recorder or designated election official shall establish a system allowing a voter who cast a provisional ballot to discover whether the ballot was counted and, if the ballot was not counted, the reason the ballot was not counted. The system shall provide access to this information at no cost to the voter by toll-free telephone call, internet website, or other suitable medium, in accordance with the "Help America Vote Act of 2002", P.L. No. 107-252. (FN1) Information about a provisional ballot shall be available only to the voter who cast the ballot.

Provisional Voting Statutes (Current through 7/31/2005)

Connecticut

Conn. Gen. Stat. Ann. § 9-232F – PRESERVATION AND COUNTING OF CHALLENGED BALLOTS

Conn. Gen. Stat. Ann. § 9-150A (D) – COUNTING PROCEDURES

Conn. Gen. Stat. Ann. § 9-232J – PROVISIONAL BALLOT PACKETS FOR ELECTIONS FOR FEDERAL OFFICE

CONN. GEN. STAT. ANN. § 9-232K – SECRETARY OF STATE TO PRESCRIBE AND PROVIDE PROVISIONAL BALLOTS

CONN. GEN. STAT. ANN. § 9-232K – SECRETARY OF STATE TO PRESCRIBE AND PROVIDE PROVISIONAL BALLOTS

CONN. GEN. STAT. ANN. § 9-232L (A), (B), (C) – APPLICATIONS FOR PROVISIONAL BALLOTS.

CONN. GEN. STAT. ANN. § 9-232L (A), (B), (C) – APPLICATIONS FOR PROVISIONAL BALLOTS

Conn. Gen. Stat. Ann. § 9-232M – CASTING OF PROVISIONAL BALLOTS

Conn. Gen. Stat. Ann. § 9-232N – DETERMINATION OF ELIGIBILITY OF PROVISIONAL BALLOT APPLICANTS TO VOTE. REPEAT. CORRECTED RETURN

Conn. Gen. Stat. Ann. § 9-232O – COUNTING OF PROVISIONAL BALLOTS

Conn. Gen. Stat. Ann. § 9-236B (A), (B) – VOTER'S BILL OF RIGHTS. SAMPLE BALLOTS. VOTERS IN LINE WHEN POLLS SCHEDULED TO CLOSE PERMITTED TO VOTE. VOTING INSTRUCTIONS AND INFORMATION

Conn. Gen. Stat. Ann. § 9-437 (J) – FORM OF BALLOT LABEL. POSITION OF CANDIDATES' NAMES ON BALLOT. SAMPLE BALLOT LABELS. VOTING INSTRUCTIONS AND INFORMATION

Conn. Agencies Regs. § 9-7B-82 (2004) – HELP AMERICA VOTE ACT COMPLAINTS

Conn. Gen. Stat. Ann. § 9-232F – PRESERVATION AND COUNTING OF CHALLENGED BALLOTS

The town clerk shall preserve such ballots in the sealed envelopes for a period of one hundred eighty days after the election. However, in the case of a contested election, either party to such action may request the court to order that the sealed envelopes containing challenged ballots be delivered to the board of admissions by the town clerk together with any memorandum or remarks which were attached to the election returns or required to be so attached. If so ordered, the board of admissions shall then convene and consider each challenged ballot and rule as to which ballots shall be counted. The results thereof shall be added to the vote totals. Federal offices shall not be counted on a challenged ballot that was issued to a person who was also issued a provisional ballot.

Conn. Gen. Stat. Ann. § 9-150A (D) – COUNTING PROCEDURES

a) Starting time. Not earlier than ten o'clock a.m. and not later than twelve o'clock noon on the day of the election or primary and not earlier than twelve o'clock noon on the day of a referendum the absentee ballot counters shall proceed to the polling places for which they have been assigned ballots or to the central counting location.

(b) Delivery and checking of ballots. At the time each group of ballots is delivered to them pursuant to section 9-140c, the counters shall perform any checking of such ballots required by subsection (i) of said section and shall then proceed as hereinafter provided.

(c) Removal of inner envelopes. Count of total number of ballots received. Except with respect to ballots marked "Rejected" pursuant to said section 9-140c or other applicable law, the counters shall remove the inner envelopes from the outer envelopes, shall note the total number of absentee ballots received and shall report such total to the moderator. They shall similarly note and separately so report the total numbers of presidential ballots and overseas ballots received pursuant to sections 9-158a to 9-158m, inclusive.

(d) Ballot rejected if inner envelope statement not executed. (1) If the statement on the inner envelope has not been signed as required by section 9-140a, such inner envelope shall not be opened or the ballot removed therefrom, and such inner envelope shall be replaced in the opened outer envelope which shall be marked "Rejected" and the reason therefor endorsed thereon by the counters. (2) If such statement is signed but the individual completing the ballot is an individual described in subsection (a) of section 9-23r and has not met the requirements of subsection (e) of section 9-23r, the counters shall replace the ballot in the opened inner envelope, replace the inner envelope in the opened outer envelope and mark "Rejected as an Absentee Ballot" and endorse the reason for such rejection on the outer envelope, and the ballot shall be treated as a provisional ballot for federal offices only, pursuant to sections 9-232i to 9-232o, inclusive.

(e) Removal of ballots from inner envelopes. The counters shall then remove the absentee ballots from the remaining inner envelopes.

(f) Inner and outer envelopes to be sealed in depository envelopes. Before the ballots are counted, all opened outer and inner envelopes from which such ballots have been removed, and all outer envelopes marked "Rejected" as required by law, shall be placed and sealed by the counters, separately by voting district, in depository envelopes prescribed by the Secretary of the State and provided by the municipal clerk. The counters shall seal such depository envelopes by wrapping them lengthwise and sideways with nonreusable tape, endorse on each such envelope their names, the voting district and the time of the count, and deliver such envelopes to the moderator.

(g) Moderator to supervise counting. The counters shall then count such ballots as provided in this section. The moderator shall supervise the counting.

(h) Procedure manual. The Secretary of the State shall provide a procedure manual for counting absentee ballots. The manual shall include a description of the steps to be followed in receiving, handling, counting and preserving absentee ballots. Facsimile ballots shall be printed in the manual, illustrating potential variations in ballot markings along with the correct interpretation to be given in each situation illustrated.

(i) Write-in votes. (1) Except as otherwise provided in this section the provisions of section 9-265 shall apply to write-in votes on absentee ballots at elections.

(2) Votes cast by absentee ballot at a primary may be counted only for candidates whose names appear on the ballot label on primary day, and no write- in vote shall be counted except as provided in subdivision (3) of this subsection.

(3) If a write-in vote on an absentee ballot is cast for a candidate for any office whose name appears on the ballot label for that office on election or primary day, such candidate's name shall be deemed to have been checked on such ballot and, except as otherwise provided in subsection (j) of this section, one vote shall be counted and recorded for such candidate for such office.

(4) Except as otherwise provided in said section 9-265, if the name of a registered write-in candidate for an office is written in

for such office on an absentee ballot it shall be deemed validly written in for purposes of subsection (j) of this section.

(j) Intent of voter to govern; presumptions. In the counting of absentee ballots the intent of the voter shall govern, provided the following conclusive presumptions, where applicable, shall prevail in determining such intent:

(1) If the names of more candidates for an office than the voter is entitled to vote for are checked or validly written in, then the vote cast for that office shall be deemed an invalid overvote.

(2) If the name of a candidate who has vacated his candidacy is checked such vote shall not be counted.

(3) On an absentee ballot on which candidates' names are printed, a vote shall be deemed cast only for each candidate whose name is individually checked or validly written in, except as otherwise provided in this subsection. If a party designation is circled, checked, underscored or similarly marked in any manner, or written in, no vote shall be deemed cast or cancelled for any candidate by virtue of such marking or writing.

(k) Questions submitted to moderator for decision. If the intent of an absentee voter is difficult to ascertain due to uncertain, conflicting or incorrect ballot markings which are not clearly addressed in this section or in the procedure manual for counting absentee ballots provided by the Secretary of the State, the absentee ballot counters shall submit the ballot and their question to the moderator. They shall then count the ballot in accordance with the moderator's decision as to the voter's intent, if such intent is ascertainable. A ballot or part of a ballot on which the intent is determined by the moderator to be not ascertainable, shall not be counted. The moderator shall endorse on the ballot the question and his decision.

(*l*) Rejection of marked ballots. No absentee ballot shall be rejected as a marked ballot unless, in the opinion of the moderator, it was marked for the purpose of providing a means of identifying the voter who cast it.

(m) Placing of ballots in depository envelopes. After the absentee ballots have been so counted they shall be placed by the counters, separately by voting district, in depository envelopes prescribed by the Secretary of the State and provided by the municipal clerk. Any notes, worksheets, or other written materials used by the counters in counting such ballots shall be endorsed by them with their names, the date and the time of the count and shall also be placed in such depository envelopes together with the ballots, and with the separate record of the number of votes cast on such ballots for each candidate as required by section 9-150b. Such depository envelopes shall then be sealed, endorsed and delivered to the moderator by the counters in the same manner as provided in subsection (f) of this section.

Conn. Gen. Stat. Ann. § 9-232j – PROVISIONAL BALLOT PACKETS FOR ELECTIONS FOR FEDERAL OFFICE

The moderator of the election in each voting district shall appear at the office of the town clerk not later than eight o'clock p.m. of the day before an election for federal office. At such time, the town clerk shall provide a provisional ballot packet to such moderator or moderators. Each packet shall include: (1) The appropriate number of provisional ballots for federal office provided by the Secretary of the State, which shall be equal to not less than one per cent of the number of electors who are eligible to vote in the voting district served by the moderator, or such other number as the municipal clerk and the registrars agree is sufficient to protect electors' voting rights, (2) the appropriate number of serially-numbered envelopes prescribed by the Secretary, (3) a provisional ballot inventory form, (4) a provisional ballot depository envelope, and (5) other necessary forms prescribed by the Secretary.) – PROVISIONAL BALLOT PACKETS FOR ELECTIONS FOR FEDERAL OFFICE

The moderator of the election in each voting district shall appear at the office of the town clerk not later than eight o'clock p.m. of the day before an election for federal office. At such time, the town clerk shall provide a provisional ballot packet to

such moderator or moderators. Each packet shall include: (1) The appropriate number of provisional ballots for federal office provided by the Secretary of the State, which shall be equal to not less than one per cent of the number of electors who are eligible to vote in the voting district served by the moderator, or such other number as the municipal clerk and the registrars agree is sufficient to protect electors' voting rights, (2) the appropriate number of serially-numbered envelopes prescribed by the Secretary, (3) a provisional ballot inventory form, (4) a provisional ballot depository envelope, and (5) other necessary forms prescribed by the Secretary.

CONN. GEN. STAT. ANN. § 9-232K – SECRETARY OF STATE TO PRESCRIBE AND PROVIDE PROVISIONAL BALLOTS

The Secretary of the State shall prescribe and provide to town clerks the provisional ballot which shall be a ballot of candidates for federal office. The Secretary may prescribe that the provisional ballot be the overseas ballot prepared under section 9-158i

CONN. GEN. STAT. ANN. § 9-232L (A), (B), (C) – APPLICATIONS FOR PROVISIONAL BALLOTS

(a) An individual may apply for and be issued a provisional ballot if (1) the individual appears at the polling place and declares that such individual is an elector in the town in which the individual desires to vote and that the individual is eligible to vote in the primary or election for federal office in the polling place, but the name of the individual does not appear on the official registry list for such polling place, and (2) the registrars determine that such name cannot be restored under section 9-42 or transferred from another polling place undersection 9-35.

(b) If the moderator decides that an elector, whose name appears on the registry list and who has been challenged pursuant to sections 9-232 to 9-232f, inclusive, is not eligible to vote in the primary or election for federal office, such elector may apply for and cast a provisional ballot upon the execution of a written affirmation by the elector at the polling place affirming that the elector is qualified to vote in the election or primary for federal office in the polling place and has neither offered himself to vote nor voted in person or by absentee ballot at said election or primary for federal office at the polling place.

(c) Such application for provisional ballot shall be prescribed by the Secretary of the State, executed before an election official and include a written affirmation, under penalty of false statement in absentee balloting pursuant to 9-359a, which shall be in the form substantially as follows:

AFFIRMATION: I, the undersigned, do hereby state, under penalties of false statement, that:

1. I am an elector in the town indicated.

2. I am eligible to vote in the election or primary indicated for federal office today in the town and polling place indicated.

3. a. My name does not appear on the official list of eligible voters for the polling place indicated, and the polling place officials called the registrars of voters and were told that my name did not appear on the active registry list for this town for at least one of the four years previous or on one of the preliminary active registry lists for this year; or

b. The moderator decided that I am not eligible to vote for federal office in the town indicated for the reason of disfranchisement, lack of identity, lack of bona fide residence or failure to present the prescribed identification required for

new electors after January 1, 2003, indicated.

4. My residence address is located in the voting district that this polling place serves.

5. I have not voted and I will not vote otherwise than by this ballot in person or by absentee ballot at this election or primary for federal office.

6. I apply for a provisional ballot for federal office.

Conn. Gen. Stat. Ann. § 9-232M – CASTING OF PROVISIONAL BALLOTS

Upon receipt of an application for provisional ballot, the moderator shall provide the applicant with a provisional ballot and a serially-numbered envelope and shall make a record of such issuance on the provisional ballot inventory form. The applicant shall forthwith mark the ballot in the presence of a polling place official in such manner that the official shall not know how the ballot is marked. The applicant shall then fold the ballot in the presence of the polling place official so as to conceal the markings and deposit and seal it in the serially-numbered envelope in the manner prescribed by the Secretary of the State. The polling place official shall provide such documentation to the elector so the elector may later verify whether the elector's provisional ballot was counted, and shall deposit the provisional ballot and envelope in the provisional ballot depository envelope. The elector shall then immediately leave the room. The registrars of voters shall provide a free access system restricted to the elector who cast the ballot to verify if the provisional ballot was counted, and if the ballot was not counted, the reason that the ballot was not counted.

Conn. Gen. Stat. Ann. § 9-232N – DETERMINATION OF ELIGIBILITY OF PROVISIONAL BALLOT APPLICANTS TO VOTE. REPEAT. CORRECTED RETURN

Immediately after the close of the polls, the moderator shall seal the provisional ballot depository envelope and deliver such envelope to the registrars of voters of the town. The registrars of voters shall forthwith verify the information contained with each provisional ballot. If the registrars of voters determine that the applicant is eligible to vote, they shall note their decision on the outer envelope of the ballot and open and count the provisional ballot in accordance with the provisions of sections 9-232i to 9-232o, inclusive, and procedures prescribed by the Secretary of the State. If the registrars of voters are unable to determine that the applicant is eligible to vote or determine that the applicant is not eligible to vote, the applicant's provisional ballot sealed envelope shall be marked "rejected", along with the reason for such rejection, and signed by the registrars of voters. The registrars of voters shall verify and count all provisional ballots in their town not later than six days after the election or primary. The registrars of voters shall forthwith prepare and sign in duplicate a report showing the number of provisional ballots received from electors, the number rejected and the number counted, and showing the additional votes counted for each candidate for federal office on the provisional ballots. The registrars of voters shall file one report with the town clerk and shall seal one in the depository envelope with the provisional ballots and file such depository envelope with the town clerk. The depository envelope shall be preserved by the town clerk for the period of time required to preserve counted absentee ballots for federal elections. The head moderator shall forthwith file a corrected return for federal offices with the town clerk and the Secretary showing (1) the final votes after any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, the votes on provisional ballots and the totals, and (2) the number of provisional ballots received from electors, the number rejected and the number counted, as reported by the registrars of voters.

Conn. Gen. Stat. Ann. § 9-232O – COUNTING OF PROVISIONAL BALLOTS

Except as otherwise provided by the general statutes, section 9-23r and sections 9-232i to 9-232o, inclusive, the provisions of the general statutes concerning procedures relating to counting absentee ballots shall apply as nearly as may be, in the manner prescribed by the Secretary of the State, to counting the provisional ballots under sections 9-232i to 9- 232o, inclusive.

Conn. Gen. Stat. Ann. § 9-236B (A), (B) – VOTER'S BILL OF RIGHTS. SAMPLE BALLOTS. VOTERS IN LINE WHEN POLLS SCHEDULED TO CLOSE PERMITTED TO VOTE. VOTING INSTRUCTIONS AND INFORMATION

(a) The Secretary of the State shall provide each municipality with sufficient quantities of a poster size copy, at least eighteen by twenty-four inches, of a Voter's Bill of Rights, which shall be posted conspicuously at each polling place. The text of the Voter's Bill of Rights shall be:

"VOTER'S BILL OF RIGHTS

Every registered voter in this state has the right to:

(1) Inspect a sample ballot before voting;

(2) Receive instructions concerning how to operate voting equipment, on sample voting equipment before voting;

(3) Cast a ballot if the voter is in line when the polls are closing;

(4) Ask for and receive assistance in voting, including assistance in languages other than English where required by federal or state law;

(5) Vote free from coercion or intimidation by election officials or any other person;

(6) Cast a ballot using voting equipment that accurately counts all votes;

(7) Vote by provisional ballot if the individual registered to vote and the individual's name is not on the voter list;

(8) Be informed of the process for restoring the individual's right to vote if the individual was incarcerated for a felony conviction; and

(9) Vote independently and in privacy at a polling place, regardless of physical disability.

If any of your rights have been violated, you have the right to file an official complaint with the State Elections Enforcement Commission at .... (toll-free telephone number) or the United States Department of Justice at .. .. (toll-free telephone number). In addition, before leaving the polling place you may notify the moderator of the violation. "

(b) In any municipality or voting district where federal or state law requires ballots to be made available in a language or languages other than English, the Voter's Bill of Rights shall also be made available in such language or languages.

(c) Sample ballots shall be made available at all polling places, and any voter shall be permitted to inspect a sample ballot before voting.

(d) Any voter standing in line at a polling place at the time when polls are scheduled to close shall be permitted to vote.

(e) For use at elections for federal office, the Secretary of the State shall prescribe and the municipal clerk shall provide for all polling places in the municipality: (1) Instructions on how to cast a provisional ballot, (2) instructions for mail-in registrants and first-time voters who register to vote by mail on or after January 1, 2003, (3) general information concerning voting rights under federal and Connecticut laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, and (4) general information on federal and state laws concerning prohibitions on acts of fraud and misrepresentation.

Conn. Gen. Stat. Ann. § 9-437 (j) – FORM OF BALLOT LABEL. POSITION OF CANDIDATES' NAMES ON BALLOT. SAMPLE BALLOT LABELS. VOTING INSTRUCTIONS AND INFORMATION

(a) At the top of each ballot label shall be printed the name of the party holding the primary, and each ballot label shall contain the names of all candidates to be voted upon at such primary, except the names of justices of the peace. The vertical columns shall be headed by the designation of the office or position and instructions as to the number for which an elector may vote for such office or position, in the same manner as a ballot label used in a regular election. The name of each candidate for town committee or municipal office, except for the municipal offices of state senator and state representative, shall appear on the ballot label as it appears on the registry list of such candidate's town of voting residence, except as provided in section 9-42a. The name of each candidate for state or district office or for the municipal offices of state senator or state representative shall appear on the ballot as it appears on the certificate or statement of consent filed under section 9-388, 9-391, 9-400 or 9-409. On the first horizontal line, below the designation of the office or position in each column, shall be placed the name of the party-endorsed candidate for such office or position, such name to be marked with an asterisk; provided, where more than one person may be voted for for any office or position, the names of the party-endorsed candidates shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines. In the case of no party endorsement there shall be inserted the designation "no party endorsement" at the head of the vertical column, immediately beneath the designation of the office or position. On the horizontal lines below the line for party-endorsed candidates shall be placed, in the appropriate columns, the names of all other candidates as hereinafter provided.

(b) (1) In the case of two or more such candidates for the same state or district office, precedence as to row shall be determined by the alphabetical order of the surnames of such candidates, except as provided under subdivision (2) of this subsection. (2) If a single certificate or a single petition has been filed under subsection (a) of section 9-400 on behalf of two or more candidates and proposing one candidate for each state office to be contested at such primary, a single row shall be used for the names of such candidates and precedence as to row between such certificates and petitions shall be determined by the Secretary of the State by lot in a ceremony which shall be open to the public. The names of all other candidates for state office shall be placed in the appropriate columns in alphabetical order on the rows below the row or rows used for candidates whose names are contained in such a single certificate, certificates, single petition or petitions.

(c) Whenever the position of candidates or slates on the ballot label under the provisions of this section is affected by the time or order of filing of primary petitions, and the registrar of voters certifies in writing to the town clerk that (1) two or more of the petitions to which such provisions apply were filed simultaneously or (2) he is unable to determine the time or order of filing of two or more such petitions, then for purposes of this section the order of filing of the petitions specified in the registrar's certification shall be determined by the town clerk by lot in a ceremony which shall be open to the public.

(d) In the case of candidates for municipal office, a single row shall be used for the candidates whose names are contained in one primary petition, provided such petition proposes at least two candidates and the full number of candidates for each office to be contested at such primary as the party may nominate or choose thereat, precedence as to row being given to the

candidates whose names appear in the first such petition filed, and so on in descending order.

(e) The names of candidates for town committee members which are contained in one primary petition shall be placed in a separate row, precedence as to row being given to the candidates whose names appear in petitions in the order determined in accordance with this subsection. Petitions filed by nine o'clock a.m. on the first business day following the day on which petitions become available shall be given precedence as to row based on the number of valid signatures filed, in descending order from the greatest to the least. Petitions filed after nine o'clock a.m. on the first business day following the day on which petitions become available shall be given precedence as to row based on the order in which they are filed, if such petitions are filed during the regular business hours of the office of the registrars of voters or during any different hours for said office required under the general statutes. Such order of precedence shall be determined separately for petitions proposing the full number of candidates which the party may choose at the primary and for petitions proposing fewer than such full number of candidates, and provided further that petitions proposing such full number of candidates shall have precedence as to row over petitions proposing fewer than such full number of candidates.

(f) Within such row or rows for those whose names are contained in one primary petition, where more than one person may be voted for any municipal office or position, such names shall be arranged in alphabetical order from left to right under the appropriate municipal office or position designation. The names of all other candidates shall be placed in the appropriate columns in alphabetical order on the horizontal lines below the line or lines used for candidates whose names are contained in one primary petition, if any; provided where more than one person may be voted for for any office or position, such names shall be arranged in alphabetical order from left to right under the appropriate office or position designation and shall continue, if necessary, from left to right on the next lower line or lines.

(g) The name of each candidate shall appear on the ballot label in such position as is hereinbefore required, and such position shall be determined as of the final time for filing candidacies specified in section 9-400 or 9-405. Vacancies in candidacies thereafter occurring shall not cause the position of any candidate's name on the ballot label to be changed to another position. The name of any candidate whose candidacy has been vacated shall not appear on the ballot label. The voting machine pointer over each position where no candidate's name appears shall be locked so that no vote can be cast for such position. If such a vacancy results in the cancellation of a primary for any office, the office column or columns where the names of the candidates and the title of the office would have appeared if the primary for that office had not been cancelled shall be left blank. If a vacancy occurs in a party-endorsed candidacy and a person is chosen in accordance with section 9-426 or 9-428 to fill the resulting vacancy in candidacy, the name of the person so chosen shall appear in the same position as that in which the name of the vacating candidate appeared. The municipal clerk shall have the ballot label prepared so that the name of any candidate who has vacated his candidacy is deleted and so that the name of any candidate chosen to fill a vacancy in candidacy appears in the same position as that in which the vacated candidacy appeared. The municipal clerk may use blank or printed stickers, as the case may be, in preparing the ballot labels if the ballot labels were printed before the occurrence of the vacancy in candidacy or the selection of a candidate to fill a vacancy in candidacy. The order of the offices and positions shall be as prescribed by the Secretary of the State.

(h) The names of candidates for election as justices of the peace shall not appear on the ballot label. A single vertical column shall be used for all the candidates for election to the office of justice the peace of a particular town. The vertical column used for justices of the peace shall be headed by the words "justices of the peace". On the first horizontal line in the vertical column used for justice of the peace shall be placed the words "party-endorsed slate". On the second and succeeding horizontal lines, in the order of the time of filing, shall be placed the words "challenge slate", preceded, in quotation marks, by the letter designating such line. The municipal clerk shall prepare a list of the names of all candidates on each slate for election as justices of the peace, including the complete ballot label designation of each such slate as provided in this subsection, which shall be posted in the polling places by each moderator for the inspection of the electors prior to voting.

(i) The names of candidates for nomination to any elective office or for election as members of a town committee, as the case may be, shall be separated from each other by a light line, but shall not be separated from each other on the ballot label by names of candidates for any other office or position or by columns used for any other office or position; and the column or columns used for each office or position shall be separated from the columns used for other offices or positions by a heavy line.

(j) All ballot labels used at a primary shall be prepared by the clerk of the municipality in which such primary is held and shall be printed at the expense of the municipality. Each municipality shall provide for all polling places:

(1) At least forty-eight hours before the primary, such clerk shall have sample ballot labels for general distribution, which shall be arranged in the form of a diagram showing the entire front of the voting machine as it will appear after the official ballot labels are arranged for voting on the day of the primary or that portion thereof that will contain the offices or positions and names of candidates to be voted upon. Each such sample ballot label shall also include printed instructions approved by the Secretary of the State concerning the use of the voting machine and information concerning the date of the primary and the hours during which polling places will be open. Such clerk shall have available for distribution such number of sample ballot labels as he deems advisable, but in no event less than three which shall be posted inside the polling place so as to be visible to those within the polling place during the whole day of the primary. At least one of such sample ballot labels shall be posted so as to be visible to an elector being instructed on the demonstrator or spare voting machine, pursuant to section 9-260. If paper ballots are used in any primary, such sample paper ballots shall be overprinted with the word "Sample";

(2) Instructions on how to cast a provisional ballot, as prescribed by the Secretary of the State;

(3) Instructions for mail-in registrants and first-time voters who register to vote by mail on or after January 1, 2003, as prescribed by the Secretary of the State;

(4) General information concerning voting rights under federal and Connecticut laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if such rights are alleged to have been violated, as prescribed by the Secretary of the State; and

(5) General information on federal and state laws concerning prohibitions on acts of fraud and misrepresentation, as prescribed by the Secretary of the State.

(k) When unaffiliated electors are authorized under section 9-431 to vote for some but not all offices to be contested at a primary, (1) separate voting machines shall be used for the unaffiliated electors in a voting district, (2) the ballot label shall indicate that it is a partial ballot for unaffiliated electors, (3) the ballot label shall contain only the offices and names of candidates for which such electors may vote, with blank columns left wherever necessary to assure that each candidate's position is the same as on the full ballot for such primary in the voting district and (4) three sample ballot labels showing such partial ballot shall also be posted inside the polling place so as to be visible to such unaffiliated electors.

Conn. Agencies Regs. § 9-7B-82 (2004) – HELP AMERICA VOTE ACT COMPLAINTS

A person who believes that a violation of Title III of the federal Help America Vote Act of 2002, Public Law 107-252, 42 USC 15481 to 15502, inclusive, as amended from time to time, has occurred, is occurring or is about to occur may file a complaint with the Commission. Such complaints may encompass voting system standards, identification requirements for voting at federal elections if registration was by mail, statewide computerized voter registration and list maintenance, provisional ballot voting, voting information requirements and content of voter registration forms, and shall be subject to the uniform and non-discriminatory complaint process set forth in sections 9-7b-83 to 9-7b-97, inclusive, of the regulations of Connecticut state agencies.

(Added effective October 7, 2004.)

Provisional Voting Statutes (Current through 7/31/2005)

Provisional Voting Statutes (Current through 7/31/2005)

District of Columbia Code

D.C. Code § 1-1001.05. Board of Elections and Ethics--Duties.

D.C. Code § 1-1001.07. Voter.

D.C. Code § 1-1001.09. Secrecy required; place of voting; watchers; challenged ballots; assistance in marking ballot or operating voting machine; more than 1 vote prohibited; unopposed candidates; availability of regulations at polling place; deposit, inspection, and destruction of ballots.

Provisional Voting Statutes (Current through 7/31/2005)

D.C. Code § 1-1001.05. Board of Elections and Ethics--Duties.

(a) The Board shall:

(1) Accurately maintain a uniform, interactive computerized voter registration list which shall serve as the official voter registration list for all elections in the District, and shall contain the name, registration information, and a unique identifier assigned for every registered voter in the District. The voter registration list shall be administered pursuant to the Help America Vote Act of 2002 and pertinent federal and local law, and shall be coordinated with other District agency databases;
(2) Take whatever action is necessary and appropriate to actively locate, identify, and register qualified voters;
(3) Conduct elections;
(4) Provide for recording and counting votes by means of ballots or machines or both;
(5) Publish in the District of Columbia Register no later than 45 days before each election held under this subchapter, a fictitious name sample design and layout of the ballot to be used in the election. This requirement shall not apply to any special election to fill a vacancy in an Advisory Neighborhood Commission single-member district;
(6) Publish in 1 or more newspapers of general circulation in the District, a sample copy of the official ballot to be used in any such election, provided, however, nothing contained herein shall require the publication of a sample copy of the official ballots to be used in the advisory neighborhood commissions' elections;
(7) Publish in the District of Columbia Register on the 3rd Friday of every month, the total number of qualified electors registered to vote in the District as of the last day of the month preceding publication. Such notice shall be broken down by ward and political party affiliation, where applicable, and shall list the total number of new registrants, party changes, cancellations, changes of names, and/or addresses processed under each category;
(8) Divide the District into appropriate voting precincts, each of which shall contain at least 350 registered persons; draw precinct lines within election wards created by the Council, subject to the approval of the Council, in whole or in part, by resolution;
(9) Operate polling places;
(10) Provide information regarding procedures for voter registration and absentee ballots to absent uniformed services voters and overseas voters in federal elections, accept valid voter registration applications, absentee ballot applications, and absentee ballots including write-in ballots from all of those voters, and comply with the Uniformed and Overseas Citizens Absentee Voting Act, approved August 28, 1966 (100 Stat. 924; 42 U.S.C. § 1873ff *et seq.*);
(11) Certify nominees and the results of elections;
(12) Take all reasonable steps to inform all residents and voters of elections and means of casting votes therein;
(13) Repealed;
(14) Issue such regulations and expressly delegate authority to officials and employees of the Board (such delegations of authority only to be effective upon publication in the District of Columbia Register) as are necessary to carry out the purposes of this subchapter, Chapter 11 of this title, and related acts requiring implementation by the Board. The regulations authorized by this paragraph include those necessary to: Determine that candidates meet the statutory qualifications for office; define the form of petitions; establish rules for the circulation and filing of petitions; establish criteria to determine the validity of signatures on petitions; and provide for

the registration of any political party seeking to nominate directly candidates in any general or special election;
(15) Take reasonable steps to facilitate voting by blind, physically handicapped, and developmentally disabled persons, qualified to vote under this chapter, and to authorize such persons to cast a ballot with the assistance of a person of their own choosing; and
(16) Perform such other duties as are imposed upon it by this subchapter.

(b)(1) The Board shall, on the 2nd Tuesday in January of each presidential election year, conduct a presidential preference primary election within the District of Columbia in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President.

(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than 60 days before the date of such presidential primary election a petition on behalf of his or her candidacy signed by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07, and of the same political party as the nominee.
(3)(A) Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held under this chapter as:
(i) Full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1-1001.07 and are of the same political party as the candidates on such slate;
(ii) Full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such slate's candidacy, signed by the candidates on the slate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidates on such slate;
(iii) An individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidate; or
(iv) An individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1%, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1-1001.07 and are of the same political party as the candidate.
(B) No candidate for delegate or alternate may be listed on the ballot unless such candidate was properly selected according to the rules of his political party relating to the nomination of candidates for delegate or alternate.
(C) The governing body of each eligible party shall file with the Board, no later than 180 days prior to the presidential preference primary election:
(i) Notification of that party's intent to conduct a presidential preference primary; and

(ii) A plan for the election detailing the procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates.

(4) The Board shall:

(A) Arrange the ballot for the presidential preference primary so as to enable each voter to indicate his or her choice for presidential nominee and for the slate of delegates and alternates pledged to support that prospective nominee with 1 mark, and provide an alternative to vote for individual delegates or uncommitted slates of delegates; and

(B) Clearly indicate on the ballot the candidate for nomination for President which a slate or candidate for delegate supports, or name of the person who shall manage an uncommitted slate of delegates.

(5) The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President, elected in accordance with this subchapter, shall only be obliged to vote for the candidate whom he or she has been selected to represent in accordance with properly promulgated rules of the political party, on the 1st ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegate is committed withdraws his candidacy, whichever 1st occurs.

(c) Each member of the Board and persons authorized by the Board may administer oaths to persons executing affidavits pursuant to § 1-1001.08. It may provide for the administering of such other oaths as it considers appropriate to require in the performance of its functions.

(d) The Board may permit either persons temporarily absent from the District or persons physically unable to appear personally at an official registration place to register for the purpose of voting in any election held under this subchapter.

(e)(1) The Board shall select, employ, and fix the compensation for an Executive Director and such staff the Board deems necessary, subject to the pay limitations of § 1-611.16. The Executive Director shall serve at the pleasure of the Board. The Board, at the request of the Director of Campaign Finance, shall provide employees, subject to the compensation provisions of this paragraph, as requested to carry out the powers and duties of the Director. Employees assigned to the Director shall, while so assigned, be under the direction and control of the Director and may not be reassigned without the concurrence of the Director.

(2) No provision of this subchapter shall be construed as permitting the Board to appoint any personnel who are not full-time paid employees of the Board to preliminarily determine alleged violations of the law affecting elections, conflicts of interest, or lobbying.

(3) The Board may appoint a General Counsel to serve at the pleasure of the Board. The General Counsel shall be entitled to receive compensation at the same rate as the Executive Director of the Board and shall be responsible solely to the Board. The General Counsel shall perform such duties as may be delegated or assigned to him or her by rule or order of the Board.

(4) The Board shall select, appoint, and fix the compensation of temporary election workers to operate the polling places, including precinct captains who shall oversee the operations of polling places in accordance with rules and regulations prescribed by the Board, and polling place workers who shall assist the precinct captains. Precinct captains shall be qualified registered electors in the District of Columbia. Polling place workers shall be qualified registered electors in the District of

Columbia, except that the Board may also appoint as polling place workers individuals who are 16 or 17 years of age on the day that they are working in this capacity, who reside in the District of Columbia, and who are enrolled in or have graduated from a public or private secondary school or an institution of higher education.

(f)(1) The Board shall prescribe such regulations as may be necessary to ensure that all persons responsible for the proper administration of this subchapter maintain a position of strict impartiality and refrain from any activity which would imply support or opposition to:

(A) A candidate or group of candidates for office in the District of Columbia; or
(B) Any political party or political committee.
(2) As used in this subsection, the terms "office", "political party", and "political committee" shall have the same meaning as that prescribed in § 1- 1101.01.

(g) Notwithstanding provisions of the District of Columbia Administrative Procedure Act (§ 2-501 et seq.), the Board may hear any case brought before it under this subchapter or under Chapter 11 of this title by 1 member panels. An appeal from a decision of any such 1 member panel may be taken to either the full Board or to the District of Columbia Court of Appeals, at the option of any adversely affected party. If appeal is taken directly to the District of Columbia Court of Appeals, the decision of a 1 member panel shall be, for purposes of such appeal, considered to be a final decision of the Board. If an appeal is taken from a decision of a 1 member panel to the full Board, the decision of the 1 member panel shall be stayed pending a final decision of the Board. The Board may, upon a vote of the majority of its members, hear de novo all issues of fact or law relating to an appeal of a decision of a 1 member panel, except the Board may decide to consider only the record made before such 1 member panel. A final decision of the full Board, relating to an appeal brought to it from a 1 member panel, shall be appealable to the District of Columbia Court of Appeals in the same manner and to the same extent as all other final decisions of the Board.

(h)(1) The Board, pursuant to regulations of general applicability, shall have the power to:

(A) Require by subpoena the attendance and testimony of witnesses and the production of documents relating to the execution of the Board's duties; and
(B) Order that testimony in any proceeding or investigation be taken by deposition before any person who is designated by the Board, and has the power to administer oaths and, in these instances, to compel the attendance and testimony of witnesses and the production of documents by subpoena.
(2) The Board may petition the Superior Court of the District of Columbia to enforce the subpoena or order, in the case of a refusal to obey a subpoena or order of the Board issued pursuant to this subsection. Any person failing to obey the Court's order may be held in contempt of court.

(i) The Board shall cause the following information to be posted at each polling place on the day of each election for federal office:

(1) A sample version of the ballot that will be used for the election;
(2) The election and the hours during which polling places will be open;
(3) Instructions on the proper manner of completing a ballot, including a special ballot;

(4) Instructions for mail-in registrants and first-time voters under section 303(b) of the Help America Vote Act of 2002;
(5) General information on voting rights under applicable federal and District laws, including the right to cast a special ballot and instructions to contact the appropriate officials if these rights are alleged to have been violated, and;
(6) General information on federal and District law regarding prohibitions on acts of voter fraud and misrepresentation.

(j) Not later than 90 days after the date of each regularly scheduled general election for federal office, the Board shall submit to the Mayor a report, in the format established by the United States Election Assistance Commission, on the number of absentee ballots sent to absent uniformed services voters and overseas voters for the election and the number of ballots which were returned by those voters to the Board. The report shall be transmitted by the Mayor to the United States Election Assistance Commission, and shall be made available to the general public.

D.C. Code § 1-1001.07. Voter.

(a) No person shall be registered to vote in the District of Columbia unless:

(1) He or she meets the qualifications as a qualified elector as defined in § 1-1001.02(2);
(2) He or she executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved pursuant to subsection (b) of this section or by the Federal Election Commission attesting that he or she meets the requirements as a qualified elector, and if he or she desires to vote in party election, this form shall indicate his or her political party affiliation; and
(3) The Board approves his or her registration application as provided in subsection (e) of this section.

(a-1)(1) No application for voter registration may be accepted or processed by the Board unless the application includes:

(A) The driver's license number of the applicant, or
(B) The last 4 digits of the social security number of an applicant who has not been issued a current and valid driver's license.
(2) If an applicant has not been issued a current and valid driver's license or a social security number, the Board shall assign the applicant the unique identifier assigned pursuant to § 1-1001.05(a)(1).

(b) In administering the provisions of subsection (a)(2) of this section:

(1) The Board shall prepare and use a registration application form that meets the requirements of the National Voter Registration Act of 1993 and of the Help America Vote Act of 2002, and in which each request for information is readily understandable and can be satisfied by a concise answer or mark.
(2) Mail-in voter registration application forms approved by the Board shall meet the requirements of the National Voter Registration Act of 1993, approved May 20, 1993 (107 Stat. 77; 42 U.S.C. §

1973gg *et seq.*) and the Help America Vote Act of 2002, shall be designed to provide an easily understood method of registering to vote by mail, and shall be mailed to the Board with postage prepaid. These forms shall have printed on them, in bold face type, the penalties for fraudulently attempting to register to vote pursuant to § 1- 1001.15(a) and the National Voter Registration Act of 1993. If an applicant fails to properly complete the registration form, the Board's registrar shall notify the applicant and provide the applicant with an opportunity to complete the form in a timely manner prior to the next election.
(3) The Board shall accept any application form that has been preapproved by the Board for the purpose of voter registration and meets the requirements of this subsection or has been approved for use by federal legislation or regulation.

(c)(1)(A) Each Bureau of Motor Vehicle Services application (including any renewal application) shall automatically serve as an application to register to vote in the District of Columbia, unless the applicant fails to sign the voter registration portion of the application.

(B) The Bureau of Motor Vehicle Services and the Board shall jointly develop an application form that shall allow an applicant who wishes to register to vote to do so by the use of a single form that contains the necessary information for voter registration and information required for the issuance, renewal, or correction of the applicant's driver's permit or nondriver's identification card in any motor vehicle services office.
(C) The application for voter registration submitted pursuant to this subsection shall be considered as an update to any previous voter registration.
(D) Any application submitted for the purpose of a change of address or name accepted by the Bureau of Motor Vehicle Services, pursuant to this subsection, shall be considered notification to the Board of the change of address or name unless the applicant states on the combined portion of the form that the change of address or name is not for voter registration purposes.
(E) The combined portion of the application shall be designed so that the applicant can:
(i) Clearly state whether the change of address or name is for voter registration purposes;
(ii) Provide a mailing address, if mail is not received at the residence address; and
(iii) State whether he or she is a citizen of the United States.
(F) On a separate and distinct portion of the form, to be used for voter registration purposes, the applicant shall:
(i) Indicate a choice of party affiliation (if any);
(ii) Indicate the last address of voter registration (if known); and
(iii) Sign, under penalty of perjury, an attestation, which sets forth the requirements for voter registration, and states that he or she meets each of those requirements.
(G) The instructions for completing the form shall also include a statement that:
(i) If an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
(ii) If an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.
(H) The deadline for transmission of the voter registration application to the Board shall be not later than 10 days after the date of acceptance by the Bureau of Motor Vehicle Services, except that if a voter registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the Board not later than 5 days after the date of its acceptance.

(I) An application to register to vote or for change of address, party, or name shall be considered received by the Board pursuant to subsection (e) of this section on the date it was accepted by the Bureau of Motor Vehicle Services.
(J) Any form issued by mail for the purposes of correcting or updating a driver's permit or nondriver's identification card shall be designed so that the individual may state whether the change of address or name is for voter registration purposes and provide a mailing address, if mail is not received at the residence address.
(K) The Board and the Bureau of Motor Vehicle Services shall match information in their respective databases to enable each agency to verify the accuracy of the information on applications for voter registration.
(2) The registration application form shall be designed by the Board to provide an easily understood method of registering to vote by mail and shall be mailable to the Board postage prepaid. Such forms shall have printed on them in bold face type the penalties for fraudulently attempting to register to vote.

(d)(1)(A) Any agency of the District of Columbia government that provides public assistance or that operates or funds programs primarily engaged in providing services to persons with disabilities shall be designated as a voter registration agency.

(B) In addition to the agencies named in subparagraph (A) of this paragraph, the Senior Citizens Branch of the Department of Recreation and Parks and the Office on Aging shall be designated as voter registration agencies.
(C) The Mayor may designate any other executive branch agency of the District of Columbia government as a voter registration agency by filing written notice of the designation with the Board.
(D) The District shall cooperate with the Secretary of Defense to develop and implement procedures for persons to apply to register to vote at Armed Forces recruitment offices.
(2) The agencies named in paragraphs (1)(A), (B), and (C) of this subsection shall:
(A) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address form relating to the service or assistance, a voter registration application, unless the applicant, in writing, declines to register to vote;
(B) Provide assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance;
(C) Provide the services described in this paragraph at the person's home, if a voter registration agency provides services to a person with a disability at the person's home; and
(D) Accept completed forms and forward these forms to the Board as prescribed in this section.
(3) Each voter registration agency shall, on its own application, document, or on a separate form, provide to each applicant for service or assistance, recertification or renewal, or change of address the following information:
(A) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
(B) Boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C) of this paragraph, together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(C) The statement, "If you would like help completing the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may complete the application form in private.";
(D) The statement, "If you believe that someone has interfered with your right to register or decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the chief administrative officer of the Board of Elections and Ethics."; the name, title, address, and telephone number of the chief administrative officer shall be included on the form; and
(E) If the voter registration agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.".

(4) No person who provides a voter registration service at a District of Columbia government agency shall:
(A) Seek to influence an applicant's political preference or party registration;
(B) Display any political preference or party allegiance;
(C) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
(D) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(5) Each agency that has been designated a voter registration agency in paragraph (1) of this subsection shall provide to each applicant who does not decline to register the same degree of assistance with regard to the completion of the registration application form as provided by the office with regard to the completion of its own forms, unless the applicant refuses assistance.
(6) No information that relates to a declination to register to vote in connection with an application made at an office described in this subsection may be used for any purpose other than voter registration.
(7) No voter registration agency shall reveal whether a particular individual completed an application to register to vote except when ordered by the officer designated in paragraph (12)(A) of this subsection when a complaint has been filed pursuant to paragraph (11) of this subsection or pursuant to § 11 of the National Voter Registration Act of 1993.
(8) A completed voter registration application or change of address or name accepted at a voter registration agency shall be transmitted by the agency to the Board by not later than 10 days after its acceptance by the agency, except that if a voter registration application is accepted at a voter registration agency office within 5 days before the deadline for voter registration in any election, the application shall be transmitted by the agency to the Board not later than 5 days after the date of acceptance.
(9) An application accepted at a voter registration agency shall be considered to have been received by the Board pursuant to subsection (e) of this section as of the date of acceptance by the voter registration agency.
(10) Notwithstanding any other provision of law, the Board shall ensure that the identity of the voter registration agency through which any particular individual is registered to vote is not disclosed to the public.
(11) An allegation of violation of the National Voter Registration Act of 1993 or of this subchapter may be made in writing, filed with the chief administrative officer of the Board and detail concisely the alleged violation.

(12)(A) The Board shall designate its chief administrative officer as the official responsible for the coordination of the District of Columbia's responsibilities under the National Voter Registration Act of 1993 and as the official responsible for the coordination of this subchapter.

(B) The chief administrative officer designated under subparagraph (A) of this paragraph and the Board shall have the authority:

(i) To request any voter registration agency to submit in writing any reports and to answer any questions as the chief administrative officer or the Board may prescribe that relate to the administration and enforcement of the National Voter Registration Act of 1993 and of this subchapter; and

(ii) To bring a civil action in the Superior Court of the District of Columbia for declaratory or injunctive relief with respect to the failure of any voter registration agency to comply with the requirements of this subchapter.

(13) The Board may adopt regulations with respect to the coordination and administration of the National Voter Registration Act Conforming Amendment Act of 1994 and the National Voter Registration Act of 1993.

(14)(A) Agencies, other than voter registration agencies, may be designated as application distribution agencies. These agencies shall include the District of Columbia Public Library, the District of Columbia Fire Department, the Metropolitan Police Department, and any other executive agency the Mayor designates in writing.

(B) Each application distribution agency shall request, and the Board shall provide, sufficient quantities of mail-in voter registration applications for distribution to the public.

(C) These mail-in voter registration applications shall be placed in each office or substation of the agency in an accessible location and in clear view so that citizens may easily obtain a mail-in voter registration application.

(D) Nothing in this subsection shall be deemed to require or permit employees of a mail-in voter registration application distribution agency to accept completed forms for delivery to the Board or to provide assistance in completing an application.

(e)(1) Within 19 calendar days after the receipt of a registration application form from any applicant, the Board shall mail a non-forwardable voter registration notification to the applicant advising the applicant of the acceptance or rejection of the registration application by its chief voter registration official.

(2) If the application is accepted, the notification shall include the applicant's name, address, date of birth, party affiliation (if any), ward, precinct and Advisory Neighborhood Commission single-member district ("SMD"), the address of the applicant's polling place and the hours during which the polls will be open. The Board may include along with the registration notification any voter education materials it deems appropriate. Registration of the applicant shall be effective on the date the Board determines that the applicant is a qualified elector and eligible to register to vote in the District of Columbia.

(3) If the application is rejected, the notification shall include the reason or reasons for the rejection and shall inform the voter of his or her right to appeal the rejection pursuant to subsection (f) of this section.

(4) If the voter registration notification is returned to the Board as undeliverable, the Board shall mail the notice provided in subsection (j)(1)(B) of this section.

(5)(A) Any duly registered voter may file with the Board objections to the registration of any person whom he or she has reason to believe is fictitious, deceased, a disqualified person, or otherwise ineligible to vote (except with respect to a change of residence), or file a request for the

addition of any person whose name he or she has reason to believe has been erroneously omitted or cancelled from the voter roll. Application for the correction of the voter roll or the challenge of the right to vote of any person named on the voter roll shall be in writing and include any evidence in support of the challenge that the registrant is not qualified to be a registered voter. The Board shall issue regulations establishing an expedited procedure for its review of a voter registration challenge or an application for correction of the voter roll filed during the period beginning on the 90th day before an election and ending on the 45th day before an election. The Board shall not accept a voter registration challenge or application for correction of the voter roll after the 45th day before an election.

(B) The Board shall send notice to any person whose registration has been challenged along with a copy of any evidence filed in support of the challenge. The notice shall be sent to the address listed on the Board's records. The notice shall state that the registrant must respond to the challenge not later than 30 days from the date of the mailing of the notice or be cancelled from the voter roll.

(C) The Board's chief voter registration official shall make a determination with respect to the challenge within 10 days of receipt of the challenged registrant's response. The determination shall be sent by first class mail to the challenged registrant and the person who filed the challenge. Within 14 days of mailing the notice, any aggrieved party may appeal, in writing, the chief voter registration official's determination to the Board. The Board shall conduct a hearing and issue a decision within 30 days of receipt of the written notice of appeal.

(D) With respect to a request for the addition of a person to the voter roll, if the Board's records do not evidence that the individual named has been erroneously omitted or cancelled, the Board shall send notice to the individual named in the request and to the person who filed the request. The notice shall state that the named individual must file a completed voter registration application in order to become a registered voter in the District.

(6) An individual whose registration has been cancelled under this section shall not be eligible to vote except by re-registration as provided in this section.

(f) In the case where a voter registration application is rejected pursuant to subsection (e) of this section, the Board shall immediately notify the individual of the rejection by first class mail. The individual may request a hearing before the Board on the rejection within 14 days after the notification is mailed. Upon the request for a hearing, the Board shall hold the hearing within 30 days after receipt of the request. At the hearing, the applicant and any interested party, may appear and give testimony on the issue. The Board shall determine the issue within 2 days after the hearing. Any aggrieved party may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the Board's decision. The decision of the Court shall be final and not appealable. If any part of the process is pending on the date of any election held under this subchapter, the person whose registration is in question shall be permitted to cast a ballot in such election which is designated "challenged". The ballot shall be counted in the election if the applicant is ultimately deemed to be a qualified registered elector.

(f-1) Repealed.

(g)(1) The registry shall be open during reasonable business hours, except that:

(A) The registry shall not be open during the 30-day period that immediately precedes any primary, general, or District-wide special election.
(B) The registry for a ward or Advisory Neighborhood Commission SMD shall not be open during the 30-day period that immediately precedes a special election for that ward or SMD.
(2) The Board shall process mailed voter registration applications and registration, update notifications received postmarked by not later than the thirtieth day preceding any election and timely completed non-postmarked voter registration applications and registration update notifications mailed and received not later than the twenty-third day preceding any election. All other voter registration applications and update notifications received during the 30 days immediately preceding the date of any election shall be held and processed after the registry reopens.
(2A) The Board shall process faxed postcard applications from persons eligible to vote absentee in federal elections in the District of Columbia pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, approved August 28, 1966 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*), which are faxed not later than the 30th day preceding any election.
(3) The Board may close the registry on Saturdays, Sundays, and holidays except that, if the deadline for voter registration in any election shall fall on a Saturday, Sunday or holiday, the deadline for voter registration shall extend to the next business day.
(4) The close of the registry shall not apply for purposes of change of address on election day by registrants pursuant to subsection (i)(4) of this section.

(h)(1) No later than 45 days preceding any election held under this subchapter, the Board shall cause a District-wide alphabetical list of qualified electors registered to vote in the District to be placed in the main public library and shall cause an alphabetical ward list of qualified registered electors for each ward to be placed in each branch library located within the respective ward. Such lists shall be current as of the 60th day preceding such elections.

(2) The Board shall cause a copy of the list of qualified electors registered to vote as of the date the voter registry closed to be placed in public buildings of the District of Columbia for a period of not less than 14 days preceding each election held under this subchapter as follows:
(A) A District-wide list shall be placed in the main public library; and
(B) A ward list for the ward shall be placed in every branch library located within the respective ward.
(3) The provisions of this subsection shall not apply when a special election is held to fill a vacancy in an Advisory Neighborhood Commission single-member district.

(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.

(2) Each registered voter who changes his or her place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current

residence address by the deadline established by subsection (g) of this section may be permitted to vote at the polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.
(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.
(4)(A) A registered voter who has moved within the District but has not notified the Board in writing of his or her current address by the deadline established pursuant to subsection (g) of this section, or who is designated inactive pursuant to subsection (j) of this section, shall, prior to being permitted to vote, file notification of a change of address on a form provided by the Board, at the polling place serving the current residence address.
(B) A registered voter who files an election day change of address at the precinct of current residence in accordance with this paragraph shall, by written affirmation, establish identity and current residence within the precinct at the time of voting.
(C) The ballot of each person who files a change of address at a polling place shall be stamped "special" and placed in a sealed envelope. The outside of the special ballot envelope shall contain the affirmation signed by the voter attesting to his or her qualifications to vote in the election, the date of birth of the voter, and any other information as the Board deems necessary for its chief registration official to determine that the individual is qualified to have the ballot counted. The official in charge of the polling place shall provide the voter with written notification of the means by which the voter can determine from the Board whether the ballot will be counted and of the voter's right of appeal pursuant to § 1-1001.09(e) should the chief registration official determine that the voter is not qualified to vote in the election.
(5)(A) As soon as practicable after the election, the Board shall mail each registered voter who filed a change of address at the polls on election day a nonforwardable address confirmation notice to the address provided in the written affirmation.
(B) Where the United States Postal Service returns the address confirmation notification as undeliverable or indicating that the registrant does not live at the address provided in the written affirmation, the Board shall notify the Corporation Counsel of the District of Columbia.
(6) Each individual who has not previously voted in a federal election in the District and who registers to vote by mail shall present, either at the time of registration, at the polling place, or when voting by mail, a copy of a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, or pay check that shows the name and address of the voter. Individuals who fail to present this identification shall vote by special ballot. This paragraph shall not apply to:
(A) Individuals whose registration application includes a driver's license number or at least the last 4 digits of the individual's social security number, and matches an existing identification record bearing the same number, name, and date of birth as the application; or
(B) Individuals entitled to vote otherwise than in person under federal law.

(j)(1) The Board shall develop a systematic program to maintain the voter roll and keep it current. This program shall include the following:

(A) In January of each odd-numbered year, the Board shall confirm the address of each registered voter who did not confirm his or her address through the voting process or file a change of address at the polls in the preceding general election by mailing a first class nonforwardable postcard to the address listed on the Board's records.

(B)(i) If the United States Postal Service returns the notice and provides a new address for the registrant within the District of Columbia, the Board shall change the address on its records and mail to both the old and new addresses of the registrant a forwardable notification that the address has been changed to reflect the information obtained from the United States Postal Service.

(ii) If the United States Postal Service returns the notice and provides a new address outside the District of Columbia, the Board shall mail a forwardable notice to both the old and new address informing the registrant how to register to vote in the new jurisdiction or correct the address information obtained from the United States Postal Service.

(iii) If the United States Postal Service returns the notice to the Board as undeliverable, the Board shall mail to the registrant at his or her last known address the notice prescribed in sub-subparagraph (ii) of this subparagraph.

(C) The notices prescribed in subparagraphs (A) and (B) of this paragraph shall include a pre-addressed and postage paid return notification postcard to enable the registrant to correct any address information obtained from the United States Postal Service. In addition, the notices shall include the following information:

"If you did not change your residence, or changed residence but remained in the District, you should return the card not later than the deadline for mail registration for the next federal election (the 30th day before the election). If the card is not returned, affirmation of your address may be required before you are permitted to vote in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the notice, and if you do not vote in an election during that period, your name will be removed from the list of eligible voters.".

(D) The Board may, in addition, utilize information obtained from the United States Postal Service, the National Change of Address System ("NCOA"), the Bureau of Motor Vehicle Services (subject to the provisions of subsection (c)(1)(D) of this section, which identifies registrants who have moved from the addresses listed on the Board's records. In these cases the Board shall issue the notices prescribed in subparagraph (B) of this paragraph.

(2)(A) Upon mailing of the notice required in paragraph (1)(B) of this subsection, the registrant's voter registration status shall be designated as inactive on the voter roll.

(B) Where a registered voter is designated as inactive on the voter roll pursuant to subparagraph (A) of this paragraph and the registrant provides the Board with a current residence address, or votes in any election in accordance with subsection (i) of this section by the date established in subparagraph (C) of this paragraph, the inactive designation shall be removed from the registrant's record.

(C) Where the Board mails the notice required in paragraph (1)(B) of this subsection, and the registrant fails to respond to the notice and fails to vote during the period beginning on the date the notice was mailed and ending on the day after the second general election for federal office, the registrant's name shall be removed from the voter roll.

(3) As part of its systematic voter roll maintenance program, the Board may, by regulation, develop additional procedures to identify and remove from the voter roll registrants who are deceased and no notification was received from the Bureau of Vital Statistics, who have moved from the District and no notification was received from the registrant or the United States Postal Service, or who otherwise no longer meets the qualifications as duly registered voters.

(4) Any systematic program conducted by the Board to identify individuals who do not reside at the address listed on the Board's records shall be completed not less than the 90th day immediately preceding any primary, general, or District-wide special election.

(5) The voter registrations of individuals whose registrations are designated as inactive on the voter roll, pursuant to paragraph (2) of this subsection:
(A) Shall not be utilized in the calculation of the number of signatures required for qualification of candidate, initiative, referendum, and recall petitions;
(B) Shall not be counted as valid in the verification of signatures pursuant to §§ 1-1001.08(o), 1-1001.17(o), and 1-1001.18(k);
(C) Shall not be included where the Board is required:
(i) To provide lists of registered voters at the polls on election day or for public inspection;
(ii) To calculate or report the number of registered voters for an administrative purpose; or
(iii) For the issuance of information mailings; and
(D) Their names shall not be sold by the Board either in hard copy form or electronic media, except upon specific request of the purchaser and the fact that the registrations are designated as inactive is made known to the purchaser.

(k)(1) The Board shall cancel a voter registration upon receipt of a signed request from the registrant, upon notification of the death of a registrant, upon notification of a registrant's incarceration for conviction of a felony, upon notification that the registrant has registered to vote in another jurisdiction, or for any other reason specifically authorized in this subchapter.

(2) The Board shall request at least monthly, and the Mayor shall furnish, the name, address, and date of birth, if known, of each District resident 18 years of age and over reported deceased within the District, together with the name and address of each District resident who has been reported deceased by other jurisdictions since the date of the previous report.
(3) The Board shall request at least monthly, and the Superior Court of the District of Columbia shall furnish, the name and address of each person incarcerated as a result of a felony conviction since the date of the previous report, and the former and present names and address of each person whose name has been changed by decree or order of the Court since the date of the previous report.
(4) The Board shall request from the United States District Court for the District of Columbia, at least monthly, the name and address of each person incarcerated as a result of a felony conviction since the date of the previous report.
(5) Any individual whose registration has been cancelled shall not be permitted to vote except by re-registration as provided in this section.

D.C. Code § 1-1001.09. Secrecy required; place of voting; watchers; challenged ballots; assistance in marking ballot or operating voting machine; more than 1 vote prohibited; unopposed candidates; availability of regulations at polling place; deposit, inspection, and destruction of ballots.

(a) Voting in all elections shall be secret.

(b)(1) Except as provided in paragraph (2) of this subsection, the vote of a person who is a registered qualified elector of the District shall be valid only if the vote is cast in the voting precinct that serves his or her current residence address.

(2) The Board shall permit any duly registered voter to vote by absentee ballot who may be absent from the District on election day, or, who, as a condition of his or her employment with the Board on any election day, is required to be absent from the voting precinct in which he or she is registered to vote, or who because of his or her physical condition, is unable to vote in person at the polling place in his or her voting precinct on election day, or any other reason the Board, by regulation, may authorize.

(c) Any candidate or group of candidates may, not less than 2 weeks prior to such election, petition the Board for credentials authorizing watchers at 1 or more polling places and at the place or places where the vote is to be counted for the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this chapter to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not of the election will not be unreasonably obstructed. Such rules and regulations should provide fair opportunity for watchers for all candidates or groups of candidates to challenge prospective voters whom the watchers believe to be unqualified to vote, to question the accuracy in the vote count, and otherwise to observe the conduct of the election at the polling place and the counting of votes.

(d)(1) A registered voter may challenge another voter's status as a qualified elector of the District of Columbia by stating in writing the name of the person challenged, the basis for the challenge, and the evidence provided to support the challenge. The challenger shall sign an affidavit, declaring under penalty of perjury, that the challenge is based upon substantial evidence which he or she believes in good faith shows that the person challenged is not a qualified elector of the District. After receiving a challenge or making a challenge on his or her own initiative, the precinct captain or other official in charge of the polling place shall give the challenged voter an opportunity to respond.

(2) Notwithstanding paragraph (1) of this subsection, a voter shall not be challenged solely on the basis of characteristics or perceived characteristics not directly related to the challenged voter's status as a registered qualified elector, including race, color, religion, sex, personal appearance, sexual orientation, matriculation status, political affiliation, or physical handicap. The Board may remove a precinct captain or void the credentials of an authorized watcher, or refer the matter for prosecution as a violation of § 1-1001.12, if the Board determines that the precinct captain or the watcher has violated the provisions of this paragraph.
(3) The precinct captain shall review the evidence presented and shall affirm the challenge if he or she finds that it is based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector. The precinct captain shall deny the challenge if he or she finds that the challenge is not based on substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector. The precinct captain shall record the decision and the rationale for the decision on a form provided by the Board.
(4) If the precinct captain denies the challenge, he or she shall inform the challenger that the challenger may appeal the decision to the Board and shall give the challenger copies of the rules regarding challenges and appeals to the Board. Any appeal of the precinct captain's decision to deny the challenge shall be made either before the challenged voter casts a regular ballot, or before either the challenger or the challenged voter leaves the polling place, whichever is earlier. If the

challenger does not appeal the precinct captain's decision to deny the challenge, the challenged voter shall cast a regular ballot.
(5) If the challenger appeals the precinct captain's decision to deny the challenge, the precinct captain shall state the facts of the case to the Board's hearing officer, who is authorized to rule on the appeal for the Board. A Board member, the Board's Executive Director, or the Board's chief voter registration official may serve as the Board's hearing officer for the appeal. The precinct captain shall contact the hearing officer by telephone. The hearing officer shall ensure that the hearing is recorded, and shall take testimony under oath from the challenger, the person challenged, the precinct captain, and any witnesses to the challenge who wish to testify. Each person who testifies before the hearing officer shall state for the record their:
(A) Name as recorded on the Board's voter registration list;
(B) Residence address, mailing address, and telephone number; and
(C) Role in the challenge.
(6) The hearing officer shall receive evidence and testimony pursuant to paragraph (5) of this subsection and then shall close the hearing. The hearing officer shall review all of the evidence presented pertaining to the challenge and make a decision regarding the appeal, based on his or her determination of whether the challenger has presented substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector. The recording of the hearing shall be transcribed and shall serve as the official case record along with the written documentation of the precinct captain's initial decision to deny the challenge.
(7) The hearing officer shall notify the precinct captain of his or her decision on the appeal of the unsuccessful challenge, and the precinct captain shall notify each party of the hearing officer's decision. If the hearing officer affirms the precinct captain's decision to deny the challenge, the challenged voter shall cast a regular ballot. The precinct captain shall inform the challenger of his or her right to appeal the decision of the Board hearing officer to the Superior Court of the District of Columbia. If the hearing officer overturns the precinct captain's decision to deny the challenge, the challenged voter shall be allowed to vote only by casting a paper ballot marked "challenged" in accordance with the procedures set forth in paragraph (8) of this subsection.
(8) If the precinct captain affirms the challenge made at the polling place, or if the Board's hearing officer overturns the decision of the precinct captain to deny a challenge, the precinct captain shall allow the person to vote only by casting a paper ballot marked "challenged" and shall provide the voter with written notification of his or her right of appeal pursuant to subsection (e) of this section. Challenged ballots shall be segregated, and no challenged ballot shall be counted until the challenge has been removed pursuant to subsection (e) of this section. The precinct captain shall not allow the challenged voter to cast a "challenged" ballot unless the voter signs an affidavit swearing or affirming, under penalty of perjury, that he or she is a registered qualified elector in the District of Columbia who resides in the precinct in which the ballot is to be cast, and if applicable, the Advisory Neighborhood Commission single-member district in which the ballot is to be cast.

(d-1) Any individual who alleges that their name has been erroneously omitted from the list of registered voters, or alleges that their name, address or party affiliation is erroneously printed on the list of registered voters, shall be permitted to cast a ballot. Ballots so cast shall be placed in a sealed envelope. The outside of the envelope shall contain the signature of the voter and such information as the Board deems necessary to determine that the individual is qualified to have the vote counted. The official in charge of the polling place shall provide the voter with written notification of appeal rights as provided in subsection (e) of this section, should the Board determine that the voter is not qualified to vote in the election.

(d-2) Any individual who votes in a federal election as a result of a court order or other order that extends the time established for closing the polls by a District law in effect 10 days before the date of that election shall vote in that election by casting a special ballot. Any ballot cast under this subsection shall be separated and held apart from other special ballots not affected by the order.

(e)(1) A voter's signing of a challenged or special ballot envelope shall be deemed as the filing of an appeal by the voter of the refusal by the Board's chief voter registration official to permit the voter to vote on election day by regular ballot, and a waiver of personal notice from the Board of any denial or refusal to a later count of the challenged or special ballot. The Board shall review all available evidence pertaining to the eligibility of each voter casting a challenged or special ballot, and shall make a preliminary decision about whether to count or to reject each challenged or special ballot based on its review of the available evidence.

(2) Not later than the Tuesday following the election, the Board shall maintain a toll-free telephone service during regular business hours for any person who has voted by a challenged or special ballot to learn the Board's preliminary decision whether to count or reject his or her ballot and the reason for each decision.
(3) If the Board has made a preliminary determination that a challenged ballot shall not be counted, it shall afford the challenged voter an opportunity to contest that determination in a hearing before the Board. The hearings authorized pursuant to this paragraph shall take place not earlier than 8 days and not later than 10 days after that election. The Board shall inform the voter of the date scheduled for the hearing and the manner by which he or she may learn the Board's final decision to count or reject the voter's challenged ballot. The notice shall be in writing and shall be provided to the voter at the time of voting. At the hearing, the voter may appear and testify. The Board shall make a final determination within 2 days after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the date of the Board's decision. The decision of the court shall be final and not appealable.
(4) If the Board has determined that a special ballot shall be not be counted, it shall afford the voter an opportunity to contest that determination in a hearing before the Board no earlier than 8 days and not later than 10 days after any election held pursuant to this subchapter. The Board shall inform the voter in writing, at the time of voting, of the date scheduled for the hearing and the manner by which the voter may learn whether the Board has decided to count or reject his or her special ballot. The Board shall make a final determination within 2 days after the date of the hearing. The voter may appeal the decision of the Board to the Superior Court of the District of Columbia within 3 days after the date of the Board's decision. The decision of the court shall be final and not appealable.

(f) If a qualified elector is unable to record his or her vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his or her vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted. The official in charge of the voting place shall make a return of all such voters, giving their names and disabilities.

(g)(1) No person shall vote more than once in any election nor shall any person vote in a primary or

party election held by a political party other than that to which he or she has declared himself or herself to be a member.

(2) A name written on a ballot in any election shall not be counted as valid unless the individual whose name is written on the ballot has complied with the requirements of § 1-1001.08(r).

(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to § 1-1001.08(a) or § 1-1001.18(i) does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of § 1- 1001.08(c) or § 1-1001.18(i), declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this subsection shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election.

(i) Copies of the regulations of the Board with respect to voting shall be made available to prospective voters at each polling place.

(j) The Board shall receive the ballots cast and deposit them in a secure place where they shall be safely kept for 12 months. Inspection of such ballots shall be made in accordance with regulations of the Board. Whenever the ballots shall have remained in the custody of the Board for 12 months, and no election contest or other proceeding is pending in which the ballots may be needed as evidence, the Board may destroy such ballots.

(k) Each voting system used in an election in the District shall meet or exceed the voting system standards set forth in the Help America Vote Act of 2002. The Board may implement additional standards provided they do not conflict with those set forth in the Help America Vote Act of 2002.

Delaware

Del. Code Ann. Tit. 15 § 4948 Provisional ballots.

Del. Code Ann. Tit. 15 2033 Special procedures for persons who register to vote by mail and have not voted in the State in an election for federal office.

Provisional Voting Statutes (Current through 7/31/2005)

Del. Code Ann. Tit. 15 § 4948 Provisional ballots.

(a) Provisional ballots shall be used in primary and general elections conducted under the provisions of this title. Provisional ballots shall not be used in public school elections or municipal elections unless specifically authorized in Title 14, Title 15 and/or the respective town or city charter.

(b) A person claiming to be properly registered in an election district, but whose eligibility to vote at that election district cannot be determined, shall be entitled to vote a provisional ballot. Election officers shall inform a person who is not being permitted to vote for whatever reason that the person may cast a provisional ballot in that election. The Inspector shall return all voted provisional ballots to the Department of Elections for the county responsible for the election district on the night of the election.

(c) Persons voting a provisional ballot shall present proof of identity and address to the election officers. The type of ID shown by the voter shall be annotated on the provisional ballot envelope. If the person does not show proof of identity or address, the person shall be permitted to vote by provisional ballot and the fact that the person did not show proof of identity and/or address shall be annotated on the provisional ballot envelope.

(d) If the Superior Court or another court of competent jurisdiction orders that some or all polling places in a county of the state be kept open beyond the normal time for closing, all persons who arrive to vote at the polling place(s) ordered to be kept open after the normal time for closing shall vote by provisional ballot. The election officers shall keep such ballots separate and return them to the Department of Elections for the county responsible for the election district on the night of the election.

(e) Provisional ballots shall be as much as possible in the same form as absentee ballots except that only federal offices shall be listed and they shall be labeled as provisional ballots. The Departments of Elections for the counties shall provide to each election district provisional ballots for 6% of the registered voters in the election district as of 45 days prior to the date of the election. Regardless of the number of ballots required by this subsection, the Departments of Elections for the counties shall provide a minimum of 15 provisional ballots to each election district. Each Department of Elections for the counties shall deliver additional provisional ballots, envelopes, instructions or voter information sheets to the polling place for an election district when notified by an election officer from the district that the supply of some or all of the provisional ballot materials is very low.

(f) Election officers shall give whatever assistance is requested by a voter who is voting by provisional ballot. When that assistance includes marking or assisting in marking the person's ballot, 2 election officers with different political party affiliations shall provide that assistance.

(g) A voter who spoils his or her ballot shall, upon request, be given a replacement ballot after surrendering the spoiled ballot.

(h) Tallying provisional ballots.

> (1) At 12 noon the day following an election in which provisional ballots were used, the Department of Elections for each county shall meet to examine the provisional ballots,

determine which of the ballots should be tallied in accordance with the rules stated below, and then tally those ballots.

(2) The Attorney General shall appoint a Deputy Attorney General to advise each of the Departments of Elections for the counties as requested during the provisional ballot tallying process.

(3) The county chairperson of each political party with a candidate on a provisional ballot within the county may appoint in writing 1 observer to be in the room where provisional ballots are being reviewed and tallied.

(4) The Departments of Elections for each county shall sit until the disposition of every provisional ballot has been determined. Each county Department of Elections shall establish an appropriate schedule of breaks, meals and rest periods.

(5) Where the provisional ballot affidavit is incomplete, the ballot shall be set aside, not opened and the votes not tallied. An incomplete affidavit shall be defined as one that does not include all of the following information: full name, complete address, political party affiliation (primary elections only), and date of birth.

(6) Where the person who voted by provisional ballot did not show suitable identification at the polling place, the ballot shall be set aside, not opened and the votes not tallied.

(7) Provisional ballots cast by persons who are not registered to vote in the state or who are not registered to vote in the election district in which they were cast shall be set aside, not opened and the votes not tallied.

(8) A provisional ballot cast by a person who is registered to vote and who has moved into the election district shall be counted if the person voted at the correct polling place for that person's new address.

(9) Each Department of Elections for a county shall tally the provisional ballots that meet the above criteria. After all of the Provisional Ballots determined as meeting the above criteria have been tallied, the Department of Elections for the county shall deliver 1 copy of the provisional ballot tally sheet for each Election District, all the provisional ballots cast in the election, and all affidavits, envelopes and supporting documentation to the Prothonotary.

(i) Post election processing and notification.

(1) As soon as practical, but not later than 30 days following an election in which provisional ballots were used, the Department of Elections for each county shall enter the appropriate data into a free access system so that a person who voted by Provisional Ballot may determine whether or not that person's ballot was counted, and if it was not counted, the reason(s) for which it was not counted.

(2) The respective Department of Elections for a county shall use the provisional ballot affidavit as authority to register a person to vote who voted by provisional ballot in an election and who is not already registered to vote providing that the minimum information required to

register a person to vote is provided. The provisional ballot envelope shall be used to transfer a registered voter's address and/or update the registered voter's name when the address and/or name is different than the information on the person's voter registration record.

Del. Code Ann. Tit. 15 2033 Special procedures for persons who register to vote by mail and have not voted in the State in an election for federal office.

(a) A person who registers to vote by mail on or after January 1, 2003, shall submit with that person's application a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Should the person not include a copy of the required identification with the voter registration application, the voter shall provide a valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter prior to voting for the first time at a polling place in the State. If the person fails to show required identification at the polling place, that person shall be permitted to vote by provisional ballot. The poll lists and signature cards for each polling place shall identify those persons who must show proper identification before being permitted to vote.

(b) A registrant may satisfy the requirement to submit identification by subsequently submitting a voter registration application through a source not subject to the provisions of this section (e.g. through the Division of Motor Vehicles).

(c) A person who votes by absentee ballot and who registered to vote for the first time by mail and did not submit a copy of any of the required identification documents shall submit a copy of one or more of the documents listed in subsection (a) of this section showing the person's name and address with the absentee ballot. The absentee ballot from a person who is required to submit identification, and who does not, shall not be counted.

(d) This section does not apply to persons listed in § 5502(1) and (2) of this title or to persons identified in subsection (a) of this section who submitted their driver's license number (includes State ID card number) or social security number that the Department of Elections for a county is able to use to verify an existing state identification record bearing the same number, the name and date of birth as provided by the applicant.

Provisional Voting Statutes (Current through 7/31/2005)

Florida

Fla. Stat. 102.141. County canvassing board; duties

Fla. Stat. 101.048. Provisional ballots

Fla. Stat. 102.112. Deadline for submission of county returns to the Department of State

Fla. Stat. 102.141. County canvassing board; duties

(1) The county canvassing board shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners. In the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:
(a) If no county court judge is able to serve or if all are disqualified, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. In such event, the members of the county canvassing board shall meet and elect a chair.
(b) If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners shall appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The supervisor, however, shall act in an advisory capacity to the canvassing board.
(c) If the chair of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.
(d) If a substitute member cannot be appointed as provided elsewhere in this subsection, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.
(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.
(3) The canvass, except the canvass of absentee electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the supervisor, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the

county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. of the day following any primary, general or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a retabulation of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the tabulation of the ballots cast, the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.
(4) The canvassing board shall submit on forms or in formats provided by the division unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the third day after any primary election and no later than noon on the fifth day after any, general or other election. Such returns shall include the canvass of all ballots as required by subsection (2), except for provisional ballots, which returns shall be reported at the time required for official returns pursuant to s. 102.112(2).
(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:
(a) Correct the error and retabulate the affected ballots with the vote tabulation system; or
(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.
(6) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. The Elections Canvassing Commission is the board responsible for ordering federal, state, and multi county recounts. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.
(a) Each canvassing board responsible for conducting a recount shall put each marksense ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any marksense ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5). Immediately before the start of the recount, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.
(b) Each canvassing board responsible for conducting a recount where touchscreen ballots were

used shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.
(c) The canvassing board shall submit on forms or in formats provided by the division a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than 3 p.m. ~~noon~~ on the fifth ~~third~~ day after any primary election and no later than 3 p.m. on the eighth day after any general election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.
(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system, which shall be uniform to the extent practicable.
(7) The canvassing board may employ such clerical help to assist with the work of the board as it deems necessary, with at least one member of the board present at all times, until the canvass of the returns is completed. The clerical help shall be paid from the same fund as inspectors and other necessary election officials.
(8) (a) At the same time that the official results of an election are certified to the Department of State, the county canvassing board shall file a report with the Division of Elections on the conduct of the election. The report must describe:
1. All equipment or software malfunctions at the precinct level, at a counting location, or within computer and telecommunications networks supporting a county location, and the steps that were taken to address the malfunctions;
2. All election definition errors that were discovered after the logic and accuracy test, and the steps that were taken to address the errors;
3. All ballot printing errors or ballot supply problems, and the steps that were taken to address the errors or problems;
4. All staffing shortages or procedural violations by employees or precinct workers which were addressed by the supervisor of elections or the county canvassing board during the conduct of the election, and the steps that were taken to correct such issues;
5. All instances where needs for staffing or equipment were insufficient to meet the needs of the voters; and
6. Any additional information regarding material issues or problems associated with the conduct of the election.
(b) If a supervisor discovers new or additional information on any of the items required to be included in the report pursuant to paragraph (a) after the report is filed, the supervisor shall notify the division that new information has been discovered no later than the next business day after the discovery and the supervisor shall file an amended report signed by the supervisor of elections on the conduct of the election within 10 days after the discovery. (c) Such reports shall be maintained on file in the Division of Elections and shall be available for public inspection. The division shall utilize the reports submitted by the canvassing boards to determine what problems may be likely to occur in other elections and disseminate such information, along with possible solutions, to the supervisors of elections.
(9) The supervisor shall file with the department a copy of or an export file from the results database

of the county's voting system and other statistical information as may be required by the department, the Legislature, or the Election Assistance Commission. The department shall adopt rules establishing the required content and acceptable formats for the filings and time for filings.

Fla. Stat. 101.048. Provisional ballots

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. A person casting a provisional ballot shall have the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later that 5 p.m. on the third day following the election.
(2)(a) The county canvassing board shall examine each Provisional Ballot Voter's Certificate and Affirmation to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election. In determining whether a person casting a provisional ballot is entitled to vote, the county canvassing board shall review the information provided in the Voter's Certificate and Affirmation, written evidence provided by the person pursuant to subsection (1), any other evidence presented by the supervisor of elections, and, in the case of a challenge, any evidence presented by the challenger. A ballot of a person casting a provisional ballot shall be counted unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote.
(b) 1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall compare the signature on the Provisional Ballot Voter's Certificate and Affirmation with the signature on the voter's registration and, if it matches, shall count the ballot.
2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."
(3) The Provisional Ballot Voter's Certificate and Affirmation shall be in substantially the following form:

STATE OF FLORIDA

COUNTY OF ....
I do solemnly swear (or affirm) that my name is ....; that my date of birth is ....; that I am registered and qualified to vote in .... County, Florida; that I am registered in the .... Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years.

...(Signature of Voter)...

...(Current Residence Address)...

...(Current Mailing Address)...

...(City, State, Zip Code)...

...(Driver's License Number or Last Four Digits of Social Security Number)...

Sworn to and subscribed before me this .... day of ....., ...(year)....

...(Election Official)...

... Precinct # .... Ballot Style/Party Issued: ....
(4) Notwithstanding the requirements of subsections (1), (2), and (3) the supervisor of elections may, and for persons with disabilities shall, provide the appropriate provisional ballot to the voter by electronic means that meet the requirements of s. 101.56062, as provided for by the certified voting system. Each person casting a provisional ballot by electronic means shall, prior to casting his or her ballot, complete the Provisional Ballot Voter's Certificate and Affirmation as provided in subsection (3).
(5) Each person casting a provisional ballot shall be given written instructions regarding the person's right to provide the supervisor of elections with written evidence of his or her eligibility to vote and regarding the free access system established pursuant to subsection (6). The instructions shall contain information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."
(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

Fla. Stat. 102.112. Deadline for submission of county returns to the Department of State

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. The returns must contain a certification by the canvassing board that the board has reconciled the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.
(2) Returns must be filed by 5 p.m. on the 7th day following a primary election and by 5 p.m. on the 11th day following the general election. However, the Department of State may correct typographical errors, including the transposition of numbers, in any returns submitted to the Department of State pursuant to s. 102.111(1).
(3) If the returns are not received by the department by the time specified, such returns shall be ignored and the results on file at that time shall be certified by the department.

(4) If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.

Provisional Voting Statutes (Current through 7/31/2005)

Georgia

Ga. Code Ann., § 21-2-2-220 - Applications for registration; failure to provide required information or giving false information; registration assistance

Ga. Code Ann., § 21-2-417 – Presentation of identification; proper identification

Ga. Code Ann., § 21-2-418 – Casting of Provisional Ballots

Ga. Code Ann., § 21-2-419 – Method of voting and counting of provisional ballots

Ga. Code. Ann. 183-1-12-.06. Provisional Ballots.

Provisional Voting Statutes (Current through 7/31/2005)

Ga. Code Ann., § 21-2-2-220 - Applications for registration; failure to provide required information or giving false information; registration assistance

(a) Any person desiring to register as an elector shall apply to do so by making application to a registrar or deputy registrar of such person's county of residence in person, by submission of the federal post card application form as authorized under Code Section 21-2-219, by making application through the Department of Motor Vehicle Safety as provided in Code Section 21-2-221, by making application through the Department of Natural Resources as provided in Code Section 21-2-221.1, by making application through designated offices as provided in Code Section 21-2-222, or by making application by mail as provided in Code Section 21-2-223.

(b) Notwithstanding any other provision of this title, whenever a person makes application to register in person or through the means specified in this Code section, the person authorized to offer registration shall inquire as to whether the individual seeking registration is a citizen of the United States, and the person offering registration shall not be required to offer registration to an individual who answers such inquiry with a negative response.

(c) Except as otherwise provided in this subsection, electors who register to vote for the first time in this state by mail must present current and valid identification either when registering to vote by mail or when voting for the first time after registering to vote by mail. The current and valid identification shall be one or more of those forms of identification provided in subsection (c) of Code Section 21-2-417 or a legible copy thereof. The registrars shall make copies of any original forms of identification submitted by applicants and return the originals to the applicants. The requirement to submit identification shall not apply to:
(1) Persons who submit identifying information with their applications that the registrars are able to match to information contained on a state database available to such registrars containing the same number, name, and date of birth as contained in the application;
(2) Persons who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq.; or
(3) Persons who are entitled to vote otherwise than in person under any other federal law.
(d) If an applicant fails to provide all of the required information on the application for voter registration with the exception of current and valid identification, the board of registrars shall notify the registrant in writing of the missing information. The board of registrars shall not determine the eligibility of the applicant until and unless all required information is supplied by the applicant. If the initial application is received prior to the close of voter registration prior to an election, if the applicant supplies the necessary information on or prior to the date of the election, and if the applicant is found eligible to vote, the applicant shall be added to the list of electors and shall be permitted to vote in the election and any run-off elections resulting therefrom and subsequent elections; provided, however, that voters who registered to vote for the first time in this state by mail must supply current and valid identification when voting for the first time as required in subsection (c) of this Code section. In the event the elector does not respond to the request for the missing information within 30 days, the application shall be rejected."

Ga. Code Ann., § 21-2-417 – Presentation of identification; proper identification
(a) Except as provided in subsection (c) of this Code section, each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place

and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:
(1) A Georgia driver's license which was properly issued by the appropriate state agency;
(2) A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;
(3) A valid United States passport;
(4) A valid employee identification card containing a photograph of the elector and 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;
(5) A valid United States military identification card, provided that such identification card contains a photograph of the elector; or
(6) A valid tribal identification card containing a photograph of the elector.
(b) Except as provided in subsection (c) of this Code section, if an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall be allowed to vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in subsection (a) of this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.
(c) An elector who registered to vote by mail, but did not comply with subsection (c) of Code Section 21-2-220, and who votes for the first time in this state shall present to the poll workers either one of the forms of identification listed in subsection (a) of this Code section or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this subsection, such elector may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector' s voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subsection within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement."

Ga. Code Ann., § 21-2-418 – Casting of Provisional Ballots
(a) If a person presents himself or herself at a polling place, absentee polling place, or registration office for the purpose of casting a ballot in a primary or election believing that he or she has timely registered to vote in such primary or election and the person's name does not appear on the list of registered electors, the person shall be entitled to cast a provisional ballot as provided in this Code section.
(b) Such person voting a provisional ballot shall complete an official voter registration form and a provisional ballot voting certificate which shall include information about the place, manner, and approximate date on which the person registered to vote. The person shall swear or affirm in writing that he or she previously registered to vote in such primary or election, is eligible to vote in such primary or election, has not voted previously in such primary or election, and meets the criteria for registering to vote in such primary or election. The form of the provisional ballot voting certificate shall be prescribed by the Secretary of State. The person shall also present the identification required by Code Section 21-2-417.

(c) When the person has provided the information as required by this Code section, the person shall be issued a provisional ballot and allowed to cast such ballot as any other duly registered elector subject to the provisions of Code Section 21-2-419.
(d) Notwithstanding any provision of this chapter to the contrary, in primaries and elections in which there is a federal candidate on the ballot, in the event that the time for closing the polls at a polling place or places is extended by court order, all electors who vote during such extended time period shall vote by provisional ballot only. Such ballots shall be separated and held apart from other provisional ballots cast by electors during normal poll hours. Primaries and elections in which there is no federal candidate on the ballot shall not be subject to the provisions of this subsection.
(e) The registrars shall establish a free access system, such as a toll-free telephone number or Internet website, by which any elector who casts a provisional ballot in a primary or election, or runoff of either, in which federal candidates are on the ballot may ascertain whether such ballot was counted and, if such ballot was not counted, the reason why such ballot was not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such free access system. Access to such information about an individual provisional ballot shall be restricted to the elector who cast such ballot.
(f) At the time an elector casts a provisional ballot, the poll officers shall give the elector written information that informs the elector of the existence of the free access system required by subsection (e) of this Code section by which the elector will be able to ascertain if his or her ballot was counted and, if such ballot was not counted, the reason why such ballot was not counted.
(g) Failure to establish such free access system shall subject the registrars and the county by which the registrars are employed to sanctions by the State Election Board.
(h) Notwithstanding any other provision of this chapter to the contrary, in the event that the voting machines or DRE units at a polling place malfunction and cannot be used to cast ballots or some other emergency situation exists which prevents the use of such equipment to cast votes, provisional ballots may be used by the electors at the polling place to cast their ballots. In such event, the ballots cast by electors whose names appear on the electors list for such polling place shall not be considered provisional ballots and shall not require verification as provided by Code Section 21-2-419; provided, however, that persons whose names do not appear on the electors list for such polling place shall vote provisional ballots which shall be subject to verification under Code Section 21-2-419."

Ga. Code Ann., § 21-2-419 – Method of voting and counting of provisional ballots

(a) A person shall cast a provisional ballot on the same type of ballot that is utilized by the county or municipality for mail-in absentee ballots. Such provisional ballot shall be sealed in double envelopes as provided in Code Section 21-2-384 and shall be deposited by the person casting such ballot in a secure, sealed ballot box.

(b) At the earliest time possible after the casting of a provisional ballot, but no later than the day after the primary or election in which such provisional ballot was cast, the board of registrars of the county or municipality, as the case may be, shall be notified by the election superintendent that provisional ballots were cast in the primary or election and the registrars shall be provided with the documents completed by the person casting the provisional ballot as provided in Code Section 21-2-418. Provisional ballots shall be securely maintained by the election superintendent until a determination has been made concerning their status. The board of registrars shall immediately

examine the information contained on such documents and make a good faith effort to determine whether the person casting the provisional ballot was entitled to vote in the primary or election.

(c)(1) If the registrars determine after the polls close, but not later than two days following the primary or election, that the person casting the provisional ballot timely registered to vote and was eligible and entitled to vote in such primary or election, the registrars shall notify the election superintendent and the provisional ballot shall be counted and included in the county or municipality's certified election results.

(2) If the registrars determine after the polls close, but not later than two days following the primary or election, that the person voting the provisional ballot timely registered and was eligible and entitled to vote in the primary or election but voted in the wrong precinct, then the board of registrars shall notify the election superintendent. The superintendent shall count such person's votes which were cast for candidates in those races for which the person was entitled to vote but shall not count the votes cast for candidates in those races in which such person was not entitled to vote. The superintendent shall order the proper election official at the tabulating center or precinct to prepare an accurate duplicate ballot containing only those votes cast by such person in those races in which such person was entitled to vote for processing at the tabulating center or precinct, which shall be verified in the presence of a witness. Such duplicate ballot shall be clearly labeled with the word "Duplicate," shall bear the designation of the polling place, and shall be given the same serial number as the original ballot. The original ballot shall be retained.

(3) If the registrars determine that the person casting the provisional ballot did not timely register to vote or was not eligible or entitled to vote in such primary or election or shall be unable to determine within two days following such primary or election whether such person timely registered to vote and was eligible and entitled to vote in such primary or election, the registrars shall so notify the election superintendent and such ballot shall not be counted. The election superintendent shall mark or otherwise document that such ballot was not counted and shall deliver and store such ballots with all other ballots and election materials as provided in Code Section 21-2-500.

(d)(1) The board of registrars shall notify in writing those persons whose provisional ballots were not counted that their ballots were not counted because of the inability of the registrars to verify that the persons timely registered to vote or other proper reason. The registrars shall process the official voter registration form completed by such persons pursuant to Code Section 21-2-418 and shall add such persons to the electors list if found qualified.

(2) The board of registrars shall notify in writing those electors who voted in the wrong precinct and whose votes were partially counted of their correct precinct.

Ga. Code. Ann. 183-1-12-.06. Provisional Ballots. Current through May 31, 2005.

(1) This rule shall govern the casting of provisional ballots by voters at primaries and elections in accordance with O.C.G.A. §§ 21-2-418 and 21-2- 419.
(2) In each polling place, there shall be established a location or station in the public area of the

polling place for the purpose of issuing and receiving provisional ballots.
(3) The election superintendent shall provide each polling place with an adequate supply of provisional ballots in each ballot style (district combination) for the precinct and an inner ballot envelope and an outer ballot envelope. The ballot envelopes shall be so designed that the ballot will fit within the inner ballot envelope and the inner ballot envelope will fit within the outer ballot envelope. The inner ballot envelope shall have printed on it the words "Official Provisional Ballot" and nothing else. The outer envelope shall have places for inserting the person's name, precinct, date and name of election, ballot style (district combination), and whether such ballot is a regular provisional ballot, a provisional ballot cast by a voter who registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. §§ 21-2-220 and 21-2-417, or a ballot cast during poll hours extended by a court order, or a combination thereof. Primaries and elections conducted by counties shall use optical scan ballots for provisional voting. Optical scan absentee ballots shall be acceptable for use as provisional ballots. Municipalities shall use the same type of ballots as the municipality uses for mail-in absentee voting. The election superintendent shall also provide a booth for voting provisional ballots in the enclosed space which will provide privacy for a person while voting a provisional ballot and a secure container in which the voted provisional ballots shall be placed.
(4) Voters whose names do not appear on electors list.
(a) When a person arrives at a polling place, completes a voter's certificate, and presents it to the poll workers but the person's name does not appear on the official electors list for the precinct, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, if a master list of registered electors is available, the poll workers shall check the list to determine if the person is registered at a different precinct. If the person's name appears on the master list for a different precinct, the poll workers shall direct the person to the correct precinct.
(b) If the person's name is not found on the official list of electors for the precinct or the master list, if available, the poll officers shall immediately contact the registrars and the person shall provide such information as the registrars may request to determine if the person is eligible to vote in the election. The registrars shall promptly review the information provided by the person and shall attempt to determine if the person timely and properly registered to vote.
(c) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election and should be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to add the person's name to the official electors list for the precinct and shall permit the person to vote in the same manner as other voters in the precinct vote. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the precinct with a notation of the name of the registrar who authorized such addition. Upon presentation of a properly completed voter's certificate and the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other voters in the precinct.
(d) If the registrars can immediately determine that the person timely and validly registered to vote in the primary or election but should be assigned to a different precinct from the one at which the person is present, the registrars shall direct the poll officers to send the person to the appropriate other precinct and the registrars shall notify the officers of such other precinct to add the person's name to the official electors list for such other precinct. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers at such other precinct which ballot style (district combination) should be issued to the person. The person's name shall then be added to the official electors list for the other precinct by the poll officers of the other precinct with a notation of the name of the registrar who authorized such

addition. Upon the completion of a voter's certificate and the submission of the identification required by O.C.G.A. § 21-2-417, the person shall be permitted to vote in the same manner as other persons in such other precinct.
(e) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if properly registered, would be assigned to the precinct at which the person is present, the registrars shall authorize the poll officers to permit the person to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.
(f) If the registrars cannot immediately determine that the person timely and validly registered to vote in the primary or election; but, from the information presented by the person, the person, if registered, would be assigned to a different precinct from the precinct in the county or municipality at which the person is present, the registrars shall direct the poll officers to send the person to the appropriate precinct. The registrars shall notify the officers of such other precinct to permit the person to vote a provisional ballot when such person arrives at such precinct, completes an official voter registration form and a provisional ballot voter's certificate, and submits the appropriate identification required by O.C.G.A. § 21-2-417. When there are multiple ballot styles (district combinations) in use in such other precinct, the registrars shall also advise the poll officers which ballot style (district combination) should be issued to the person.
(g) If the person appears at a precinct in a county or municipality in which the person does not reside, the registrars shall instruct the poll officers to direct the person to contact the registrars in the county in which the person resides to determine in which precinct such person should vote.
(h) If the poll officers cannot get in touch with the registrars after making a reasonable effort to do so, the poll officers shall be authorized to permit the person to vote a provisional ballot without additional authorization from the registrars.
(i) Upon receiving authorization to vote a provisional ballot, the person shall complete a provisional ballot voter's certificate and an official voter registration form and submit such completed certificate and form to the poll officers along with the appropriate identification required by O.C.G.A. § 21-2-417. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and vote the ballot. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.
(j) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public. The provisional ballot voter's certificate and voter registration form shall be attached together and shall be placed in a separate, distinctively marked envelope which shall be placed in a secure location in the polling place.
(5) Voter who registered for first time by mail but did not provide required identification.
(a) When a person arrives at a polling place, completes a voter's certificate, and presents it to the

poll workers but does not have the identification required by O.C.G.A. § 21-2-417 and the person's name appears on the official electors list for the precinct with a designation that the person registered to vote for the first time in this state by mail but has not provided the required identification to the registrars as required by O.C.G.A. § 21-2-220, the poll officers shall immediately direct the person to the provisional ballot station. At the provisional ballot station, the person shall be permitted to cast a provisional ballot at such precinct. When there are multiple ballot styles (district combinations) in use in the precinct, the poll officers shall issue the appropriate ballot style (district combination) to the person as shown on the electors list. The poll officers shall place the name of the person on the numbered list of provisional ballot voters and issue the person a provisional ballot of the style authorized by the registrars along with an inner ballot envelope and an outer ballot envelope. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to the provisional ballot voting booth and vote the ballot. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers.
(b) Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box or boxes to designate the type of provisional ballot enclosed therein, and shall direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.
(c) The provisional ballot shall not be counted unless the voter provides the identification required by O.C.G.A. §§ 21-2-220 and 21-2-417 to the registrars before the end of the period set by law for the verification of provisional ballots. Such identification may be provided to the registrars in person or by facsimile transmission or, in the case of disabled voters, by delivery by a third party.
(6) Voters voting during extended polling hours in an election in which federal candidates are on the ballot.
(a) In the event that the polling hours for a polling place are extended by a court order beyond the normal closing time for a primary, election, or runoff in which federal candidates are on the ballot, all voters who vote after the normal closing time for the polling place shall vote by provisional ballot.
(b) Voters whose names appear on the electors list and who have the appropriate identification required by O.C.G.A. § 21-2-417 shall complete a provisional voter's certificate and shall be issued a provisional ballot along with an inner ballot envelope and an outer ballot envelope. Such voters shall not be required to complete a voter registration form. It also shall not be necessary to obtain approval from the registrars to issue provisional ballots to such voters. The poll officers shall place the name of the person on the numbered list of provisional ballot voters. Before issuing the outer ballot envelope to the person, the poll officers shall enter the person's name, the name of the precinct, the date and name of the election, and the ballot style (district combination) on the outer envelope. The person shall then retire to a provisional ballot voting booth and vote the ballot. Upon completing the ballot, the person shall seal the ballot in the inner ballot envelope and place the inner ballot envelope containing the ballot into the outer ballot envelope and shall seal the outer ballot envelope. The person shall then return the sealed envelope to the poll officers. Upon receiving the sealed ballot envelope from a person casting a provisional ballot, the poll officers shall verify that the information requested on the outer ballot envelope is complete, shall mark the appropriate box to designate that the ballot is an extended poll hours provisional ballot, and shall

direct the person to place the ballot envelope into the secure container for provisional ballots which shall be located within the enclosed space in the polling place where it can be monitored by the poll officers and observed by the public.
(c) If the voter's name is not on the electors list, the poll workers shall follow the provisions of this rule for regular provisional balloting under this rule and, if the voter is authorized by the registrars to vote a provisional ballot under the terms of this rule, shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.
(d) If the voter's name is on the electors list but registered to vote for the first time in this state by mail and has not provided the identification required by O.C.G.A. § 21-2-220, the poll officers shall permit the voter to vote in accordance with the provisions of this rule for first time voters who register for the first time in this state by mail without providing the required identification, and shall also mark the appropriate box on the outer ballot envelope to indicate that the ballot was issued during extended poll hours.
(e) The poll officers shall provide each first time voter who registered for the first time in this state by mail without providing the required identification who casts a provisional ballot information on how the voter may provide the registrars with the appropriate identification in order that the voter's ballot may be counted.
(7) Each voter casting a provisional ballot in a primary, election, or runoff in which federal candidates appear on the ballot shall be given written information explaining how such voter can ascertain if such ballot is counted and, if such ballot is not counted, the reason why such ballot was not counted.
(8) The provisional ballot voter's certificates and voter registration cards may be picked up during the day by a registrar or deputy registrar for the purpose of beginning the process of determining the eligibility of the persons to cast provisional ballots. Before transferring the voter's certificates and registration cards to the registrars during the day, the poll officers shall note the number of certificates and cards being transferred to the registrars. If such voter's certificates and registration cards are not picked up by the registrars by the time that the polls close and the last voter has voted, the envelope in which the provisional ballot voter's certificates and voter registration cards have been deposited shall be securely sealed and shall be returned to the election superintendent with the other materials from the polling place.
(9) After the close of the polls and the last voter has voted, the poll officers shall account for all voted provisional ballots, cancelled and spoiled provisional ballots, and unused provisional ballots. The ballot stubs and unused and spoiled ballots shall then be securely sealed in the container provided for them by the election superintendent. The poll officers shall then proceed to open the secure container in which the provisional ballots were deposited and count the number of voted provisional ballots contained therein. The poll officers shall then compare the total number of persons voting provisional ballots as shown on the numbered list of provisional ballot voters with the number of ballots issued and the number of ballots voted. If these numbers do not equal one another, the poll officers shall determine the reason for the inconsistency and shall correct the problem before going further. The poll officers shall seal the voted provisional ballots in a container for transfer to the election superintendent. The poll officers shall complete and sign a provisional ballot recap sheet and post one copy of the recap sheet on the door of the polling place with the election results from the precinct. The remaining copies of the provisional ballot recap sheet along with the numbered list of provisional ballot voters shall be returned to the election superintendent with the other election materials from the precinct.
(10) Upon receiving the election materials from the precincts, the election superintendent shall ensure that the envelope containing the provisional ballot voter's certificates and voter registration cards is promptly removed from the other materials and transferred to the registrars for processing.

In any event, the voter's certificates and registration cards shall be transferred to the registrars no later than 9:00 a.m. on the day following the day of the primary, election, or runoff. The election superintendent shall also remove the container containing the voted provisional ballots and shall place such container in a secure location within the election superintendent's office.
(11)(a) Upon receiving the provisional ballot voter's certificates and voter registration cards from the election superintendent, the registrars shall promptly proceed to determine the eligibility of each person that voted a provisional ballot.
(b) If the registrars determine that the person did timely register and is eligible and entitled to vote in such primary, election, or runoff, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is accepted and shall notify the election superintendent of the proper ballot style (district combination) for the voter.
(c) If the registrars determine that the person did not timely register to vote for the primary or election or is not eligible and entitled to vote in such primary or election or if the registrars cannot determine by the close of business on the second business day following the day of the primary, election, or runoff if the voter timely registered and was eligible and entitled to vote in such primary or election, the registrars shall mark on the numbered list of provisional ballot voters that the ballot is rejected.
(d) Not later than the close of business on the second business day following the day of the primary, election, or runoff, the registrars shall return to the election superintendent the numbered list of provisional ballot voters reflecting the accepted and rejected provisional ballots.
(e) The names of those persons whose names are accepted shall be added to the official electors list. The voter registration cards of those persons whose ballots are rejected on the numbered list of provisional ballot voters shall be processed by the registrars and, if found to be eligible and qualified, shall be added to the electors list for future elections.
(f) The registrars shall maintain the provisional ballot voter's certificates for the same period of time and under the same conditions as the regular voter's certificates. Voter registration cards completed by provisional ballot electors shall be maintained for the same period of time and under the same conditions as other voter registration cards.
(12) Upon receiving the numbered list of provisional ballot electors from the registrars, the election superintendent shall prepare to count the accepted provisional ballots. The election superintendent shall first compare the precinct designation and election district information with the style of ballot (district combination) cast by the provisional ballot voter.
(a) If the ballot style (district combination) voted by the voter was correct, then the election superintendent shall open the outer envelope and place the inner envelope containing the ballot into a ballot box.
(b) If the ballot style (district combination) voted by the voter was not correct, then the election superintendent shall open the outer envelope and inner envelope and remove the ballot and shall place a unique identifying number on the ballot along with the designation of the precinct in the nonreflective area at the top of the ballot. The election superintendent shall then prepare or cause to be prepared a duplicate ballot. The duplicate ballot shall be clearly labeled with the word "Duplicate" and shall bear the name of the precinct and the same unique identifying number as the original ballot in the nonreflective area at the top of the ballot. The election superintendent shall transfer or cause to be transferred to the duplicate ballot, in the presence of at least two other consolidation assistants and in public, only the votes cast by the provisional ballot voter in the races and on the questions to which such voter was eligible and entitled to vote. The votes entered on the duplicate ballot shall be verified by at least one consolidation assistant. The completed duplicate ballot shall be placed in the ballot box with the other provisional ballots to be counted. The original ballot shall be placed into an appropriate container and retained.

(c) After opening all of the outer envelopes and making all necessary duplicate ballots, the election superintendent shall then open the inner envelopes of the ballots in the ballot box and proceed to count the votes in the same manner as absentee ballots are counted. Upon completing the count, the election superintendent shall add the provisional ballot votes to the other votes cast at the polls and by absentee ballot and shall consolidate and certify the results of the primary, election, or runoff. The provisional ballots and any duplicates shall be retained for the same time period and in the same manner as absentee ballots.
(d) The rejected provisional ballots shall be marked on the outer envelope as "Not Counted" and shall not be opened. The ballots shall be maintained for the same time period and in the same manner as absentee ballots which were returned too late to be counted.
(e) The election superintendent shall notify the registrars of the names of those persons who cast a provisional ballot in the wrong precinct or on an incorrect ballot style (district combination).
(13)(a) Upon identifying the rejected provisional ballot electors, the registrars shall proceed promptly to notify each such person by first-class mail at the address shown on the provisional ballot voter's certificate that his or her ballot was not counted because of the inability of the registrars to verify that the person timely registered to vote or such other proper reason. If the person's voter registration card was approved, the registrars shall also notify the person that his or her name will be added to the elector's list and the person will be eligible to vote in future primaries and elections and that a voter notification or precinct card will be mailed to the person to provide the voter with the correct precinct and election district information.
(b) Upon receiving notification from the election superintendent of the names of persons who cast provisional ballots in the incorrect precinct or on the incorrect ballot style (district combination), the registrars shall notify such persons of their correct precinct and/or election district information. The sending of a voter notification or precinct card by first-class mail to the address shown on the voter registration card completed by such person when voting by provisional ballot shall be sufficient notice for such voters.
(c) If the person's voter registration is rejected, the registrars shall notify the person of such rejection in accordance with O.C.G.A. § 21-2- 226(d).
(d) In addition, the registrars shall establish a free access system, such as a toll-free telephone number or an Internet website, by which voters who cast provisional ballots in a primary, election, or runoff in which federal candidates are on the ballot may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual provisional ballot shall be restricted to the voter who cast such ballot.

Hawaii

Haw. Rev. Stat. § 11-21- Change of name, transfer on election day.

Haw. Code. R. §2-51-91 Paper ballots; tally sheet; results of votes cast; ballots; and records.

Provisional Voting Statutes (Current through 7/31/2005)

Haw. Rev. Stat. § 11-21- Change of name, transfer on election day.

(a) The county clerk may designate a registration clerk, who may be an election official, at any of the polling places in the county on the day of the election.

(b) These registration clerks shall take applications for change of name from voters who have been married or who have had their names changed since the last election.

(c) Any person whose name appears on the registered voters list whose residence has changed since the last election, and whom the county clerk has not transferred under section 11-20, may apply on a form prescribed by the chief elections officer at the person's new polling place on the day of the election for transfer of registration to the precinct of the new residence. Any person so transferring voter registration shall be immediately added to the register of the new precinct and may vote only at the new precinct.

(d) Where a person was incorrectly placed on a list of voters of a precinct in which the person does not actually reside, the person may correct the registration.

(e) No person shall be prevented from voting at the election in the precinct in which the person's name appears on the voters list due to a change of name, or other correction made under this section. However, any voter registered in the wrong precinct who shall refuse to make the correction of registration may be challenged in accordance with section 11-25.

(f) Any person changing name or transferring shall receive a copy of the change or transfer form.

Haw. Code. R. §2-51-91 Paper ballots; tally sheet; results of votes cast; ballots; and records.

(a) The chairperson
shall place the official tally sheet and the results of votes cast form in the envelope provided for that purpose, seal the envelope, and complete and sign the certification on the envelope.
(b) Voted ballots shall be placed in envelopes provided for voted ballots. Spoiled, unissued, blank, and questionable ballots shall be kept sparate from the voted ballots and placed in envelopes provided for such ballots. The envelopes shall be sealed and placed in the ballot transport containers along with the pollbook and the ballot inventory and certification form. The ballot transport containers shall then be sealed and a seal record made.
(c) All other polling place materials shall be returned to the container in which they were received.
(d) The chairperson, accompanied by at least one precinct official not of the same political party, shall deliver to the sending official (the chief election officer, clerk, or designated representative) the envelope containing the tally sheet, the results of 51-64 votes cast form, the ballot transport containers, and other polling place materials.
(e) On the islands of Molokai, Lanai, and Niihau, the envelope containing the tally sheet and the results of votes cast form shall be transported by the method and schedule determined by the sending official. The ballot transport containers and other polling place materials shall be delivered to the transportation point designated by the sending official and transported by the method and schedule determined by the sending official.
(f) Upon receipt of the ballot transport containers, the chief election officer, clerk, or designated representative shall compare the number of ballots returned and the information recorded on the results of votes cast form with the ballot inventory and certification form. Any discrepancy shall be investigated immediately.
(g) Upon receipt of the envelope containing the tally sheet and results of votes cast form, the chief election officer, clerk, or designated representative shall do all of the following:
(1) Compare the totals for each candidate or ballot question on the tally sheets with the number of tally marks for the respective candidate or ballot question on the same sheets. If there is a

discrepancy, the incorrect totals shall be crossed out, the correct total immediately entered above the total crossed out, and each corrected entry initialed;
(2) Compare the totals for each candidate or ballot question on the tally sheet with those for the respective candidate or ballot question on the results of votes cast form. If there is a discrepancy, the receiving official shall cross out the incorrect total on the results of votes
cast form, enter the correct total immediately above the total crossed out, and initial the corrected entry;
(3) Immediately upon completion of the comparison in
paragraphs (1) and (2), securely lock the tally
sheet or sheets in metal containers during the
entire period of the count;
51-65
(4) Record all votes for the candidates and the ballot questions from the results of votes cast form on a tabulation sheet;
(5) Seal the metal containers holding the tally sheets immediately after the count is complete and keep the containers sealed until the results of the election have been certified. The containers may be unsealed and opened by the chief election officer, clerk, or designated representative prior to certification, but only in the presence of official observers not from the same political party and shall be immediately sealed thereafter; and
(6) Maintain a seal record for the containers holding the tally sheets.
(h) The chief election officer, clerk, or designated representative shall allow the appointed official observers to be present during the compiling procedure, space and facilities permitting. Under no circumstances shall the official observers be allowed to impede the counting procedure or handle the tally sheets or results of votes cast form.
(i) In county elections, the clerk or designated representative may transport the tally sheets and the results of votes cast forms to the chief election officer in accordance with a system and schedule determined by the chief election officer or designated
representative.

(last amended 2000)

Provisional Voting Statutes (Current through 7/31/2005)

Idaho

IDAHO CODE § 34-408A – Election Day Registration

IDAHO CODE § 34-431 – Challenges of Entries in Election Register

IDAHO CODE § 34-432 – Correction of Election Register from Challenges at Election

IDAHO CODE § 34-435 – Cancellation of Registrations Following any General Election of those not Voting for Four Years

Provisional Voting Statutes (Current through 7/31/2005)

IDAHO CODE § 34-408A – Election Day Registration

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing a driver's license or Idaho identification card issued through the department of transportation; or

(2) Showing any document which contains a valid address in the precinct together with a picture identification card; or

(3) Showing a current valid student identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section 34-1006, Idaho Code.

IDAHO CODE § 34-431 – Challenges of Entries in Election Register

At the time of any election, any registered elector may challenge the entry of an elector's name as it appears in the election register. Such a challenge will be noted in the remarks column following the elector's name stating the reason, such as "died," "moved," or "incorrect address." The individual making the challenge shall sign his name following the entry.

IDAHO CODE § 34-432 – Correction of Election Register from Challenges at Election

(1) Within sixty (60) days after each election, the county clerk shall examine the election register and note the challenges as described in section 34- 431, Idaho Code. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Within twenty (20) days from date of mailing of the written inquiry the elector may, in person or in writing, state that the information on his registration card is correct or he may request a change in the information on his registration card. Upon receipt of such a statement or request the county clerk shall determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held no later than twenty (20) days after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration. If a challenged elector fails to make the statement or request in response to the inquiry, the county clerk shall cancel the registration.

(3) The county clerk may make inquiry into the validity of any registration at any time. The inquiry shall proceed as provided in this section.

IDAHO CODE § 34-435 – Cancellation of Registrations Following any General Election of those not Voting for Four Years

Within one hundred and twenty (120) days following the date of the general election in 1978 and every general election thereafter, the county clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any primary or general election in the past four (4) years.

This section shall be construed as to provide for a uniform four (4) year registration period for all electors.

Provisional Voting Statutes (Current through 7/31/2005)

Illinois Statutes

10 ILL. COMP. STAT. ANN. 5/1A-2 – Membership

10 ILL. COMP. STAT. ANN. 5/1A-3 – Appointment of Members

10 ILL. COMP. STAT. ANN. 5/1A-8 – Powers and Duties

10 ILL. COMP. STAT. ANN. 5/17-10 – Challenged Voters; Affidavits

10 ILL. COMP. STAT. ANN. 5/18A-2 – Application of Article

10 ILL. COMP. STAT. ANN. 5/18A-10 – Sealing and Transporting Provisional Ballots

10 ILL. COMP. STAT. ANN. 5/18A-20 – Provisional Voting Verification System

10 ILL. COMP. STAT. ANN. 5/1A-2 – Membership

§ 1A-2. The State Board of Elections shall consist of 8 members, 4 of whom shall be residents of Cook County and 4 of whom shall be residents of the State outside of Cook County. Of the 4 members from each area of required residence, 2 shall be affiliated with the same political party as the Governor, and 2 shall be affiliated with the political party whose nominee for Governor in the most recent general election received the second highest number of votes. Members shall be persons who have extensive knowledge of the election laws of this State.

10 ILL. COMP. STAT. ANN. 5/1A-3 – Appointment of Members

§ 1A-3. Subject to the confirmation requirements of Section 1A-4, 4 members of the State Board of Elections shall be appointed in each odd-numbered year as follows:

(1) The Governor shall appoint 2 members of the same political party with which he is affiliated, one from each area of required residence.

(2) The Governor shall appoint 2 members of the political party whose candidate for Governor in the most recent general election received the second highest number of votes, one from each area of required residence, from a list of nominees submitted by the first state executive officer in the order indicated herein affiliated with such political party: Attorney General, Secretary of State, Comptroller, and Treasurer. If none of the State executive officers listed herein is affiliated with such political party, the nominating State officer shall be the first State executive officer in the order indicated herein affiliated with an established political party other than that of the Governor.

(3) The nominating state officer shall submit in writing to the Governor 3 names of qualified persons for each membership on the Board of Election to be appointed from the political party of that officer. The Governor may reject any or all of the nominees on any such list and may request an additional list. The second list shall be submitted by the nominating officer and shall contain 3 new names of qualified persons for each remaining appointment, except that if the Governor expressly reserves any nominee's name from the first list, that nominee shall not be replaced on the second list. The second list shall be final.

(4) Whenever all the state executive officers designated in paragraph (2) are affiliated with the same political party as that of the Governor, all 4 members of the Board to be appointed that year, from both designated political parties, shall be appointed by the Governor without nominations.

(5) The Governor shall submit in writing to the President of the Senate the name of each person appointed to the State Board of Elections, and shall designate the term for which the appointment is made and the name of the member whom the appointee is to succeed.

(6) The appointments shall be made and submitted by the Governor no later than April 1 and a nominating state officer required to submit a list of nominees to the Governor pursuant to paragraph (3) shall submit a list no later than March 1.

(7) In the appointment of the initial members of the Board pursuant to this amendatory Act of 1978, the provisions of paragraphs (1), (2), (3), (5) and (6) of this Section shall apply except that the Governor shall appoint all 8 members, 2 from each of the designated political parties from each area of required residence.

10 ILL. COMP. STAT. ANN. 5/1A-8 – Powers and Duties

§ 1A-8. The State Board of Elections shall exercise the following powers and perform the following duties in addition to any powers or duties otherwise provided for by law:

(1) Assume all duties and responsibilities of the State Electoral Board and the Secretary of State as heretofore provided in this Act;

(2) Disseminate information to and consult with election authorities concerning the conduct of elections and registration in accordance with the laws of this State and the laws of the United States;

(3) Furnish to each election authority prior to each primary and general election and any other election it deems necessary, a manual of uniform instructions consistent with the provisions of this Act which shall be used by election authorities in the preparation of the official manual of instruction to be used by the judges of election in any such election. In preparing such manual, the State Board shall consult with representatives of the election authorities throughout the State. The State Board may provide separate portions of the uniform instructions applicable to different election jurisdictions which administer elections under different options provided by law. The State Board may by regulation require particular portions of the uniform instructions to be included in any official manual of instructions published by election authorities. Any manual of instructions published by any election authority shall be identical with the manual of uniform instructions issued by the Board, but may be adapted by the election authority to accommodate special or unusual local election problems, provided that all manuals published by election authorities must be consistent with the provisions of this Act in all respects and must receive the approval of the State Board of Elections prior to publication; provided further that if the State Board does not approve or disapprove of a proposed manual within 60 days of its submission, the manual shall be deemed approved.

(4) Prescribe and require the use of such uniform forms, notices, and other supplies not inconsistent with the provisions of this Act as it shall deem advisable which shall be used by election authorities in the conduct of elections and registrations;

(5) Prepare and certify the form of ballot for any proposed amendment to the Constitution of the State of Illinois, or any referendum to be submitted to the electors throughout the State or, when required to do so by law, to the voters of any area or unit of local government of the State;

(6) Require such statistical reports regarding the conduct of elections and registration from election authorities as may be deemed necessary;

(7) Review and inspect procedures and records relating to conduct of elections and registration as may be deemed necessary, and to report violations of election laws to the appropriate State's Attorney;

(8) Recommend to the General Assembly legislation to improve the administration of elections and registration;

(9) Adopt, amend or rescind rules and regulations in the performance of its duties provided that all such rules and regulations must be consistent with the provisions of this Article 1A or issued pursuant to authority otherwise provided by law;

(10) Determine the validity and sufficiency of petitions filed under Article XIV, Section 3, of the Constitution of the State of Illinois of 1970;

(11) Maintain in its principal office a research library that includes, but is not limited to, abstracts of votes by precinct for general primary elections and general elections, current precinct maps and current precinct poll lists from all election jurisdictions within the State. The research library shall be open to the public during regular business hours. Such abstracts, maps and lists shall be preserved as permanent records and shall be available for examination and copying at a reasonable cost;

(12) Supervise the administration of the registration and election laws throughout the State;

(13) Obtain from the Department of Central Management Services, under Section 405-250 of the Department of Central Management Services Law (20 ILCS 405/405-250), such use of electronic data processing equipment as may be required to perform the duties of the State Board of Elections and to provide election-related information to candidates, public and party officials, interested civic organizations and the general public in a timely and efficient manner; and

(14) To take such action as may be necessary or required to give effect to directions of the national committee or State central committee of an established political party under Sections 7-8, 7-11 and 7-14.1 or such other provisions as may be applicable pertaining to the selection of delegates and alternate delegates to an established political party's national nominating conventions or, notwithstanding any candidate certification schedule contained within the Election Code, the certification of the Presidential and Vice Presidential candidate selected by the established party's national nominating convention in 2004.

The Board may by regulation delegate any of its duties or functions under this Article, except that final determinations and orders under this Article shall be issued only by the Board.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

10 ILL. COMP. STAT. ANN. 5/17-10 – Challenged Voters; Affidavits

§ 17-10. (a) Whenever, at any election, in any precinct, any person offering to vote is not personally known to the judges of election to have the qualifications required in this Act, if his vote is challenged by a legal voter at such election, he or she shall make and subscribe an affidavit, in the following form, which shall be retained by the judges of election, and returned by them affixed to the poll books or with the official poll record:

State of Illinois)
) ss.
County of .....)

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States; that I am 18 years of age or over; that I have resided in this State and in this election district 30 days next preceding this election; that I have not voted at this election; that I am a duly qualified voter in every respect; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number), in this election district; *1. that I registered to vote from said address; *2. that I changed my residence to the above address from ..., both of which are in this election district; *3. that I changed my name from ... to that which I have signed below; *4. that I have not changed my residence but my address has changed as a result of implementation of a 9-1-1 emergency telephone system.

So help me God, (or "This I do solemnly and sincerely affirm", as the case may be).

.....

Subscribed and sworn to before me on (insert date).

.....

*1. If registration is not required, draw a line through 1 above.

*2. Fill in the blank ONLY if you have moved within 2 years.

*3. Fill in the blank ONLY if you have changed your name within 2 years.

*4. Fill in the blank ONLY if you have not changed your residence but your address has changed as a result of implementation of a 9-1-1 emergency telephone system.

In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing two forms of identification showing the person's current residence address, provided that such identification may include not more than one piece of mail addressed to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

(b) Whenever, at any regular or special election, in any precinct, district, city, village, incorporated town, town or ward, any person offering to vote has moved therefrom within 30 days prior to said regular or special election, he shall make and subscribe an affidavit, in the following form, which shall be supported by providing to the judges of election proof of residence by producing two forms of identification showing the person's current residence address, provided that such identification may include not more than one piece of mail addressed to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or by one affidavit of a registered voter in the precinct, as provided herein, both of which shall be retained by the judges of election, and returned by them affixed to the poll books or with the official poll record:

State of Illinois)
) ss.
County of .....)

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States; that I am 18 years of age; that I have not voted at this election; that prior to 30 days preceding this election I was a duly qualified and registered voter in every respect in this election district; that I have recently moved from (here give the particular house or place of residence, and, if in a town or city, the street and number), in this election district; that I now reside at (here give the particular house or place of residence, and, if in a town or city, the street and number), in another election district in the State.

So help me God, (or "This I do solemnly and sincerely affirm", as the case may be).

.....

Subscribed and sworn to before me on (insert date).

.....

State of Illinois)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm), that I am a resident of this precinct and entitled to vote at this election; that I am acquainted with ... (name of the applicant); that I verily believe him to have been an actual bona fide resident and registered voter of this precinct and that he maintained a legal residence therein, 30 days next preceding this election.

.....

Subscribed and sworn to before me on (insert date).

.....

Judge of Election.

The oath may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

10 ILL. COMP. STAT. ANN. 5/18A-2 – Application of Article

18A-2. Application of Article. In addition to and notwithstanding any other law to the contrary, the procedures in this Article shall govern provisional voting.

10 Ill. Comp. Stat. Ann. 5/18A-10 – Sealing and Transporting Provisional Ballots

§ 18A-10. Sealing and transporting provisional ballots.

(a) Upon the closing of the polls, 2 election judges not of the same political party shall return to the county clerk or board of election commissioners the unopened sealed securable container containing the provisional ballots to a location specified by the county clerk or board of election commissioners in the most direct manner of transport. The county clerk or board of election commissioners shall keep the securable container secure until such time as the provisional ballots are counted in accordance with Section 18A-15.

(b) Upon receipt of materials returned from the polling places, the county clerk or board of election commissioners shall update the State voter registration list and the voter registration database of the county clerk or board of election commissioners, as the case may be, by using the affidavit forms of provisional voters.

10 ILL. COMP. STAT. ANN. 5/18A-20 – Provisional Voting Verification System

§ 18A-20. Provisional voting verification system. In conjunction with each county clerk or board of election commissioners, the State Board of Elections shall establish a uniform free access information system by which a person casting a provisional ballot may ascertain whether the provisional vote was counted in the official canvass of votes for that election and, if the vote was not counted, the reason that the vote was not counted. Nothing in this Section shall prohibit a county clerk or a board of election commissioner from establishing a free access information system described in this Section so long as that system is consistent with the federal Help America Vote Act.

Provisional Voting Statutes (Current through 7/31/2005)

Indiana

IND. CODE 3-11.7-2-1 Requisites

IND. CODE 3-11-8-25 [Recent changes to Identification at Polls]

IND. CODE 3-11-8-25.1 [recent changes to identification]

IND. CODE 3-11-8-25.2 [Recent changes]

IND. CODE 3-11-8-25.5 [recent changes]

IND. CODE 3-11.7-2-2 Duties of voter

IND. CODE 3-11.7-2-3 Duties of precinct election board; affidavits and envelopes

IND. CODE 3-11.7-2-3 [recent changes]

IND. CODE 3-11.7-2-4 Duties of precinct election board; sealing and returning of ballots

IND. CODE 3-11.7-3-1 Appointment

IND. CODE 3-11.7-3-2 Eligibility

IND. CODE 3-11.7-3-3 Political party county chairmen; notification

IND. CODE 3-11.7-3-4 Political party county chairmen; recommendations

IND. CODE 3-11.7-3-5 Political party county chairmen; appointment upon failure to make recommendations

IND. CODE 3-11.7-5-13 Counting for multiple precincts; prohibition

IND. CODE 3-11.7-4-2 Watchers for political parties and independent candidates

IND. CODE 3-11.7-4-4 Watchers for the media

IND. CODE 3-11.7-5-1 [recent changes]

IND. CODE 3-11.7-5-2 [recent changes]

IND. CODE 3-11.7-5-2.5 [recent changes]

IND. CODE IN ST 3-11.7-5-3 [recent changes]

IND. CODE 3-11.7-5-4 Opening of envelopes; marking of ballots

IND. CODE 3-11.7-5-5 Rejection of ballots

IND. CODE 3-11.7-5-8 Reading of candidate names and ballot questions

IND. CODE 3-11.7-5-9 Protests

IND. CODE 3-11.7-5-10 Referral of questions to county election board

IND. CODE 3-11.7-5-11 Signing of protested ballots

IND. CODE 3-11.7-5-18 Delivery of certificates and tally papers

IND. CODE 3-11.7-5-19 Procedure following counting

IND. CODE 3-11.7-5-20 Oath by counters; requirement

IND. CODE 3-11.7-5-21 Oath by counters; filing

IND. CODE 3-11.7-5-22 Placing envelope or bag in receptacle

IND. CODE 3-11.7-5-23 Locking of receptacle

IND. CODE 3-11.7-5-24 Preservation of receptacle; required period

IND. CODE 3-11.7-5-25 Preservation of receptacle; contested election

IND. CODE 3-11.7-5-26 Removing envelope or bag from receptacle; destroying envelope or bag

IND. CODE 3-11.7-5-27 Disposal of ballots

IND. CODE 3-11.7-5-28 News media certificate; making and signing

IND. CODE 3-11.7-5-29 News media certificate; delivery

IND. CODE 3-11.7-6-3 Free access system to determine whether or not ballot was counted

Provisional Voting Statutes (Current through 7/31/2005)

IND. CODE 3-11.7-2-1 Requisites

Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:
(A) whose name does not appear on the registration list; and
(B) who is not permitted to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3- 7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12.
(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.
(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(b) This subsection applies after December 31, 2003. As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25; or
(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;
(2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and
(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

IND. CODE 3-11-8-25 [Recent changes to Identification at Polls]

Sec. 25. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.
(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.
(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by

the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.
(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.
(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.
(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.
(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.
(h) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required under subsection (b), a piece of identification described in subsection (i) to the poll clerk.
(i) As required by 42 U.S.C. 15483, in addition to the proof of identification required under subsection (b), a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) a current and valid photo identification; or

(2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.
(j) If a voter presents a document under subsection (i), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the

county voter registration system.
(k) If a voter required to present documentation under subsection (i) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.
(l) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.
(m) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.
(n) If, in a precinct governed by subsection (m):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.
(o) This section expires January 1, 2006.

IND. CODE 3-11-8-25.1 [recent changes to identification]

Sec. 25.1. (a) This section applies after December 31, 2005.
(b) Except as provided in subsection (f), a voter who desires to vote an official ballot at an election shall provide proof of identification.
(c) Except as provided in subsection (f), before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.
(d) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5; a member of the precinct election board shall challenge the voter as prescribed by this chapter.
(e) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.
(f) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.
(g) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection ~~(f),~~ (l), the voter's current residence address.
~~(e)~~(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:
(1) ask the voter to provide or update the voter's voter identification number;
(2) tell the voter the number the voter may use as a voter identification number; and
(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.
(i) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.~~)~~(j) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7- 29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.
~~(~~k) If, in a precinct governed by subsection (h):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.
(l) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

IND. CODE 3-11-8-25.2 [Recent changes]

Sec. 25.2. (a) **This section applies after December 31, 2005**.
(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is

required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(b) of this chapter, a piece of identification described in subsection (c) to the poll clerk.
(c) As required by 42 U.S.C. 15483, and in addition to the proof of identification required by section 25.1(b) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.
(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.
(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.
(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

IND. CODE 3-11-8-25.5 [recent changes]

Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 or 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

IND. CODE 3-11.7-2-2 Duties of voter

Sec. 2. (a) A provisional voter shall do the following:

(1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.
(2) Fold each ballot separately.
(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided by the county election board under IC 3-11.7-1-8.
(5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42 U.S.C. 15482, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.

IND. CODE 3-11.7-2-3 Duties of precinct election board; affidavits and envelopes

Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) Except as provided in subsection (c) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

(c) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection (b). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

IND. CODE 3-11.7-2-3 [recent changes]

Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.
(b) The form of the envelope is prescribed under IC 3-6-4.1-14. The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification.
(c) Except as provided in subsection (d) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".
(d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection (c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

IND. CODE 3-11.7-2-4 Duties of precinct election board; sealing and returning of ballots

Sec. 4. As required by 42 U.S.C. 15482, at the close of the polls, the precinct election board shall do the following:

(1) Seal:
(A) all the provisional ballots; and
(B) any spoiled provisional ballots;
of provisional voters other than provisional voters described in section 1(a)(3) of this chapter in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.
(2) Seal:
(A) all the provisional ballots; and
(B) any spoiled provisional ballots;
of provisional voters described in section 1(a)(3) of this chapter in the container described in section 1(a)(3) of this chapter and mark on the container the number of provisional ballots contained.

The inspector shall return the container with all the provisional ballots to the circuit court clerk after the close of the polls.

IND. CODE 3-11.7-3-1 Appointment

Sec. 1. Each county election board shall appoint teams of provisional ballot counters consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

IND. CODE 3-11.7-3-2 Eligibility

Sec. 2. An otherwise qualified person is eligible to serve as a counter unless the person:

(1) is unable to read, write, and speak the English language;
(2) has any property bet or wagered on the result of the election;
(3) is a candidate to be voted for at the election in any part of the county, except as an unopposed candidate for precinct committeeman or state convention delegate; or
(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in any part of the county, except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

IND. CODE 3-11.7-3-3 Political party county chairmen; notification

Sec. 3. Not later than noon ten (10) days before an election, each county election board shall notify the county chairmen of the two (2) political parties that have appointed members on the county election board of the number of teams of counters to be appointed under this section.

IND. CODE 3-11.7-3-4 Political party county chairmen; recommendations

Sec. 4. The county chairmen shall make written recommendations for the appointments to the county election board not later than noon three (3) days before the election. The county election board shall make the appointments as recommended.

IND. CODE 3-11.7-3-5 Political party county chairmen; appointment upon failure to make recommendations

Sec. 5. If a county chairman fails to make any recommendations not later than the deadline specified under section 4 of this chapter, the county election board may appoint any voters of the county who comply with section 2 of this chapter.

IND. CODE 3-11.7-5-13 Counting for multiple precincts; prohibition

Sec. 13. A counter may not count provisional ballots for a precinct under this chapter while counting provisional ballots for any other precinct.

IND. CODE 3-11.7-4-2 Watchers for political parties and independent candidates

Sec. 2. (a) Political parties or independent candidates described in IC 3-6-8-1 may appoint watchers at the location for counting provisional ballots.

(b) A watcher appointed under this section:

(1) has the rights; and
(2) must follow the requirements;

set forth in IC 3-6-8.

IND. CODE 3-11.7-4-4 Watchers for the media

Sec. 4. (a) Media entitled to appoint a watcher under IC 3-6-10 may appoint a watcher at the location for counting provisional ballots.

(b) A watcher appointed under this section:

(1) has the rights; and
(2) must follow the requirements;

IND. CODE 3-11.7-5-1 [recent changes]

Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.
(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1- 9, all provisional ballots must be counted by not later than noon on the second Monday following the election.

IND. CODE 3-11.7-5-2 [recent changes]

Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.
(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.
(c) Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

IND. CODE 3-11.7-5-2.5 [recent changes]

Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, ~~or~~ IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability

or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.
(b) Except as provided in subsection (c) or (e), if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.
(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

(1) the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.
(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.
(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.
(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

IND. CODE IN ST 3-11.7-5-3 [recent changes]

Sec. 3. (a) If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, that the voter failed to provide proof of identification when required under IC 3-10-1, ~~or~~ IC 3-11-8, or IC 3-11-10-26, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

(1) The provisional ballot is invalid.

(2) The provisional ballot may not be counted.
(3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.
(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

IND. CODE 3-11.7-5-4 Opening of envelopes; marking of ballots

Sec. 4. If the board determines that a provisional ballot is valid under section 2 of this chapter, the provisional ballot envelope shall be opened. The outside of each provisional ballot shall also be marked to identify the precinct and the date of the election of the ballots.

IND. CODE 3-11.7-5-5 Rejection of ballots

Sec. 5. (a) If any ballot cast by a provisional voter does not contain the initials of the poll clerks, the ballot shall, without being unfolded to disclose how the ballot is marked, be endorsed with the word "Rejected".

(b) All rejected provisional ballots shall be enclosed and securely sealed in an envelope on which is written "Rejected provisional ballots.".

IND. CODE 3-11.7-5-8 Reading of candidate names and ballot questions

Sec. 8. (a) During the counting of the ballots, one (1) counter shall read the name of the candidates and ballot questions voted for from the ballots.

(b) A:

(1) member of the county election board who is not a member of the same political party as the counter; or
(2) representative designated by the member;

shall view the ballots as the names and ballot questions are read.

IND. CODE 3-11.7-5-9 Protests

Sec. 9. During the counting of the ballots:

(1) the counter counting the ballots;
(2) a member of the county election board; or
(3) a representative designated by the member;

may protest the counting of any ballot or any part of a ballot.

IND. CODE 3-11.7-5-10 Referral of questions to county election board

Sec. 10. If the counters cannot agree whether to count a ballot following a protest under section 9 of this chapter, the question shall be referred to the county election board for a decision.

IND. CODE 3-11.7-5-11 Signing of protested ballots

Sec. 11. Following a decision by the counters or the county election board, the counters shall sign

each protested ballot.

IND. CODE 3-11.7-5-18 Delivery of certificates and tally papers

Sec. 18. The counters shall deliver the certificates prepared under section 16 of this chapter and the tally papers to the county election board immediately upon the tabulation of the vote in each precinct.

IND. CODE 3-11.7-5-19 Procedure following counting

Sec. 19. As soon as the ballots have been counted, the counters shall do the following in the presence of the county election board:

(1) Place in a strong paper envelope or bag the following:
  (A) All provisional ballots, voted and spoiled.
  (B) All provisional ballots:
    (i) determined invalid under section 3 of this chapter; or
    (ii) rejected under section 5 of this chapter.
  (C) All protested and uncounted provisional ballots.
  (D) All provisional ballot envelopes.
  (E) All executed affidavits relating to the provisional ballots.
  (F) The tally papers.
(2) Securely seal the envelope or bag.
(3) Have both counters initial the envelope or bag.
(4) Plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast.
(5) Deliver the envelope or bag to the circuit court clerk.
(6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

IND. CODE 3-11.7-5-20 Oath by counters; requirement

Sec. 20. Upon delivery of the envelope or bag to the circuit court clerk, each counter shall take and subscribe an oath before the clerk stating that the counter:

(1) securely kept the ballots and papers in the envelope or bag;
(2) did not permit any person to open the envelope or bag or to otherwise touch or tamper with the ballots; and
(3) has no knowledge of any other person opening the envelope or bag.

IND. CODE 3-11.7-5-21 Oath by counters; filing

Sec. 21. The circuit court clerk shall file the oath taken under section 20 of this chapter with the clerk's other election documents.

IND. CODE 3-11.7-5-22 Placing envelope or bag in receptacle

Sec. 22. The circuit court clerk shall place the envelope or bag in a receptacle provided by the county executive with two (2) different locks.

IND. CODE 3-11.7-5-23 Locking of receptacle

Sec. 23. The circuit court clerk shall do the following:

(1) Lock the receptacle provided under section 22 of this chapter.
(2) Retain one (1) key to one (1) lock of the receptacle.
(3) Give one (1) key to the other lock of the receptacle to the member of the county election board who is not a member of the same political party as the clerk.

IND. CODE 3-11.7-5-24 Preservation of receptacle; required period

Sec. 24. The circuit court clerk shall preserve the receptacle containing the envelope or bag in the clerk's office for the period required under IC 3-10-1-31 or IC 3-10-1-31.1.

IND. CODE 3-11.7-5-25 Preservation of receptacle; contested election

Sec. 25. If the election is contested, the clerk shall preserve the receptacle containing the envelope or bag as long as the contest is undetermined. During that period, the clerk shall keep the receptacle securely locked, subject only to an order of the court trying a contest.

IND. CODE 3-11.7-5-26 Removing envelope or bag from receptacle; destroying envelope or bag

Sec. 26. When permitted under IC 3-10-1-31 or IC 3-10-1-31.1, the clerk and a county election board member of the opposite political party shall remove the envelope or bag from the receptacle and destroy the envelope or bag.

IND. CODE 3-11.7-5-27 Disposal of ballots

Sec. 27. A county election board may contract with a state educational institution (as defined in IC 20-12-0.5-1) to dispose of the ballots. The contract must provide that:

(1) the ballots will be used by the state educational institution to conduct election research; and
(2) the state educational institution may not receive any ballots under this section until the period for retention under IC 3-10-1-31 or IC 3-10-1- 31.1 has expired.

IND. CODE 3-11.7-5-28 News media certificate; making and signing

Sec. 28. Immediately upon completion of the vote count, the counters shall make and sign a

certificate for the news media showing the total number of provisional ballot votes received by each candidate and on each public question in the precinct.

IND. CODE 3-11.7-5-29 News media certificate; delivery

Sec. 29. The counters shall deliver the certificate to the circuit court clerk as soon as the certificate is completed. The circuit court clerk shall deliver the certificate made for the news media to any person designated to receive the certificate by the editors of the newspapers published in the county or by the managers of the radio and television stations operating in the county immediately upon the completion of the certificate, but not before the closing of the polls.

IND. CODE 3-11.7-6-3 Free access system to determine whether or not ballot was counted

Sec. 3. (a) As required by 42 U.S.C. 15482, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:

(1) whether the individual's provisional ballot was counted; and
(2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.

(b) As required by 42 U.S.C. 15482, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).

(c) As required by 42 U.S.C. 15482, the county election board shall restrict access to the information available under subsection (a) about a provisional voter's ballot to the individual who cast the ballot.

(d) The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.

Provisional Voting Statutes (Current through 7/31/2005)

Iowa Statutes

I.C.A. § 48A.8 Registration by mail
I.C.A. § 49.77. Ballot furnished to voter
I.C.A. § 49.80 Examination on challenge
I.C.A. § 49.81 Procedure for challenged voter to cast provisional ballot
I.C.A. § 50.20 Notice of number of provisional ballots
I.C.A. § 50.21 Special precinct board reconvened
I.C.A. § 50.22 Special precinct board to determine challenges and canvass absentee ballots
I.C.A. § 53.19 Listing absentee ballots
I.C.A. § 53.20 Special precinct established
I.C.A. § 53.23 Special precinct election board
I.C.A. § 53.31 Challenges

Provisional Voting Statutes (Current through 7/31/2005)

I.C.A. § 48A.8 Registration by mail

1. An eligible elector may register to vote by completing a mail registration form. The form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides. A separate registration form shall be signed by each individual registrant.

2. An eligible elector who registers by mail and who has not previously voted in an election for federal office in the county of registration shall be required to provide identification documents when voting for the first time in the county, unless the registrant provided on the registration form the registrant's Iowa driver's license number, or the registrant's Iowa nonoperator's identification card number, or the last four numerals of the registrant's social security number and the driver's license, nonoperator's identification, or partial social security number matches an existing state or federal identification record with the same number, name, and date of birth. If the registrant under this subsection votes in person at the polls, or by absentee ballot at the commissioner's office or at a satellite voting station, the registrant shall provide a current and valid photo identification card, or shall present to the appropriate election official one of the following current documents that shows the name and address of the registrant:

a. Utility bill.

b. Bank statement.

c. Paycheck.

d. Government check.

e. Other government document.

3. If the registrant under subsection 2 votes an absentee ballot by mail, the registrant shall provide a photocopy of one of the documents listed in subsection 2 when returning the absentee ballot.

4. A registrant under subsection 2 who is required to present identification when casting a ballot in person shall be permitted to vote a provisional ballot if the voter does not provide the required identification documents. If a voter who is required to present identification when casting a ballot votes an absentee ballot by mail, the ballot returned by the voter shall be considered a provisional ballot pursuant to sections 49.81 and 53.31.

I.C.A. § 49.77. Ballot furnished to voter

1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the ..... precinct, ... ward or township, city of ....., county of ....., Iowa.

I am a registered voter. I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

_____
Signature of Voter

_____
Address

_____
Telephone

Approved:

_____
Board Member

2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials.

3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.

A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.
4. A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, unless the person affirms that the person is currently registered in the county and presents proof of identity, or the commissioner informs the precinct election officials that an error has occurred and that the person is a registered voter of that precinct. If the commissioner finds no record of the person's registration but the person insists that the person is a registered voter of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.

A person who has been sent an absentee ballot by mail but for any reason has not received it shall be permitted to cast a ballot in person pursuant to section 53.19 and in the manner prescribed by section 49.81.

5. The request for the telephone number in the declaration of eligibility in subsection 1 is not mandatory and the failure by the voter to provide the telephone number does not affect the declaration's validity.

I.C.A. § 49.80 Examination on challenge

1. When the status of any person as a registered voter is so challenged, the precinct election officials shall explain to the person the qualifications of an elector, and may examine the person under oath

touching the person's qualifications as a voter.

2. In case of any challenges of an elector at the time the person is offering to vote in a precinct, a precinct election official may place such person under oath and question the person as, (a) where the person maintains the person's home; (b) how long the person has maintained the person's home at such place; (c) if the person maintains a home at any other location; (d) the person's age. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts as the elector feels sustains the fact that the person is qualified to vote. Upon completion thereof, if the challenge is withdrawn, the elector may cast the vote in the usual manner. If the challenge is not withdrawn, section 49.81 shall apply.

I.C.A. § 49.81 Procedure for challenged voter to cast provisional ballot

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, or section 49.80 from voting except under this section shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section 49.84, shall be delivered to a precinct election official who shall immediately seal it in an envelope of the type prescribed by subsection 4. The sealed envelope shall be deposited in an envelope marked "provisional ballots" and shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

2. Each person who casts a provisional ballot under this section shall receive a printed statement in substantially the following form:

Your qualifications as a registered voter have been challenged for the following reasons:

I. .....

II. .....

III. .....

You must show identification before your ballot can be counted. Please bring or mail a copy of a current and valid photo identification card to the county commissioner's office or bring or mail a copy of one of the following current documents that show your name and address:

a. Utility bill.

b. Bank statement.

c. Paycheck.

d. Government check.

e. Other government document.

PARAGRAPH DIVIDED. Your right to vote will be reviewed by the special precinct counting board on ..... You have the right and are encouraged to make a written statement and submit additional written evidence to this board supporting your qualifications as a registered voter. This written statement and evidence may be given to an election official of this precinct on election day or mailed or delivered to the county commissioner of elections, but must be received before ... a.m./p.m. on ..... at ..... If your ballot is not counted you will receive, by mail, notification of this fact and the reason that the ballot was not counted.

3. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

4. The individual envelopes used for each provisional ballot cast pursuant to subsection 1 shall have printed on them the following:

I believe I am a registered voter of this county and I am eligible to vote in this election. I registered to vote in ..... county on or about ..... at ..... My name at that time was ..... I have not moved to a different county since that time. I am a United States citizen, at least eighteen years of age.

.....

(signature of voter) (date)

The following information is to be provided by the precinct election official:

Reason for challenge:

.....

.....

Did not present required identification form.

.....
(signature of precinct election official)

The precinct election official shall attach a completed voter registration form from each provisional voter unless the person's registration status is listed in the election register as pending.

I.C.A. § 50.20 Notice of number of provisional ballots

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than nine o'clock a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavit envelopes bearing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any special ballot, at the commissioner's office until the reconvening of the special precinct board.

I.C.A. § 50.21 Special precinct board reconvened

The commissioner shall reconvene the election board of the special precinct established by section 53.20 not earlier than noon on the second day following each election which is required by law to be canvassed on the Monday or Tuesday following the election. If the second day following such an election is a legal holiday the special precinct election board may be convened at noon on the day following the election, and if the canvass of the election is scheduled at any time earlier than the Monday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

If no provisional ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of provisional ballots cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required. If the number of provisional ballots cast at any election exceeds the number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

I.C.A. § 50.22 Special precinct board to determine challenges and canvass absentee ballots

Upon being reconvened, the special precinct election board shall review the information upon the envelopes bearing the special ballots, and all evidence submitted in support of or opposition to the right of each challenged person to vote in the election. The board may divide itself into panels of not less than three members each in order to hear and determine two or more challenges simultaneously, but each panel shall meet the requirements of section 49.12 as regards political party affiliation of the members of each panel.

The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the special ballot, the evidence concerning the challenge, the registration and the returned receipts of registration.

If a special ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the special ballot shall be preserved

unopened and disposed of in the same manner as spoiled ballots. The special ballots which are accepted shall be counted in the manner prescribed by section 53.24. The commissioner shall make public the number of special ballots rejected and not counted, at the time of the canvass of the election.

The special precinct board shall also canvass any absentee ballots which were received after the polls closed in accordance with section 53.17. If necessary, they shall reconvene again on the day of the canvass by the board of supervisors to canvass any absentee ballots which were timely received. The special precinct board shall submit their tally list to the supervisors before the conclusion of the canvass by the board.

I.C.A. § 53.19 Listing absentee ballots

The commissioner shall maintain a list of the absentee ballots provided to registered voters, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, and the date the absentee ballot was sent to the registered voter requesting the absentee ballot.

The commissioner shall provide each precinct election board with a list of all registered voters from that precinct who have received an absentee ballot. The precinct officials shall immediately designate on the election register those registered voters who have received an absentee ballot and are not entitled to vote in person at the polls.

However, any registered voter who has received an absentee ballot and not returned it may surrender the absentee ballot to the precinct officials and vote in person at the polls. The precinct officials shall mark the uncast absentee ballot "void" and return it to the commissioner. Any registered voter who has been sent an absentee ballot by mail but for any reason has not received it or who has not brought the ballot to the polls may appear at the voter's precinct polling place on election day and shall cast a ballot in accordance with section 49.81.

I.C.A. § 53.20 Special precinct established

There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its jurisdiction shall be coterminous with the borders of the county, for the purposes specified by sections 53.22 and 53.23, and the requirement that precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section 49.15, having due regard for the nature and extent of the duties required of members of the election board and the election officers to be appointed from the panel.

I.C.A. § 53.23 Special precinct election board

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections 49.12 and 49.13, except that the number of precinct election officials appointed to the board shall be sufficient to complete the counting of absentee ballots by ten p.m. on election day.

2. The board's powers and duties shall be the same as those provided in chapter 50 for precinct election officials in regular precinct polling places. However, the election board of the special precinct shall receive from the commissioner and count all absentee ballots for all precincts in the county; when two or more political subdivisions in the county hold elections simultaneously the special precinct election board shall count absentee ballots cast in all of the elections so held. The tally list shall be recorded on forms prescribed by the state commissioner.

3. The commissioner shall set the convening time for the board, allowing a reasonable amount of time to complete counting all absentee ballots by ten p.m. on election day. The commissioner may direct the board to meet on the day before the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ballot envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed ballot envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope be opened before the board convenes on election day. If the ballot envelopes are opened before election day, two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the proceedings.

If the board finds any ballot not enclosed in a secrecy envelope, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot. Each of the special precinct election officials shall sign the secrecy envelope.

4. The room where members of the special precinct election board are engaged in counting absentee ballots during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, one challenger representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, one observer representing persons supporting a public measure appearing on the ballot and one observer representing persons opposed to such measure, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

5. The special precinct election board shall preserve the secrecy of all absentee and special ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with special paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

6. The special precinct election board shall not release the results of its tabulation on election day until all of the ballots it is required to count on that day have been counted, nor release the tabulation of challenged ballots accepted and counted under chapter 50 until that count has been

completed.

I.C.A. § 53.31 Challenges

Any person qualified to vote at the election in progress may challenge the qualifications of a person casting an absentee ballot by submitting a written challenge to the commissioner no later than five p.m. on the day before the election. It is the duty of the special precinct officials to challenge the absentee ballot of any person whom the official knows or suspects is not duly qualified. Challenges by members of the special precinct election board or observers present pursuant to section 53.23 may be made at any time before the close of the polls on election day. The challenge shall state the reasons for which the challenge is being submitted and shall be signed by the challenger. When a challenge is received the absentee ballot shall be set aside for consideration by the special precinct election board when it meets as required by section 50.22.

The commissioner shall immediately send a written notice to the elector whose qualifications have been challenged. The notice shall be sent to the address at which the challenged elector is registered to vote. If the ballot was mailed to the challenged elector, the notice shall also be sent to the address to which the ballot was mailed if it is different from the elector's registration address. The notice shall advise the elector of the reason for the challenge, the date and time that the special precinct election board will reconvene to determine challenges, and that the elector has the right to submit written evidence of the elector's qualifications. The notice shall include the telephone number of the commissioner's office. If the commissioner has access to a facsimile machine, the notice shall include the telephone number of the facsimile machine. As far as possible, other procedures for considering special ballots shall be followed.

Kansas

KAN. STAT. ANN. 25-409. Challenged voters; rejection or acceptance of vote; procedure.

KAN. STAT. ANN. 25-414. Duty of judge to challenge; provisional ballots, acceptance or rejection procedure.

KAN. STAT. ANN. 25-1122. Advance voting; application for ballots; time for filing application; voters needing assistance; permanent advance voting status; records maintained by county election officer; first-time voter; identification, when required.

KAN. STAT. ANN. 25-2908. Use of registration book and poll book or registration book at polling place; identification of voters; signature of voter; ballot numbered and given to voter; name of voter not in book; challenge of votes; first-time voter.

KAN. STAT. ANN. 25-2316c. Registration of voters; change of name of registered voter; change of residence by registered voters; provisional ballots; advance voting ballot, application; removal of names of voters from registration lists; basis for removal of names.

KAN. STAT. ANN. 25-3104. Time of canvass of elections by county board.

KAN. STAT. ANN. 25-3002. Rules for canvassers; validity of ballots or parts thereof.

KAN. STAT. ANN. 25-409. Challenged voters; rejection or acceptance of vote; procedure.

(a) If any person challenged pursuant to K.S.A. 25-414, and amendments thereto, shall refuse to subscribe the application for registration pursuant to K.S.A. 25-2309, and amendments thereto, the judges shall reject such person's vote.

(b) If a person is challenged pursuant to K.S.A. 25-414, and amendments thereto, such person shall be permitted to subscribe the application for registration and mark a ballot. The person shall then execute the affirmation prescribed in subsection (c) of this section before a member of the election board and the ballot shall thereupon be sealed in an envelope. The judges shall write on the envelope the word 'provisional' and a statement of the reason for the challenge, and that the ballot contained in the envelope is the same ballot which was challenged pursuant to K.S.A. 25-409 *et seq.* and amendments thereto. Such statement shall be attested by two of the judges. The judges shall attach the application for registration to the envelope containing the provisional ballot. The envelope shall be numbered to correspond to the number of the provisional voter's name in the registration or poll book, and the word 'provisional' shall be written following the voter's name in the poll book. The judges shall provide written information stating how the voter may ascertain whether the voter's provisional ballot was counted and, if such ballot was not counted, the reason therefor. Such provisional ballots, together with objected to and void ballots packaged in accordance with K.S.A. 25-3008, and amendments thereto, shall be reviewed by the county board of canvassers at the time prescribed for canvassing votes, and such board shall determine the acceptance or rejection of the same. The county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns.

(c) The voter's affirmation shall be sufficient if substantially in the following form, but the voter's affirmation shall not contain less than that prescribed in the form:

VOTER'S AFFIRMATION

STATE OF KANSAS, COUNTY OF _____, ss.

I am a registered voter in this jurisdiction and I am qualified to vote in this election. I declare under penalty of perjury that the foregoing is true and correct. This ____ day of _____ A.D. _____.

_____, Voter _____, Judge of Election

KAN. STAT. ANN. 25-414. Duty of judge to challenge; provisional ballots, acceptance or rejection procedure.

(a) It shall be the duty of each judge of election to challenge any person offering to vote, whom the judge shall know or suspect not to be qualified as an elector.

(b) A person who: (1) Has moved from an address in the registration book to another address in the same county; or (2) has not moved, but the registration list indicates otherwise, is a qualified elector, but shall be challenged by an election judge and entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.

(c) Any person who votes after the polling place hours prescribed in K.S.A. 25-106, and amendments thereto, pursuant to a court or other order is entitled to cast only a provisional ballot pursuant to K.S.A. 25-409, and amendments thereto.

(d) The application shall be delivered to the election judges and attached to the provisional ballot envelope. Such application and ballot envelope containing the ballot shall be transmitted to the county election officer with election returns and supplies.

(e) Following the determination of acceptance or rejection of any provisional ballot by the county board of canvassers, the county election officer shall update the registration record, if appropriate, for voting in future elections, and send, by nonforwardable first-class mail, to the address specified on the application, notice of disposition of the application. The registrant's name shall not be removed from the official list of eligible voters by reason of such a change of address except as provided in K.S.A. 25-2316c, and amendments thereto.

KAN. STAT. ANN. 25-1122. Advance voting; application for ballots; time for filing application; voters needing assistance; permanent advance voting status; records maintained by county election officer; first-time voter; identification, when required.

(a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, and such voter is a first-time voter, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be

required to provide identification if such voter has previously provided current and valid identification in the county where registered.

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (e) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

In any county having a population exceeding 250,000, the county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(g) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(h) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(i) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the

voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(j) For the purposes of this section, 'first-time voter' means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

(k) The secretary of state may adopt rules and regulations defining valid forms of identification.

KAN. STAT. ANN. 25-2908. Use of registration book and poll book or registration book at polling place; identification of voters; signature of voter; ballot numbered and given to voter; name of voter not in book; challenge of votes; first-time voter.

(a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25- 2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.

(b) A person desiring to vote shall provide to the election board: (1) the voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(c) A member of the election board shall:

(1) Announce the voter's name in a loud and distinct tone of voice, and, if the name is in the registration books, the member of the election board having the registration record shall repeat the name;

(2) request the voter's signature on the registration or poll book;

(3) provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of temporary illness or disability, or lack of proficiency in reading the English language;

(4) if the voter is a first-time voter as described in subsection (h) of this section, request valid identification from the voter unless such voter has previously submitted current and valid identification in the county where registered;

(5) give the voter one ballot, on the upper right-hand corner of which shall be written the number corresponding to the voter's number in the registration book or poll book; and

(6) mark the voter's name in the registration book and party affiliation list.

(d) A first-time voter shall provide to the election board a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document unless such voter has previously submitted current and valid identification in the county where registered. The document provided in accordance with this section shall contain the voter's current name and address as indicated on the registration book or poll book.

(e) If a first-time voter is unable or refuses to provide current and valid identification at the polling place, or if the name and address do not match the voter's name and address on the registration book or poll book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (d) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(f) If the name of any person desiring to vote at an election is not in the registration books, an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.

(g) A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot was properly cast and the voter has not otherwise voted at such election.

(h) For the purposes of this section, 'first-time voter' means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25- 2316c, and amendments thereto, and has re-registered.

(i) The secretary of state may adopt rules and regulations defining valid forms of identification.

KAN. STAT. ANN. 25-2316c. Registration of voters; change of name of registered voter; change of residence by registered voters; provisional ballots; advance voting ballot, application; removal of names of voters from registration lists; basis for removal of names.

(a) When a registered voter changes name by marriage, divorce or legal proceeding, if such voter is otherwise qualified to vote at such voting place such voter shall be allowed to vote a provisional ballot at any election, or apply for an advance voting ballot, on the condition that such voter first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration records, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any voter completing such application.

(b) When a registered voter changes residence, such voter shall reregister in order to be eligible to vote, except that when a registrant has moved from an address on the registration book to another address within the county and has not reregistered, such registrant shall be allowed to vote a provisional ballot at any election, or to apply for an advance voting ballot, on the condition that such registrant first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration record, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any such voter. Whenever the county election officer receives from any other election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer, such officer shall remove the name of such voter from the registration book and party affiliation list.

(c) Every application for registration completed under this section shall be returned to the county election officer with the registration books.

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) has failed to respond to the notice described in subsection (e)(4) and has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(e) A county election officer shall send a confirmation notice upon which a registrant may state such registrant's current address, within 45 days of the following events:

(1) A notice of disposition of an application for voter registration is returned as undeliverable;

(2) change of address information supplied by the national change of address program identifies a registrant whose address may have changed;

(3) if it appears from information provided by the postal service that a registrant has moved to a different residence address in the county in which the registrant is currently registered; or

(4) if it appears from information provided by the postal service that a registrant has moved to a different residence address outside the county in which the registrant is currently registered.

The confirmation notice shall be sent by forwardable mail and shall include a postage prepaid and

preaddressed return card in a form prescribed by the chief state election official.

(f) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, or appears in information provided by the social security administration, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased. The county election officer shall not use or permit the use of such lists of deceased residents or copies for any other purpose than provided in this section.

(g) When the chief state election official receives written notice of a felony conviction in a United States district court, such official shall notify within five days the county election officer of the jurisdiction in which the offender resides. Upon notification of a felony conviction from the chief state election official, or from a county or district attorney or a Kansas district court, the county election officer shall remove the name of the offender from the registration records.

(h) Except as otherwise provided in this section, no person whose name has been removed from the registration books shall be entitled to vote until such person has registered again.

KAN. STAT. ANN. 25-3104. Time of canvass of elections by county board.

The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between 8:00 a.m. and 10:00 a.m. on the Friday next following any election held on a Tuesday, except that the county election officer may move the canvass to the Monday next following the election if notice is published prior to the canvass in a newspaper with general circulation in the county. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the fifth day following the day of such election.

KAN. STAT. ANN. 25-3002. Rules for canvassers; validity of ballots or parts thereof.

(a) The rules prescribed in this section shall apply to:

(1) The original canvass by election boards.

(2) Intermediate and final canvasses by county boards of canvassers.

(3) Final canvass by the state board of canvassers.

(4) All election contests.

(5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) The occurrences listed in this subpart (2) shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this subpart (2) shall apply are:

(A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

(B) Whenever a voting mark is placed in the square at the left of a space where no candidate is listed.

(3) When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues which are identical in both precincts. The canvassers shall not count the votes for those offices or issues which differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.

(4) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments thereto, and:

(A) Both candidates' names are written on the ballot; or

(B) only the name of the candidate for governor is written on the ballot.

(5) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments thereto, and:

(A) Both candidates' names are written on the ballot; or

(B) only the name of the candidate for president is written on the ballot.

(6) A write-in vote for candidates for state offices elected on a statewide basis other than offices subject to paragraph (4) shall not be counted unless the candidate has filed an affidavit of candidacy

pursuant to K.S.A. 25-305, and amendments thereto.

(7) Any advance voting or mail ballot whose envelope containing the voter's written declaration is unsigned, shall be wholly void and no vote thereon shall be counted.

(8) No ballot cast by a first-time voter as defined by K.S.A. 25-1122, and amendments thereto, or K.S.A. 25-2908, and amendments thereto, shall be counted if the voter fails to provide valid identification.

Kentucky Provisional Voting Statutes and Regulations

Ky. Rev. Stat. Ann. § 117.227 Confirmation of voter's identity.

31 Ky. Admin. Regs. 4:010. Voter identification cards.

31 Ky. Admin. Regs. 6:020. Provisional voting.

Provisional Voting Statutes (Current through 7/31/2005)

Ky. Rev. Stat. Ann. § 117.227 Confirmation of voter's identity.

Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification.
Effective: July 15, 2002

31 KY. Admin. Regs. 4:010. Voter identification cards.

NECESSITY, FUNCTION, AND CONFORMITY: To define the forms of identification that are acceptable in confirming the identity of voters on election day, and to provide uniformity of identification standards throughout the state. This administrative regulation is required to establish a procedure for documenting the confirmation of identity on precinct voter rosters.

Section 1. In addition to the forms of identification specifically provided for by KRS 117.227, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and which has been approved in writing by the State Board of Elections, shall be acceptable for confirmation of the voter's identity.

Section 2. The method of identification used shall be recorded on the precinct voter roster by use of the following codes:

(1) Personal acquaintance - "PA"

(2) Motor vehicle operator's license - "DL"

(3) Social Security card - "SS"

(4) Credit card - "CC"

(5) Identification card with picture and signature (other identification) - "OI"

Section 3. The election officer confirming the identity shall enter his initials on the precinct voter roster in lieu of a signature.

(17 Ky.R. 1229; eff. 12-7-90.)

31 Ky. Admin. Regs. 6:020. Provisional voting.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties in the administration of the election laws. The Help America Vote Act of 2002, 42 U.S.C. 15482, Section 302 establishes requirements for provisional voting in elections for federal offices. This administrative regulation establishes procedures for provisional voting, in compliance with federal law.

Provisional Voting Statutes (Current through 7/31/2005)

Section 1. Definitions. (1) "Provisional ballot" means a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on election day.

(2) "Provisional ballot inner envelope" means the envelope with the words "provisional ballot" printed on the front.

(3) "Provisional ballot outer envelope" means the envelope with the following printed on the front:

(a) Precinct election officer checklist of circumstances for issuing a provisional ballot;

(b) Provisional ballot affirmation; and

(c) The county board of elections checklist for indicating whether the ballot was counted and if not counted the reason why.

Section 2. Applicability. This administrative regulation shall be applicable to special, primary, and general elections for the federal elective offices of President/Vice President, United States Senator, and United States House of Representatives.

Section 3. Precinct Election Officer Notice. (1) A precinct election officer who cannot confirm a potential voter's eligibility to vote on election day shall notify the individual of the option of appearing before the county board of elections to dispute eligibility or voting a provisional ballot in that precinct if they reside at a residence within the geographical boundaries of the precinct.

(2) If the individual chooses to cast a provisional ballot, then they shall not be eligible to vote in any other manner.

Section 4. Procedures and Circumstances for Casting a Provisional Ballot. (1) The individual shall sign a provisional ballot precinct signature roster prescribed by the State Board of Elections, which contains the individual's Social Security number, name, address, signature, date of birth, political party affiliation, identification type, and precinct officer initials.

(2) The precinct election officer shall check the appropriate box next to the circumstance for issuing the provisional ballot.

(3) The circumstances for issuing the provisional ballot:

(a) Voter whose name does not appear on the precinct roster and whose registration status cannot be determined by the precinct officer;

(b) Voter whose name does not appear on the precinct roster and who has been verified as ineligible to vote;

(c) Voter who does not have identification;

(d) Voter who is voting as a result of a federal or state court order or any order under state law in effect ten (10) days prior to election day which extends polling hours; or

(e) Voter has been challenged by all four (4) precinct election officers.

(4) The precinct election officer shall give the individual the provisional ballot, a provisional ballot inner envelope and the provisional ballot outer envelope.

(5) To cast a provisional ballot, an individual shall execute the written affirmation on the provisional ballot outer envelope before a precinct officer at the polling place declaring they are a registered voter in the county and reside within the geographical boundaries of the precinct. The written affirmation executed by the individual shall state:

(a) Their name;

(b) Current residential address;

(c) Political party affiliation;

(d) That they are a registered voter in the county and reside in the precinct;

(e) That they know of no legal reason to prevent their vote from being cast and counted;

(f) That the individual has not voted and shall not vote in another precinct or by absentee ballot in this state during this election;

(g) That the individual understands that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to penalties therefore; and

(h) That the individual further understands that if they execute the affirmation and are not a registered voter at the current address stated, they have committed a criminal act.

(6) The precinct election officer shall direct the individual to a private voting area in which they shall cast their provisional ballot.

(7)(a) An individual may spoil up to two (2) provisional ballots and shall not be issued more than a total of three (3) provisional ballots.

(b) Spoiled ballots shall be placed in the provisional ballot inner envelope, sealed by the individual, and returned to a precinct election officer who shall mark on the provisional ballot stub of the issued ballot and on the front of the envelope "spoiled ballot".

(8) The individual shall place the voted provisional ballot in the provisional ballot inner envelope and seal. The individual shall place the sealed provisional ballot inner envelope in the provisional ballot outer envelope and seal.

(9) The individual shall return the sealed provisional ballot outer envelope to the precinct election officer.

(10) The precinct election officer, upon receiving the sealed provisional ballot outer envelope from the individual, shall give the individual the provisional ballot information sheet prescribed by the State Board of Elections, which explains the individual's right to contact their local county clerk to learn if the provisional ballot was counted, and if not counted the reason why.

(11) A precinct election officer shall place sealed provisional ballot outer envelopes and sealed spoiled provisional ballot inner envelopes in a container and transmit to the county board of elections.

(12) The county board of elections shall determine the eligibility to vote of each individual casting a provisional ballot, in accordance with KRS Chapters 116 to 118 and 31 KAR Chapters 2 to 6.

(13) If the county board of elections determines the individual is eligible to vote in the precinct in the election, the vote shall be counted and the county board shall so indicate on the provisional ballot outer envelope.

(14) If the county board of elections determines the individual is ineligible to vote in the precinct in the election, the vote shall not be counted and the county board shall so indicate on the provisional ballot outer envelope.

Section 5. Provisional Ballot During Extension of Time to Close Polls. (1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls by a state law in effect ten (10) days before the date of that election may only vote in that election by casting a provisional ballot.

(2) A provisional ballot cast during an extension of the time for closing the polls required by orders described in this section shall be separated and held apart from other provisional ballots cast by those not affected by the order.

Section 6. Responsibilities. (1) The county board of elections shall count all eligible provisional ballots.

(2) The county board of elections shall begin counting provisional ballots no later than 9 a.m. prevailing time on the day following the election.

(3) The provisional ballot count shall be certified by the county board of elections on the Certification Official Count and Record of Election Totals prescribed by the State Board of Elections, which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. This form shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the Friday following the election. For special elections this form shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the day following the election.

(4) Upon completion of a recanvass of vote totals, the county board of elections shall report recanvassed vote totals on the recanvass of official count and record of election totals prescribed by the State Board of Elections, which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. The recanvassed vote totals shall be certified and immediately reported to the Secretary of State's Office.

(5) County clerks shall cause provisional ballots to be printed. The provisional ballots shall be printed with a ballot stub that will be consecutively numbered with a place for voter name, precinct election officer initials and marked by precinct officers if it was a spoiled ballot.

(6) County clerks shall post instructions in each precinct on how to cast a provisional ballot, in accordance with Section 4 of this administrative regulation.

(7) A minimum of twenty (20) provisional ballots and other applicable forms shall be sent to each precinct.

(8) After the county board of elections has completed its investigation of each provisional ballot and marked the face of the provisional ballot outer envelope appropriate to their findings, the county clerk shall photocopy the face of each outer envelope for future access to convey to the individual whether or not the ballot was counted, and if not counted the reason why.

(9) Provisional ballots and all envelopes from a general election shall be locked for thirty (30) days and retained for twenty-two (22) months. Provisional ballot and all envelopes from a primary or special election shall be locked for ten (10) days and retained for twenty-two (22) months.

(10) A provisional ballot accountability statement for provisional ballots prescribed by the State Board of Elections shall be sent to each precinct and returned to the county board of elections, which contains the county name, precinct name, number of ballots issued, ballot stub numbers, number of provisional ballots used, number of provisional ballots unused, number of provisional ballots spoiled and place for the signature of all four (4) precinct election officers.

(11) County boards of election shall instruct precinct election officers as to who is eligible to vote a provisional ballot and the proper procedures, in accordance with Section 4 of this administrative regulation.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Provisional Ballot Precinct Signature Roster - SBE 35 (2/04);

(b) Provisional Ballot Informational Sheet - SBE 36 (11/03);

(c) Provisional Ballot Accountability Sheet - SBE 37 (11/03);

(d) Provisional Ballot Outer Envelope - SBE 38 (2/04);

(e) Provisional Ballot Inner Envelope - SBE 39 (11/03);

(f) Certification Official Count and Record of Election Totals - SBE 49 (11/03); and

(g) Recanvass of Official Count and Record of Election Totals - SBE 49A (11/03).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(30 Ky.R. 1882, Am. 2016; eff. 3-18-2004.)

Provisional Voting Statutes (Current through 7/31/2005)

Louisiana Statutes

LA RS § 18:115. Registration by mail

LA RS § 18:423. Parish boards of election supervisors

LA RS § 18:562. Prerequisites to voting

LA RS § 18:566. Provisional voting for federal office; polling place and in-person absentee

LA RS § 18:566.1. Provisional voting for federal office; order for extension of poll hours during an election for federal office

LA RS § 18:566.2. Tabulation and counting of provisional ballots for federal office

LA RS § 18:574. Compilation and promulgation of returns

Provisional Voting Statutes (Current through 7/31/2005)

LA RS § 18:115. Registration by mail

A. (1) In addition to the national voter registration form promulgated by the Federal Election Commission, the secretary of state shall design and distribute a state mail voter registration application form. The state mail voter registration form shall include the eligibility requirements for registration.

(2) A person may apply to register to vote by mail by completing, signing through handwritten signature, and returning either the national voter registration form or the state mail voter registration form to the registrar of voters for the parish in which the applicant resides.

(3) State mail voter registration application forms received by a registrar of voters from voter registration agencies as defined in R.S. 18:2(8) shall be subject only to the provisions enumerated in R.S. 18:116.

B. (1) The registrar of voters shall determine the eligibility of an applicant in the following manner:

(a) The registrar shall mail a verification mailing to the applicant at the address provided on the application form. The mailing shall instruct the postmaster to deliver only as addressed or return to sender, with return postage guaranteed. If such mailing is not returned to the registrar within ten days from the date of mailing, the applicant shall be added to the official list of voters and the registrar of voters shall send a notice of registration to the applicant. However, if the verification mailing is returned to the registrar by the United States Postal Service, the registrar shall not add the applicant's name to the official list of voters and shall attempt to notify the applicant of such action.

(b) If an applicant fails to provide all of the required information on the application for voter registration, the registrar shall notify the applicant in writing of the missing information and inform him that he has ten days from the date on which the notice was mailed to provide the information. This written notification shall be considered the verification mailing as required by Subparagraph (a) of this Paragraph. If the applicant provides the information and the registrar determines he is eligible to register, the applicant shall be added to the official list of voters and the registrar shall send a notice of registration to the applicant. In the event the applicant does not respond to the request for

the missing information within ten days, the application shall be rejected and the registrar shall so advise the applicant in writing. If the registrar's request for the missing information is returned by the United States Postal Service, the applicant's name shall not be added to the official list of voters and the registrar shall attempt to notify the applicant of such action.

(2) The registrar shall maintain a list of persons to whom verification mailings have been sent within thirty days prior to a particular election.

C. Any mail voter registration application received by the registrar of voters shall be considered an update to any existing voter registration for that person. However, in order to change the name of a registration based on a mail voter registration application, the registrar shall require a copy of such documentation as provided for in R.S. 18:111.

D. The parish registrar of voters shall obtain from the secretary of state and maintain a supply of mail voter registration application forms for distribution and for voter registration. The mail voter registration application forms shall be made available through governmental and private entities. Such forms shall be available for organized voter registration programs.

E. (1) Mail voter registration applications returned through the United States Postal Service shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service, or if no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been made timely if received through the United States mail by the registrar of voters no later than the close of business on the thirtieth day prior to an election.

(2) Mail voter registration applications returned by a third party must be received by any registrar of voters no later than the registration deadline for a particular election in order for the applicant to be eligible to vote in that election.

(3) In any other case, a mail voter registration form shall be deemed received timely if received by any registrar of voters no later than the registration deadline for a particular election.

F. (1) Any registered voter who has registered by mail and has not previously voted in the parish in which he is registered shall vote:

(a) Absentee in person in the office of the registrar of voters, or

(b) In person at the precinct in which he is registered to vote.

(2) Notwithstanding the provisions of R.S. 18:562(D) or 1309(D), the commissioner or registrar of voters shall identify each such voter by requiring the voter to submit his current Louisiana driver's license or other picture identification card.

(3) The provisions of Paragraph (1) of this Subsection shall not apply in the case of a person who is otherwise entitled to vote under the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or the Special Program for Physically Handicapped Voters as provided in Chapter 7-A of this Title.

G. Upon receipt by the registrar of voters of an undelivered notice of registration, the registrar shall immediately begin the procedure set forth in R.S. 18:193 and place the voter on the inactive list of voters.

H. Each registrar of voters shall maintain such statistical records on the number of applications to register to vote by mail, except military and overseas applicants who register by using the Federal Post Card Application, as requested by the secretary of state.

LA RS § 18:423. Parish boards of election supervisors

A. *Creation.*. --There is created a board of election supervisors for each parish.

B. *Powers and duties.*. --The parish board of election supervisors shall supervise the preparation for and the conduct of all elections held in the parish. All papers filed with the parish board of election supervisors shall be filed with the president or the secretary of the board. The parish board of election supervisors shall maintain a permanent street address, which shall be filed with the secretary of state and the clerk of court.

C. (1) *Composition.*. --In each parish, the board of election supervisors shall be composed of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each

recognized political party or his designee who shall be a member of the parish executive committee of the same recognized political party, and one member appointed by the governor.

(2) In a parish where a parish executive committee of a recognized political party has not been formed, the chairman of the state central committee of that political party may appoint a voter who is registered in the parish as being affiliated with the political party to serve on the parish board of election supervisors.

D. *Officers..* --Each parish board of election supervisors shall elect one of its members as president of the board, and may elect a secretary and any other officers it deems necessary.

E. *Compensation..* --Each member of the parish board of election supervisors shall receive fifty dollars for each day, not to exceed six days, actually spent in the performance of his duties in preparing for and supervising each election held in the parish. In addition, each member of the board who is not a public official shall receive fifty dollars for each day spent in court as a subpoenaed witness in litigation concerning the performance of his duties as a member of the parish board of election supervisors in connection with an election.

F. *Materials and expenses..* --The secretary of state shall furnish each parish board of election supervisors with the numbered balls and other materials used to select commissioners-in-charge, commissioners and alternate commissioners.

G. *Legal representation..* --The attorney general shall be the attorney and legal advisor to each parish board of election supervisors. The attorney general may designate the appropriate district attorney to represent a board or, with respect to a particular matter, he may authorize a board to employ special counsel. Any compensation for special counsel shall be fixed by the board, subject to approval by the attorney general, and shall be paid by the parish governing authority.

H. *Designees..* --The clerk of court and the registrar of voters may each appoint a designee to serve in his place on the parish board of election supervisors when he is absent from any meetings of the board. Any designee of the registrar of voters shall be a sworn deputy registrar. For each day of such service the designee of the clerk of court or the registrar of voters shall be paid the same compensation as a member, and the designating member shall not be compensated for that day. Any compensation paid to the designee shall be counted against the designating member's compensation, which shall not exceed six days as provided in Subsection E of this Section.

LA RS § 18:562. Prerequisites to voting

A. *Identification of voters..*

(1) A person who desires to vote in a primary or general election shall give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place.

(2) Each applicant shall identify himself, in the presence and view of the bystanders, and present to the commissioners a Louisiana driver's license, a Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card. If the applicant does not have a Louisiana driver's license, a Louisiana special identification card, or other generally

recognized picture identification card, the applicant shall sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners who shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.

B. *Review of precinct register.*. --The commissioners shall then determine:

(1) If the applicant's name is found in the precinct register on the official list of voters and he has not voted absentee, one of the commissioners shall announce the applicant's name again.

(2) If the applicant's name is found in the precinct register on the inactive list of voters and has not voted absentee, the applicant may vote after complying with provisions of R.S. 18:196(B). After such compliance, one of the commissioners shall announce the applicant's name again and shall preserve the address confirmation card received from the voter by placing the address confirmation card in the envelope marked "Registrar of Voters" and attaching the envelope to the precinct register.

(3) If the name of a qualified voter was omitted from or incorrectly printed on the precinct register, the commissioner shall:

(a) Contact the registrar of voters to ascertain whether or not the person applying to vote is registered to vote in that precinct.

(b) In the absence of a valid challenge of the voter, allow the applicant to sign an affidavit before a commissioner attesting that he is a qualified registered voter and describing the error or omission in the voter records.

(c) Preserve the applicant's original affidavit as part of the election records by placing it in the envelope marked "Put in Voting Machine" and place the duplicate affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register.

C. *Handwritten signature of the applicant.*. --If the applicant is able to sign his name, he shall sign his handwritten signature in ink in the space for his signature on the precinct register. When the applicant has submitted picture identification to the commissioners, the applicant's signature shall be compared to his signature on the picture identification. If the applicant is unable to sign his name, he shall make his mark in ink in the proper space on the precinct register.

D. *Procedure after identification.*. --If satisfied that the applicant has identified himself as the voter named on the precinct register and that he is qualified to vote, a commissioner shall initial the precinct register opposite the voter's signature or mark. The voter then shall be allowed to vote.

LA RS § 18:566. Provisional voting for federal office; polling place and in-person absentee

A. In an election for federal office, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the commissioners assert that the applicant is not eligible to vote, and the applicant declares himself to

be a registered voter and eligible to vote in the election for federal office, the applicant may cast a provisional ballot for candidates for federal office.

B. Procedure for provisional voting for federal office at a polling place:

(1) The applicant shall first fill in the blanks on the provisional ballot envelope flap and sign the certificate on the envelope flap in the presence of a commissioner attesting that he is a registered voter in the parish and is eligible to vote in the election for federal office. The applicant shall then sign the precinct register on the page marked "Provisional Voters". The commissioner shall record the provisional ballot number on the provisional ballot envelope and then shall provide the applicant the provisional ballot envelope and the provisional ballot listing the federal offices. The applicant shall then mark the provisional ballot according to the printed instructions on its face, place the ballot in the provisional ballot envelope, seal the envelope, and return the provisional ballot envelope to the commissioner. The applicant shall be allowed to mark the provisional ballot in an area and in a manner that protects the secrecy of his vote. The commissioner shall place the provisional ballot envelope inside the envelope marked "Provisional Ballot". The "Provisional Ballot" envelope shall be returned to the registrar of voters, in care of the clerk of court, on election night.

(2) The commissioner shall provide an applicant who casts a provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and, if the provisional vote was not counted, the reason the vote was not counted.

C. In an election for federal office during the period of absentee voting in person, when an applicant's name does not appear on the precinct register and the registrar of voters has not authorized the applicant to vote by affidavit, or the registrar or deputy registrar asserts that the applicant is not eligible to vote, and the applicant declares himself to be a registered voter and eligible to vote in the election for federal office, the applicant shall be permitted to cast an in-person absentee provisional ballot for candidates for federal office.

D. Procedure for provisional voting for federal office during the period of absentee voting in person:

(1) The applicant shall first fill in the blanks on the provisional ballot envelope flap and sign the certificate on the envelope flap in the presence of the registrar or deputy registrar attesting that he is a registered voter in the parish and is eligible to vote in the election for federal office. The applicant shall then sign the precinct register on the page marked "Provisional Voters". If the applicant is voting at a branch office of the registrar, the applicant shall be required to sign and date a register for absentee provisional voters kept by the registrar prior to voting by provisional ballot. The registrar or deputy registrar shall record the provisional ballot number on the provisional ballot envelope flap and then shall provide the applicant the provisional ballot envelope and the provisional ballot listing the federal offices. The applicant shall then mark the provisional ballot according to the printed instructions on its face, place the ballot in the provisional ballot envelope, seal the envelope, and return the provisional ballot envelope to the registrar or deputy registrar. The applicant shall be allowed to mark the provisional ballot in an area and in a manner that protects the secrecy of his vote. The registrar or deputy registrar shall place the provisional ballot envelope inside the envelope marked "Absentee Provisional Ballot".

(2) The registrar or deputy registrar shall provide an applicant who casts an in-person absentee provisional ballot with written instructions for how the applicant may ascertain whether the provisional vote was counted, and, if the provisional vote was not counted, the reason the vote was not counted.

LA RS § 18:566.1. Provisional voting for federal office; order for extension of poll hours during an election for federal office

A. If the poll hours in an election for federal office are extended as a result of a federal or state court order or any other order extending the time established for closing the polls, an individual who votes during the extension shall vote by provisional ballot for federal offices as set forth in R.S. 18:566(B).

B. Any provisional ballot cast pursuant to Subsection A of this Section shall be kept separate and placed by the appropriate election official in the envelope marked "Provisional Ballot - Extended Poll Hours", and shall be counted and tabulated as provided in R.S. 18:566.2.

LA RS § 18:566.2. Tabulation and counting of provisional ballots for federal office

A. Upon receipt of the "Provisional Ballot" envelope, the registrar of voters shall compile a list of the names of individuals who voted a provisional ballot, including the names of individuals who voted a provisional absentee ballot. On or before the date prescribed for the date of tabulation and counting of provisional ballots set forth in Subsection C of this Section, the registrar of voters, secretary of state, and other state and local agencies shall compile and provide available registration documentation to the parish board of election supervisors for the purposes of determining whether the individual casting a provisional ballot is a registered voter and eligible to vote in the election.

B. The parish board of election supervisors in each parish shall be responsible for the counting and tabulation of all provisional ballots for federal office.

C. Provisional ballots shall be counted on the third day following the election and prior to the compilation of returns pursuant to R.S. 18:574 at the office of the registrar of voters or at a public facility within the parish designated by the parish board of election supervisors.

D. Candidates, their representatives, and qualified electors may be present during the counting and tabulation of provisional ballots.

E. The board shall count and announce the results of the provisional ballots as the total number of provisional votes cast in the election for each candidate for federal office.

F. The procedure for counting provisional ballots shall be as follows:

(1) A member of the board shall remove the envelopes containing the provisional ballots from the envelopes marked "Provisional Ballot" and "Absentee Provisional Ballot".

(2) The board shall announce the name of each provisional voter and shall compare the name on the flap of the provisional ballot envelope with the name on the list of provisional voters.

(3) If the board has determined that a provisional ballot shall be counted, a member of the board shall write the provisional ballot number and the word "counted" adjacent to the provisional voter's name on the list of provisional voters. A member of the board shall tear the flap from the envelope containing the provisional ballot, attach the provisional voter's registration documentation to the envelope flap, and leave the envelope sealed.

(4) If the board has determined that a provisional ballot shall not be counted, the members of the board shall leave the flap on the envelope containing the provisional ballot, leave the envelope sealed, and shall write the word "rejected", together with the reason for rejecting the provisional ballot across the envelope containing the ballot. A member of the board shall write the provisional ballot number and the word "rejected" adjacent to the provisional voter's name, together with the reason for rejecting the provisional ballot, on the list of provisional voters. The rejected provisional ballots shall be placed in the special provisional ballot envelope. No rejected provisional ballot shall be counted.

(5) After the validity of all provisional ballots has been determined, the members of the board shall place the original signed list of provisional voters, the flaps removed from the valid provisional ballots and the attached registration documentation in the envelope provided for that purpose, and seal the envelope. Two of the members of the board shall execute the certificate on the envelope and transmit the envelope to the registrar of voters.

(6) The members of the board shall open the envelopes containing the valid provisional ballots and remove the ballots.

(7) The provisional votes cast for a candidate for federal office shall be counted by hand, and the total number of provisional votes cast for a candidate shall be announced in the order the offices and candidates are listed on the provisional ballot. The members of the board shall enter the total number of votes on the final provisional ballot vote report and certify the results.

(8) The original of the final provisional ballot vote report prepared by the parish board of election supervisors shall be transmitted to the clerk of court upon completion of the tabulation of the provisional ballots.

(9) A copy of the signed list of provisional voters and a copy of the final provisional ballot vote report shall be transmitted immediately to the secretary of state.

G. When the flaps of the provisional ballots that were counted and the attached registration documentation have been returned to the registrar of voters, the registrar shall add the name of each provisional voter whose ballot was counted to the list of registered voters.

H. Upon completion of the tabulation and counting of the provisional ballots, the parish board of election supervisors shall return the provisional ballots and a copy of the final provisional ballot vote report to the special provisional ballot envelope, shall seal the envelope, and shall deliver the envelope to the registrar of voters. The registrar shall preserve the envelope and its contents inviolate and, except upon order of a court of competent jurisdiction, shall not allow the provisional ballot documents to be inspected by anyone until the delay for filing an action contesting the election has lapsed. If an action contesting the election is commenced timely, the registrar shall

continue to preserve the envelope and its contents inviolate, subject to the orders of the court, until the final judgment in the action has become definitive.

LA RS § 18:574. Compilation and promulgation of returns

A. (1) The parish board of election supervisors or the members of the board selected by the board as its representatives shall meet at the time and place designated by the clerk of court for the voting machines to be opened. The board or its representatives shall observe the verification of the votes by the clerk of court.

(2) Immediately after the completion of the verification by the clerk of court and the counting and tabulation of provisional ballots for federal office, if applicable, the board shall publicly prepare two compiled statements of the election returns as shown by the record of the votes made by the clerk of court. The compiled statements shall separately show the machine votes for each candidate and for and against each proposition in each precinct, the total absentee votes for each candidate and for and against each proposition in the parish, the total provisional votes for each candidate for federal office, and the total of all votes for each candidate and for and against each proposition in the parish.

(3) The board shall complete the compilation of the election returns and file one copy of the compiled statement with the clerk of court no later than 4:00 p.m. on the fourth day after the election. One copy of the compiled statement shall be postmarked no later than 12:00 noon on the fifth day after the election and mailed to the secretary of state. The clerk of court shall transmit the election returns as shown by the compiled statement from the parish board of election supervisors to the secretary of state no later than 12:00 noon on the fifth day after the election. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the parish board of election supervisors shall transmit the election returns as shown by their compiled statement to the secretary of state no later than 12:00 noon on the fifth day after the election. Failure to comply with these time limits shall not void the election.

B. By a majority vote of the members, the parish board of election supervisors may attach to the compiled statements a notation of any irregularities observed by the board with respect to:

(1) The security of the place in which the voting machines are located;

(2) The security of the voting machines;

(3) The physical condition of the voting machines;

(4) The physical condition of the election materials in the voting machines;

(5) The substantive contents of the election materials in the voting machines; and

(6) Any other matter affecting the verification of the vote totals by the clerk of court.

C. The compiled statements made by the parish board of election supervisors shall be admissible in court in an action contesting a primary or general election as prima facie proof of the number of votes received by the candidates in the election.

D. (1) The secretary of state shall compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the secretary of state shall compile the results of the election for all candidates, proposed constitutional amendments, and recall elections based upon the compilation of the votes transmitted to him by the parish board of election supervisors. The compilation shall be completed and the results thereof shall be announced not later than twelve o'clock noon on the sixth day after the election.

(2) The secretary of state shall announce the results for state candidates, proposed constitutional amendments, and recall elections and that the results of elections for candidates other than state candidates are available in his office. The results thus announced shall be deemed to be the tentative results of the election and shall not be deemed to be the official results of the election.

E. (1) On or before the twelfth day after the primary or general election, if no action has been timely filed contesting the election to the office of a state candidate, the secretary of state shall promulgate the returns for state candidates, proposed constitutional amendments, and recall elections by publishing in the official journal of the state the names of the state candidates for each office in the election, the text of the proposed constitutional amendment, and recall elections and the number of votes received by each such candidate, proposed constitutional amendment, and recall elections as shown by the returns transmitted by the clerks of court from the compiled statements by the parish boards of election supervisors. In a parish containing a municipality with a population of four hundred seventy-five thousand or more, the promulgation shall be from the returns transmitted by the parish board of election supervisors. On or before the twelfth day after the primary or general election, if no action has been timely filed contesting the election to office of a candidate other than a state candidate, the secretary of state shall promulgate the returns for the election for candidates other than state candidates by transmitting to the clerk of court for the parish wherein the state capitol is located a notice containing the results of the elections for candidates other than state candidates. The clerk of court shall post this notice in a prominent place in his office.

(2) However, if the twelfth day after the primary or general election falls on a Saturday, Sunday, or other legal holiday, and the secretary of state does not promulgate said returns prior to the twelfth day after the primary or general election, he shall promulgate said returns on the next day which is not a Saturday, Sunday, or other legal holiday.

F. Computation of all time intervals in this Section shall include Saturdays, Sundays, and other legal holidays. However, if the final day in a time interval falls on a Saturday, Sunday, or other legal holiday, then the next day which is not a Saturday, Sunday, or legal holiday shall be deemed to be the final day of the time interval. If one or more of the duties in this Section, required to be performed on the fourth, fifth, or sixth day after an election are delayed because of a Saturday, Sunday, or other legal holiday, the duties which follow will be delayed a like amount of time.

Provisional Voting Statutes (Current through 7/31/2005)

Maine Statutes

ME. REV. STAT. ANN. tit. 21-A, § 673 – Challenges

ME. REV. STAT. ANN. tit. 21-A, § 757 – Challenges

ME. REV. STAT. ANN. tit. 21-A, § 824 – Challenge of Right to Vote

ME. REV. STAT. ANN. tit. 21-A, § 673 – Challenges

A voter of any municipality may challenge the right of another to vote at any election in that municipality.

1. How made. The challenge must be made to the warden. The challenger must state in the form of a signed affidavit setting forth, under oath administered by the warden, the challenger's name, address, party affiliation, status as a registered voter in the municipality, the name of the voter challenged, the reason the particular individual being challenged may be ineligible to vote, the specific source of the information or personal knowledge upon which the challenge of the particular individual is based and a statement that the challenger understands that making a false statement on the affidavit is punishable under penalties of perjury.

A. A voter may challenge another voter only upon personal knowledge or a reasonably supported belief that the challenged voter is unqualified. Only the following reasons for challenges may be accepted by the warden. The challenged person:

(1) Is not a registered voter;

(2) Is not enrolled in the proper party, if voting in a primary election;

(3) Is not qualified to be a registered voter because the challenged person:

(a) Does not meet the age requirements as specified in sections 111, subsection 2 and section 111-A;

(b) Is not a citizen of the United States; or

(c) Is not a resident of the municipality or appropriate electoral district within the municipality;

(4) Registered to vote during the closed period or on election day and did not provide satisfactory proof of identity and residency to the registrar pursuant to section 121, subsection 1-A;

(5) Did not properly apply for an absentee ballot;

(6) Did not properly complete the affidavit on the absentee return envelope;

(7) Did not cast the ballot or complete the affidavit before the appropriate witness;

(8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;

(9) Did not have the ballot returned to the clerk by the time prescribed;

(10) Voted using the name of another;

(11) Committed any other specified violation of this Title; or

(12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable.

B. A challenge made must be made at the time the voter being challenged is checking in with the election clerk in charge of the incoming voting list in accordance with section 671 but before that voter enters the voting booth, except that the registrar or clerk may complete a challenge affidavit under oath to the warden before or during election day.

C. A challenge must be made against an absentee ballot after the name of the absentee voter is announced by the warden or clerk in accordance with section 759 and before the ballot is placed into the ballot box or voting machine.

D. The merits of a challenge may not be decided at the time the challenge is made, but only after the election consistent with the provisions of section 696.

2. Voting list marked. As soon as the challenge has been made, the election clerk in charge of the incoming voting list shall write "Challenged" beside the voter's name on the list, and give a ballot to the warden.

3. Ballot marked. The warden shall write a number on the outside of the ballot. The warden shall also complete a certificate on which appears the word "Challenged," the name of the voter challenged and the reason for the challenge. The challenger and the warden shall sign the certificate. After the challenger has signed the certificate, the warden shall place the number that was written on the ballot in a conspicuous place on the certificate. Only the warden and the challenged voter may know the ballot number. The warden shall place the challenge certificate and the signed affidavit under subsection 1 in a sealed envelope marked "Challenge Certificate #(certificate number)" and shall retain the envelope until it is sealed with the ballot materials pursuant to section 698.

3-A. List of challenged ballots. The warden shall maintain a list of all challenges made. The list must include the name of the voter challenged, the name of the challenger and the reason for the challenge. The list may not include the unique number assigned to the ballot of the challenged voter. The list must be made available for public inspection after the polls close.

4. Proceed to vote. The challenged voter shall then proceed to vote in the usual way using the marked ballot.

5. Regulation of challengers and challenges. A person challenging the right of another person to vote may not create a disturbance or obstruction and may not interfere with or delay the challenged

voter's exercise of the right to vote once the challenge affidavit has been completed. A challenger other than a registrar, clerk or other election official may not handle or inspect registration cards or files or other materials used by the registrar or clerk except as provided in section 22.

6. Challenged ballots relating to court order. In an election for federal office, if a federal or state court has issued an order extending the time established for closing the polls, any ballots cast during the period of that extension must be challenged according to this section, segregated and counted separately from all regular and challenged ballots cast during the normal polling hours.

ME. REV. STAT. ANN. tit. 21-A, § 757 – Challenges

An absentee ballot may be challenged the same as a regular ballot under section 673.

ME. REV. STAT. ANN. tit. 21-A, § 824 – Challenge of Right to Vote

A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting his vote, but must use an official paper ballot.

Provisional Voting Statutes (Current through 7/31/2005)

Maryland

MD. CODE ANN., ELEC. LAW § 2-101 – In General

MD. CODE ANN., ELEC. LAW § 2-102 – Powers and Duties

MD. CODE ANN., ELEC. LAW § 2-103 – State Administrator

MD. CODE ANN., ELEC. LAW § 2-201 – Organization

MD. CODE ANN., ELEC. LAW § 2-202 – Powers and Duties

MD. CODE ANN., ELEC. LAW § 2-206 – Election Director

MD. CODE ANN., ELEC. LAW § 9-213 – Absentee and Provisional Ballots; Contents

MD. CODE ANN., ELEC. LAW § 9-401 – Application of Subtitle; Forms; Budget

MD. CODE ANN., ELEC. LAW § 9-402 – Record of Provisional Voting

MD. CODE ANN., ELEC. LAW § 9-403 – Guidelines for Provisional Voting

MD. CODE ANN., ELEC. LAW § 9-404 – Casting Provisional Ballots

MD. CODE ANN., ELEC. LAW § 9-405 – Provisional Ballot Application

MD. CODE ANN., ELEC. LAW § 9-406 – Assistance; Casting Ballot

MD. CODE ANN., ELEC. LAW § 9-407 – Instructions; Envelope

MD. CODE ANN., ELEC. LAW § 9-408 – Violations; Penalties

MD. CODE ANN., ELEC. LAW § 10-306 – Information for Voters at Polling Place

MD. CODE ANN., ELEC. LAW § 10-310 – Responsibilities of Election Judges on Election Day; During Voting Hours

MD. CODE ANN., ELEC. LAW § 10-311 – Challengers and Watchers

MD. CODE ANN., ELEC. LAW § 10-312 – Challenge of an Individual's Right to Vote

MD. CODE ANN., ELEC. LAW § 11-101 - Definitions

MD. CODE ANN., ELEC. LAW § 11-303 – Canvass of Provisional Ballots

MD. CODE ANN., ELEC. LAW § 11-305 – Administrative Complaints

Provisional Voting Statutes (Current through 7/31/2005)

MD. CODE ANN., ELEC. LAW § 16-304 – Adding or Deleting Votes

MD. REGS. CODE tit. 33, § 07.05.03 – Name Not in Precinct Register

MD. REGS. CODE tit. 33, § 07.06.05 – Fail-Safe Provision

MD. REGS. CODE tit. 33, § 07.07.04 – Issuance of Provisional Ballot

MD. REGS. CODE tit. 33, § 08.01.05 – Stages of Canvass

MD. REGS. CODE tit. 33, § 08.05.04 – Ballot Accounting-By Election

MD. REGS. CODE tit. 33, § 11.02.07 – Identification Requirements

MD. REGS. CODE tit. 33, § 11.03.02 – Marking Precinct Register

MD. REGS. CODE tit. 33, § 11.04.05 – Hold Back of Ballots

MD. REGS. CODE tit. 33, § 11.05.03 – Ballot Rejection-Basic Grounds

MD. REGS. CODE tit. 33, § 16.01.01 - Definitions

MD. REGS. CODE tit. 33, § 16.01.02 - Procedures

MD. REGS. CODE tit. 33, § 16.02.01 - Content

MD. REGS. CODE tit. 33, § 16.02.02 – Use by Local Board

MD. REGS. CODE tit. 33, § 16.02.03 – Proof of Identity

MD. REGS. CODE tit. 33, § 16.03.01 – Ballot Content

MD. REGS. CODE tit. 33, § 16.03.02 - Instructions

MD. REGS. CODE tit. 33, § 16.03.03 – Securing Ballots

MD. REGS. CODE tit. 33, § 16.04.01 – Conduct Generally

MD. REGS. CODE tit. 33, § 16.04.02 – Board Responsibility

MD. REGS. CODE tit. 33, § 16.04.03 – Start of Canvass

MD. REGS. CODE tit. 33, § 16.04.04 – Board Counsel

MD. REGS. CODE tit. 33, § 16.04.05 – Record of Disposition

MD. REGS. CODE tit. 33, § 16.04.06 – Opening and Ballot Tabulation

MD. REGS. CODE tit. 33, § 16.04.07 – Reporting Results

MD. REGS. CODE tit. 33, § 16.05.01 – Unanimous Vote Required

MD. REGS. CODE tit. 33, § 16.05.03 – Ballot Rejection- Intentional Identifying Mark

MD. REGS. CODE tit. 33, § 16.05.05 – Vote or Contest Rejection

MD. REGS. CODE tit. 33, § 16.05.06 – Free Access System for Determining Whether Application was Accepted

MD. REGS. CODE tit. 33, § 16.05.07 – Administrative Complaint Procedures

MD. CODE ANN., ELEC. LAW § 2-101

Membership

(a) There is a State Board of Elections consisting of five members.

Office; staff

(b) The State Board shall maintain its principal office in Annapolis and have staff, subject to the State Personnel and Pensions Article, as provided in the State budget.

Appointment

(c)(1) Each member of the State Board shall:

(i) subject to subsection (g)(2) of this section, be appointed by the Governor in accordance with paragraph (2) of this subsection, with the advice and consent of the Senate of Maryland;

(ii) be a registered voter in the State for the 5 years immediately preceding the appointment;

(iii) subject to subsection (f)(3) of this section, be eligible for reappointment;

(iv) conform to the restrictions specified under § 2-301 of this title; and

(v) be subject to removal by the Governor for incompetence, misconduct, or other good cause, upon written charges filed by the Governor with the State Board and after having been afforded notice and ample opportunity to be heard.

(2) Subject to subsection (e) of this section, the Governor shall appoint as a member of the State Board an individual whose name is submitted to the Governor by the State central committee of the principal political party entitled to the appointment.

Oath

(d) Before taking office, each appointee to the State Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

Political party affiliation

(e)(1) Each member of the State Board shall be a member of one of the principal political parties.

(2) A person may not be appointed to the State Board if the appointment will result in the State Board having more than three or fewer than two members of the same principal political party.

Term

(f)(1) The term of a member is 4 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the State Board on July 1, 1999.

(3) A member may not serve more than three consecutive terms.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

Vacancy

(g)(1) If a vacancy occurs on the State Board, it shall be filled for the remainder of the unexpired term and until a successor is appointed and qualifies.

(2) An appointment made while the Senate of Maryland is not in session shall be considered temporary until the appointee is confirmed by the Senate.

Chairman

(h) Not later than August 1 each year, the State Board shall elect one of its members as chairman.

Compensation

(i) Each member shall receive:

(1) per diem compensation as provided in the State budget for each day that the member is actually engaged in the discharge of official duties, as authorized by the State Board and in accordance with the State budget; and

(2) reimbursement for all necessary and proper expenses, as provided in the State budget.

MD. CODE ANN., ELEC. LAW § 2-102– Powers and Duties –

Generally

(a) The State Board shall manage and supervise elections in the State and ensure compliance with the requirements of this article and any applicable federal law by all persons involved in the elections process.

Specific powers and duties

(b) In exercising its authority under this article and in order to ensure compliance with this article and with any requirements of federal law, the State Board shall:

(1) supervise the conduct of elections in the State;

(2) direct, support, monitor, and evaluate the activities of each local board;

(3) have a staff sufficient to perform its functions;

(4) adopt regulations to implement its powers and duties;

(5) receive, and in its discretion audit, campaign finance reports;

(6) appoint a State Administrator in accordance with § 2-103 of this subtitle;

(7) maximize the use of technology in election administration, including the development of a plan for a comprehensive computerized elections management system;

(8) canvass and certify the results of elections as prescribed by law;

(9) make available to the general public, in a timely and efficient manner, information on the electoral process, including a publication that includes the text of this article, relevant portions of the Maryland Constitution, and information gathered and maintained regarding elections;

(10) subject to §§ 2-106 and 13-341 of this article, receive, maintain, and serve as a depository for elections documents, materials, records, statistics, reports, certificates, proclamations, and other information prescribed by law or regulation;

(11) prescribe all forms required under this article; and

(12) serve as the official designated office in accordance with the Uniformed and Overseas Citizens Absentee Voting Act for providing information regarding voter registration and absentee ballot procedures for absent uniformed services voters and overseas voters with respect to elections for federal office.

MD. CODE ANN., ELEC. LAW § 2-103 – State Administrator –Generally

(a) There is a State Administrator of Elections.

Specific powers and duties

(b) The State Administrator shall:

(1) be appointed by the State Board, with the advice and consent of the Senate of Maryland, and serve at the pleasure of the State Board;

(2) receive a salary as provided in the State budget;

(3) as provided in the State budget, employ and supervise:

(i) a deputy administrator, who shall serve as State Administrator in the event the State Administrator resigns, becomes disabled, or dies, pending the appointment of a successor State Administrator; and

(ii) pursuant to the State Personnel and Pensions Article, other staff of the State Board;

(4) supervise the operations of the local boards;

(5) perform all duties and exercise all powers that are assigned by law to the State Administrator or delegated by the State Board;

(6) provided the State Board is fully constituted with five duly confirmed members, be subject to removal by the affirmative vote of four duly confirmed members of the State Board for incompetence, misconduct, or other good cause except that:

(i) prior to removal, the State Board shall set forth written charges stating the grounds for dismissal and afford the State Administrator notice and an ample opportunity to be heard; and

(ii) subsequent to a valid vote for removal by at least four duly confirmed members of the State Board, the State Administrator is authorized to continue to serve until a successor is appointed and confirmed by the Senate of Maryland; and

(7) be the chief State election official.

MD. CODE ANN., ELEC. LAW § 2-201 – Organization

Generally

(a)(1) There is a county board of elections in each county of the State.

(2) Each local board and its staff is subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding the implementation of the requirements of this article and any applicable federal law.

Membership

(b)(1) Except as provided in subsection (j) of this section, each local board consists of three regular members and two substitute members.

(2) Two regular members and one substitute member shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) In the event of the absence of a regular member or a vacancy in the office of a regular member, the substitute member of the same political party shall exercise the powers and duties of a regular member until the regular member returns or the vacancy is filled as prescribed in subsection (h) of this section.

Appointment

(c) Each regular and substitute member of a local board shall:

(1) be appointed in accordance with subsection (g) of this section;

(2) be a registered voter in the county for which the individual is appointed for the 5 years immediately preceding the appointment; and

(3) be eligible for reappointment.

Term

(d)(1) The term of a member is 4 years and begins on the first Monday in June of each year following a gubernatorial election.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

Oath

(e) Before taking office, a member shall take and subscribe to the oath prescribed in Article I, § 9 of the Maryland Constitution.

Removal

(f) The Governor may remove a member for incompetence, misconduct, or other good cause, upon written charges stating the Governor's grounds for dismissal and after affording the member notice and an ample opportunity to be heard.

Appointment process

(g)(1) The Governor shall request the county central committee representing the majority party or the principal minority party, as appropriate, to submit a list of at least four eligible individuals from which the Governor may make an appointment of a regular member or a substitute member of the local board.

(2) The Governor may reject all of the nominees if the Governor determines them to be unfit or incompetent, in which case the Governor shall notify the State Board in writing and request an additional list of at least four eligible nominees from the county central committee. A third list may be requested in the same manner.

(3) If a list containing the names of four eligible nominees is not submitted within 20 days of a request or if all the nominees on three lists are rejected, the Governor may appoint any eligible person who is a member of the appropriate political party.

(4)(i) Except as provided in subparagraph (ii) of this paragraph, each appointment shall be subject to confirmation by the Senate of Maryland.

(ii) In Caroline, Dorchester, and Kent counties, if there is no resident Senator of the particular county, the confirmation required under subparagraph (i) of this paragraph shall be by the House of Delegates of Maryland.

(iii) If an appointee is rejected, the Governor shall make another appointment from the list or lists submitted under paragraphs (1) and (2) of this subsection. If a list is not provided, or the nominees on three lists are rejected, the Governor may appoint an eligible individual as provided in paragraph (3) of this subsection.

Filling of vacancies

(h)(1) If a member of a local board dies, resigns, is removed, or becomes ineligible:

(i) the substitute member belonging to the same political party shall become a regular member of the local board; and

(ii) the Governor shall appoint an eligible person from the same political party to be the new substitute member.

(2) If a substitute member of a local board becomes a regular member as provided in paragraph (1)(ii) of this subsection, dies, resigns, is removed, or becomes ineligible when the confirming legislative body is not in session, the Governor shall appoint an eligible person from the same political party as the predecessor substitute member to fill the vacancy. That individual shall serve until the earlier of:

(i) the adjournment of the next session of the General Assembly; or

(ii) the appointment of another individual to fill the same vacancy.

President of local board

(i) A board shall meet within 20 days after the beginning of the term to elect one of its regular members as president.

Special provision--Prince George's County

(j)(1) In Prince George's County, the local board consists of five regular members and three substitute members.

(2) Four regular members and two substitute members shall be of the majority party, and one regular member and one substitute member shall be of the principal minority party.

(3) If a vacancy occurs on the local board among the members from the majority party, the Governor shall designate one of the substitute members from that party to fill the vacancy.

MD. CODE ANN., ELEC. LAW § 2-202 (2002 & Supp. 2003) – Powers and Duties

Applicability

(a) Except for the City of Baltimore, the provisions of this section do not apply to a municipal corporation in the State in which the municipal or charter elections are regulated by the public local laws of the State or the charter of the municipal corporation.

Powers and duties

(b) Each local board, in accordance with the provisions of this article and regulations adopted by the State Board, shall:

(1) oversee the conduct of all elections held in its county and ensure that the elections process is conducted in an open, convenient, and impartial manner;

(2) pursuant to the State Personnel and Pensions Article, or its county merit system, whichever is applicable, appoint an election director to manage the operations and supervise the staff of the local board;

(3) maintain an office and be open for business as provided in this article, and provide the supplies and equipment necessary for the proper and efficient conduct of voter registration and election, including:

(i) supplies and equipment required by the State Board; and

(ii) office and polling place equipment expenses;

(4) adopt any regulation it considers necessary to perform its duties under this article, which regulation shall become effective when it is filed with and approved by the State Board;

(5) serve as the local board of canvassers and certify the results of each election conducted by the local board;

(6) establish and alter the boundaries and number of precincts in accordance with § 2-303 of this title, and provide a suitable polling place for each precinct, and assign voters to precincts;

(7) provide to the general public timely information and notice, by publication or mail, concerning voter registration and elections;

(8) make determinations and hear and decide challenges and appeals as provided by law;

(9)(i) aid in the prosecution of an offense under this article; and

(ii) when the board finds there is probable cause to believe an offense has been committed, refer the matter to the appropriate prosecutorial authority; and

(10) maintain and dispose of its records in accordance with the plan adopted by the State Board under § 2-106 of this title.

Special provision--Garrett County

(c) In Garrett County, following each decennial census of the United States, the local board shall:

(1) evaluate the population of the county commissioner districts to determine whether the districts are of substantially equal population; and

(2) recommend to the Garrett County Delegation to the General Assembly any adjustments of the boundaries of those districts that are necessary to maintain districts of substantially equal population.

MD. CODE ANN., ELEC. LAW § 2-206 – Election Director –

Subject to the requirements of this article and the policies and guidance of the local board, the election director may:

(1) appoint the employees of the local board;

(2) train judges of election;

(3) give notice of elections;

(4) submit voter registration reports to the State Board;

(5) initiate and conduct any program approved by the State Board to identify, notify, and remove from the voter registration rolls any registrant who has become ineligible due to a change of address;

(6) upon the request of an elderly or disabled voter whose polling place is not structurally barrier free, provide an alternate polling place to the voter;

(7) issue voter acknowledgment notices and voter notification cards;

(8) receive certificates of candidacy;

(9) verify nominating petitions;

(10) receive and maintain campaign finance reports;

(11) in consultation with the local board, conduct the canvass following an election; and

(12) subject to § 9-306 of this article, process and reject absentee ballot applications.

MD. CODE ANN., ELEC. LAW § 9-213 – Absentee and Provisional Ballots; Contents

The content of both an absentee ballot and a provisional ballot issued to a voter shall be identical to the ballot used in the polling place of the voter's residence.

MD. CODE ANN., ELEC. LAW § 9-401 – Application of Subtitle; Forms; Budget

Application of subtitle

(a) This subtitle applies to every election governed by this article.

Forms

(b) The State Board shall prescribe all forms required to comply with:

(1) this subtitle; and
(2) any requirements of relevant federal law.

Budget

(c) The budget of the State Board for each fiscal year shall include funding necessary to support any additional personnel costs associated with the implementation of the provisional ballot system required under this article.

MD. CODE ANN., ELEC. LAW § 9-402 – Record of Provisional Voting

Each local board shall maintain a full record of provisional ballot voting in the county, including, for each voter who votes using a provisional ballot:

(1) the action taken with regard to the registration;

(2) the appropriate ballot style; and
(3) any other information specified by the State Board.

MD. CODE ANN., ELEC. LAW § 9-403 (2002 & Supp. 2003) – Guidelines for Provisional Voting

Generally

(a) The State Board shall establish guidelines for the administration of provisional ballot voting by the local boards.

Contents of guidelines

(b) The guidelines shall provide for:

(1) the provisional ballot application process;
(2) ballot security, including storage of returned ballots;
(3) the canvass process;
(4) notice of the canvass to candidates, political parties, campaign organizations, news media, and the general public;
(5) observers of the process;
(6) review of ballots and envelopes submitted for compliance with the law and for machine tabulation acceptability;
(7) standards for disallowance of ballots during the canvass;
(8) storage and retention of ballots following canvass and certification; and
(9) the free access system required under § 11-303(e) of this article.

Duties of State Board

(c) The State Board shall:

(1) in consultation with the local boards, assess the guidelines before each primary election; and
(2) revise the guidelines if indicated.

MD. CODE ANN., ELEC. LAW § 9-404 – Casting Provisional Ballots

Provisional ballots

(a) If an individual is eligible under subsection (b) of this section, the individual shall be issued and may cast a provisional ballot:

(1) at a polling place on election day; or
(2) at the local board office in the county where the individual resides after the close of registration and before the closing of the polls on election day.

Eligibility

(b) An individual is eligible to cast a provisional ballot if:

(1) the individual declares in a written affirmation submitted with the provisional ballot that the individual is a registered voter in the State and is eligible to vote in that election; and
(2)(i) the individual's name does not appear on the precinct register;
(ii) an election official asserts that the individual is not eligible to vote; or
(iii) the individual does not have the necessary identification.

Extension of time for closing the polls

(c) In addition to the individuals who cast provisional ballots under subsections (a) and (b) of this section, any individual who appears to vote during a period covered by a court order or other order extending the time for closing the polls shall cast a provisional ballot. A provisional ballot cast under this subsection shall be separated and held apart from other provisional ballots cast by those not affected by the order.

MD. CODE ANN., ELEC. LAW § 9-405 (2002 & Supp. 2003) – Provisional Ballot Application

Before an individual casts a provisional ballot:

(1) the individual shall complete and sign the provisional ballot application prescribed by the State Board; and
(2) the election official issuing the ballot shall give the individual written information advising the individual that, and describing how, the individual will be able to ascertain whether the vote was counted and, if it was not counted, the reason it was not.

MD. CODE ANN., ELEC. LAW § 9-406 – Assistance; Casting Ballot

Individuals who may assist voter

(a) A voter who requires assistance in casting a provisional ballot by reason of disability, inability to write, or inability to read the ballot may be assisted by any individual other than:

(1) a candidate who is on that ballot;
(2) the individual's employer or an agent of the employer; or
(3) an officer or agent of the individual's union.

Certification

(b) An individual rendering assistance under this section shall execute a certification as prescribed by the State Board and included in the instructions under § 9-408 of this subtitle.

MD. CODE ANN., ELEC. LAW § 9-407 – Instructions; Envelope

Instructions

(a) A provisional ballot shall be accompanied by instructions, prescribed by the State Board, for marking and returning the ballot.

Envelope

(b) When voted, a provisional ballot shall be:

(1) enclosed in an envelope designated "provisional ballot/return envelope"; or
(2) stored in an electronic format, as specified by the State Board.

MD. CODE ANN., ELEC. LAW § 9-408 – Violations; Penalties

Any person who is convicted of a violation of any of the provisions of this subtitle is subject to a fine of not more than $1,000 or imprisonment for not more than 2 years or both.

Provisional Voting Statutes (Current through 7/31/2005)

MD. CODE ANN., ELEC. LAW § 10-306 (2002 & Supp. 2003) – Information for Voters at Polling Place

Development of instructions

(a)(1) The State Board, in consultation with the election directors of the local boards, shall specify and produce the following informational materials to be posted in each polling place:

(i) a specimen ballot for that precinct;

(ii) instructions relating to the availability of assistance to elderly and disabled voters;

(iii) information regarding the date of the election and the hours during which the polling places will be open;

(iv) instructions on how to vote, including how to cast a vote;

(v) instructions for mail-in registrants and first-time voters;

(vi) general information on voting rights under applicable federal and State laws and instructions on how to contact the appropriate local board if these rights are alleged to have been violated;

(vii) information regarding provisional voting, including:

1. information on the right of an individual to cast a provisional ballot;
2. how to fill out the provisional ballot application and cast the provisional ballot; and
3. the standards that will be applied in determining whether a provisional ballot will be counted; and

(viii) general information on federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

(2) A local board may produce other materials appropriate for the polling places in the county.

Preparation and posting of information

(b) Before the polls open, the election judges for each precinct shall post all information specified under subsection (a) of this section.

MD. CODE ANN., ELEC. LAW § 10-310 - Responsibilities of Election Judges on Election Day; During Voting Hours –

Qualification of voters

(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:

(1) locate the individual's name in the precinct register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;

(2)(i) if the individual's name is not found on the precinct register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or

(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;

(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register;

(4) verify the address of the voter's residence;

(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and

(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.

Right to vote

(b) On the completion of the procedures set forth in subsection (a) of this section, a voter may vote in accordance with the procedures appropriate to the voting system used in the polling place.

Instruction of and assistance to voters

(c)(1) Before a voter enters a voting booth, at the request of the voter, an election judge shall:

(i) instruct the voter about the operation of the voting system; and

(ii) allow the voter an opportunity to operate a model voting device, if appropriate to the voting system in use.

(2)(i) 1. After a voter enters the voting booth, at the request of the voter, two election judges representing different political parties shall instruct the voter on the operation of the voting device.

2. An election judge may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

3. After instructing the voter, the election judges shall exit the voting booth and allow the voter to vote privately.

(ii) A voter may take into the polling place any written or printed material to assist the voter in marking or preparing the ballot.

(3)(i) Except as provided in subparagraph (ii) of this paragraph, a voter who requires assistance in marking or preparing the ballot because of a physical disability or an inability to read the English language may choose any individual to assist the voter.

(ii) A voter may not choose the voter's employer or agent of that employer or an officer or agent of the voter's union to assist the voter in marking the ballot.

(4) If the voter requires the assistance of another in voting, but declines to select an individual to assist, an election judge, in the presence of another election judge that represents another political party, shall assist the voter in the manner prescribed by the voter.

(5) An individual assisting a voter may not suggest in any way how the voter should vote for a particular ticket, candidate, or position on a question.

(6) If a voter requires assistance under paragraph (4) or (5) of this subsection, the election judge shall record, on a form prescribed by the State Board, the name of the voter who required assistance and the name of the individual providing assistance to the voter.

(7) Except as provided in paragraph (3) or (4) of this subsection, an individual over the age of 12 years may not accompany a voter into a voting booth.

MD. CODE ANN., ELEC. LAW § 10-311 (2002 & Supp. 2003) – Challengers and Watchers

Designation and removal of challengers and watchers

(a)(1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:

(i) the State Board for any polling place in the State;

(ii) a local board for any polling place located in the county of the local board;

(iii) a candidate;

(iv) a political party; and

(v) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

Rights of challengers and watchers

(b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of this section, a challenger or watcher has the right to:

(1) enter the polling place one-half hour before the polls open;

(2) enter or be present at the polling place at any time when the polls are open;

(3) remain in the polling place until the completion of all tasks associated with the close of the polls under § 10-314 of this subtitle and the election judges leave the polling place;

(4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and

(5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

Certificate

(c)(1)(i) A certificate signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The State Board shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

Prohibited activities

(d)(1) A challenger or watcher may not attempt to:

(i) ascertain how a voter voted or intends to vote;

(ii) converse in the polling place with any voter;

(iii) assist any voter in voting; or

(iv) physically handle an original election document.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

Individuals other than accredited challengers or watchers

(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher.

MD. CODE ANN., ELEC. LAW § 10-312 – Challenge of an Individual's Right to Vote –

Grounds for challenge

(a) The right of an individual to vote may be challenged at the polls only on the grounds of identity.

Time for challenge

(b) A challenge to an individual's right to vote shall be made before the individual is issued a ballot or a voting authority card.

Procedures for a challenge of the right to vote

(c) If a challenge is made, the election judge receiving the challenge shall:

(1) require the challenger to provide in writing, under penalty of perjury, the reasons for the challenge;
(2) offer the challenged individual the opportunity to:
(i) cast a provisional ballot; and
(ii) submit an attestation, witnessed by the election judge, of the individual's identity; and
(3) submit the provisional ballot and other materials related to the challenge to the local board.

Canvass of provisional ballots

(d) During the canvass of provisional ballots, the local board shall determine, based on the information submitted by the challenger and the challenged individual, whether the challenged individual is:

(1) the registered voter he or she claims to be; and
(2) otherwise qualified to vote.

MD. CODE ANN., ELEC. LAW § 11-101– Definitions

In general

(a) In this title the following words have the meanings indicated.

Board of canvassers

(b) "Board of canvassers" means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote after an election in that county.

Canvass

(c)(1) "Canvass" means the entire process of vote tallying, vote tabulation, and vote verification or audit, culminating in the production and certification of the official election results.

(2) For absentee ballots, the "canvass" includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

(3) For provisional ballots, the "canvass" includes the review of the provisional ballot applications described in § 11-303 of this title and the assembly and review of provisional ballots in preparation for vote tallying.

Counting center

(d) "Counting center" means one or more central locations designated by a local board to conduct the canvass.

Removable data storage device

(e) "Removable data storage device" means a read-only memory device that is programmed to record votes as they are cast on an electronic voting system.

Unofficial returns

(f)(1) "Unofficial returns" means a vote tabulation reported on election night after the polls close.

(2) "Unofficial returns" does not include the absentee ballot count or the provisional ballot count.

Vote tabulation or vote counting

(g) "Vote tabulation" or "vote counting" means the aggregation of the votes cast by individual voters to produce vote totals at any level.

Vote tallying

(h) "Vote tallying" means the recording of votes cast by individual voters on a certified voting system whether done by:

(1) a mechanical lever voting machine;
(2) an electronic voting device; or
(3) making marks manually on a tally sheet.

MD. CODE ANN., ELEC. LAW § 11-303 (2002 & Supp. 2003) – Canvass of Provisional Ballots

Meeting

(a) Following an election, each local board shall meet at its designated counting center to canvass the provisional ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

Opening provisional ballots

(b) A local board may not open an envelope of a provisional ballot until the local board has approved the provisional ballot application.

Regulations

(c) The State Board shall adopt regulations to implement this section.

Rejection of provisional ballots

(d)(1) A local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

(2) The local board shall reject a provisional ballot if:

(i) pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;

(ii) the individual failed to sign the oath on the provisional ballot application;

(iii) the individual cast more than one ballot for the same election; or

(iv) the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(3) If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

(4) For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the local board determines that:

(i) the individual is registered in the State;

(ii) based on the address given on the provisional ballot application, the individual resides in the precinct in which the individual seeks to vote;

(iii) if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board; and

(iv) if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

Confirmation that ballot was counted or not counted

(e)(1) The State Board shall ensure the establishment of a system that any individual who casts a provisional ballot may access without cost to discover whether the ballot was counted and, if not counted, the reason it was not.

(2) The system established under paragraph (1) of this subsection shall ensure the confidentiality of the individual who accesses the system and the secrecy of each ballot.

MD. CODE ANN., ELEC. LAW § 11-305 (2002 & Supp. 2003) – Administrative Complaints

Any person who asserts that an election official has violated the provisions of this article relating to provisional ballots may file an administrative complaint under procedures established by the State

Board.

MD. CODE ANN., ELEC. LAW § 16-304 (2002 & Supp. 2003) – Adding or Deleting Votes

By election judges

(a) In a polling place on election day, an election judge may not willfully and knowingly:

(1) permit a ballot or ballots to be placed into a ballot receptacle prior to the time for voting; or

(2) place a ballot in a ballot receptacle unless the ballot is offered by a properly registered voter or is a provisional ballot placed with other provisional ballots of the same character.

By any person

(b) A person may not:

(1) cause or permit a ballot, including a provisional ballot, to be cast or deposited in a ballot receptacle, voting device, or other receptacle designed for the collection of ballots other than by a person entitled under this article to cast a ballot; or

(2) substitute, alter, add, or remove a submitted ballot from a ballot receptacle, voting device, or other receptacle designed for the collection of ballots, except when instructed to do so by the election director.

Penalties

(c) A person who violates this section is guilty of a felony and is subject to imprisonment for not less than 1 year nor more than 5 years.

Massachusetts

MGLA ch. 54, § 76 – Voting, Giving Name, Delivery of Ballot, etc.

MGLA ch. 54, § 76B – Failure to Present Suitable Written Identification by Person Desiring to Vote; Challenges.

MGLA ch. 54, § 76C – Provisional Ballot.

MGLA ch. 54, § 105 - Proceedings at Close of Polls; Counting Votes; Transmission of Certain Returns to Central Tabulation Facilities; Announcing and Recording Result; Counting in Towns During Vote.

MGLA § 76. Voting, Giving Name, Delivery of Ballot, etc.

Each voter desiring to vote at a polling place shall give his name and, if requested, his residence to one of the officers at the entrance to the space within the guard rail, who shall thereupon distinctly announce the same. If such name is found on the voting list, the election officer shall check and repeat the name and shall admit the voter to the space enclosed by the guard rail and, in case official ballots, other than those marked "Challenged Ballots" as provided by section thirty-five A, are used, such voter shall be given one ballot. The use of electronic means such as tape recording equipment or radio broadcasting equipment for the recording or broadcasting of the names of voters not yet checked as having voted shall be prohibited.

MGLA § 76B. Failure to Present Suitable Written Identification by Person Desiring to Vote; Challenges.

(a) Except as provided in subsection (b), a person desiring to vote, who fails to present suitable written identification when so requested by an election officer, shall be permitted to vote, but that person's right to vote may be challenged under section 85.

(b) (1) Subject to paragraph (3), a person asserting a right to vote in an election for federal office shall present identification under paragraph (2) if:

(a) the person registered to vote in the city or town by mail after January 1, 2003; and

(b) the person has not previously voted in an election for federal office in the commonwealth.

(2) (A) A person meets the requirements of this paragraph if the person:

(a) in the case of a person who votes in person:

(i) presents to the appropriate election officer a current and valid photo identification; or

(ii) presents to the appropriate election officer a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(b) in the case of a person who votes by absentee ballot, submits with the ballot:

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) (i) A person who desires to vote in person but does not satisfy clause (a) of subparagraph (A) may cast a provisional ballot under section 76C.

(ii) A person who desires to vote by absentee ballot but who does not meet the requirements of subclause (ii) of said clause (a) of said subparagraph (A) may return the absentee ballot by mail, and the ballot shall be treated as a provisional ballot under section 76C.

(3) Paragraph (1) shall not apply to a person:

(a) who registers to vote by mail and submits as part of that registration either:

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(b) who registers to vote by mail and submits with that registration either:

(i) a driver's license number;

(ii) at least the last 4 digits of the individual's social security number; and

(iii) with respect to whom the city or town clerk matches the information submitted under clause (i) with an existing state identification record bearing the same number, name and date of birth as provided in that registration; or

(c) who:

(i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, *42 U.S.C. sections 1973ff-1* et seq.;

(ii) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act, *42 U.S.C. section 1973ee-1*(b)(2); or

(iii) is otherwise entitled by federal law to vote otherwise than in person

MGLA § 76C. Provisional Ballot.

(a) Whenever a person asserting a right to vote in a primary, caucus, preliminary, or other election appears at the polling place for the precinct in which that person resides, but that person is not permitted to vote, that person shall be allowed to deposit a provisional ballot as provided in this section. A precinct election officer who cannot confirm a potential voter's eligibility to vote on election day shall notify the individual of the option of appearing before the city or town clerk to dispute eligibility or vote a provisional ballot in that precinct pursuant to the procedures set forth in this section. An election officer who believes that the individual may be eligible instead to vote in a different precinct shall direct the individual to the polling place for that precinct.

(b) To cast a provisional ballot, an individual shall execute a provisional ballot affirmation before a precinct officer at the polling place declaring that the individual is a registered voter in the city or town and resides within the geographical boundaries of the precinct.

(c) A provisional voter shall be requested to present identification when completing a provisional ballot. Failure to present identification shall not prevent the voter from completing a provisional ballot.

(d) A provisional ballot shall be counted if the city or town clerk determines that the individual is eligible to vote in the precinct in the election under the law of the commonwealth. A provisional

ballot shall not be counted if the city or town clerk determines that the individual is ineligible to vote in the precinct in the election under the law of the commonwealth. A provisional ballot cast by a person whose name is not on the voting list for the city or town in which they are claiming the right to vote, but whom the city or town clerk determines to be eligible to vote in another precinct of the same city or town, shall be counted in the precinct in which the person cast the provisional ballot for all offices for which the person is eligible to vote.

(e) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls by a state law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot. A provisional ballot cast during an extension of the time for closing the polls required by orders described in this subsection shall be separated and held apart from other provisional ballots cast by those not affected by the order.

(f) The city or town clerk shall count all eligible provisional ballots. A provisional ballot cast by an individual whose voter information is verified before 5:00 p.m. on the third day after a presidential or state primary or the twelfth day after a state election shall be removed from its provisional ballot envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot.

(g) The city or town clerk must determine persons to be entitled to vote a provisional ballot whenever those persons have registered to vote in that city or town in the past and affirm in writing, signed under the penalties of perjury, that they have continuously resided in the city or town, unless the city or town clerk affirmatively establish, by evidence other than failure to respond to the street listing under section 4 of chapter 51, or failure to respond to a notice under section 37 of said chapter 51, that the person has not in fact continuously resided in that city or town.

(h) The city or town clerk shall report the disposition of all provisional ballots to the state secretary on or before the fourth day following a presidential or state primary and on or before the fifteenth day following a state election.

(i) Instructions shall be posted in each precinct on how to cast a provisional ballot. Each polling place shall have instructional sheets, as provided by the state secretary, instructing individuals on the process of casting a provisional ballot and determining whether the ballot was counted and if not, why.

(j) The state secretary shall make a toll-free telephone number available to individuals for the purpose of determining the status of provisional ballots. Provisional voters wishing to determine the disposition of their ballot may call the office of the state secretary 7 days or more after a presidential or state primary and 20 days or more after an election. The state secretary, before providing information to a voter on the disposition of his ballot, shall verify the identity of the voter by name, address, date of birth and provisional voter number. The state secretary shall not discuss the disposition of any provisional ballot with any person other than that provisional voter.

(k) The state secretary shall promulgate regulations to achieve and maintain accuracy, uniformity and security from forgery and fraud in the procedures for casting provisional ballots

MGLA § 105. Proceedings at Close of Polls; Counting Votes; Transmission of Certain Returns to Central Tabulation Facilities; Announcing and Recording Result; Counting in Towns During Vote.

Procedures at any precinct where an electronic voting system is in use shall be in accordance with the provisions of section one hundred and five A. In any other precinct, if the state ballot box is used, the clerk shall, as soon as the polls are closed, record the total number of ballots received at the polling place, the ballot box register, and the total number of spoiled ballots. The election officers shall then publicly and in the presence of the other election officers, audibly and distinctly count and announce the number of names checked on each voting list used at the election, shall publicly announce the number so counted and thereafter the clerk shall record the same. The ballot box shall be opened by the presiding officer and the ballots taken therefrom and audibly counted in public view, one by one, and the whole number of ballots cast shall be publicly announced by him. The ballots may be divided into convenient packages, and each block or package shall be canvassed and counted by two election officers representing the two leading political parties, detailed by the presiding officer. The result of the canvas and count shall be reported to the presiding officer, who shall cause it to be correctly recorded on the bank forms provided therefor. Immediately thereafter, the election officers shall proceed to count audibly all unused ballots, and the total number of unused ballots shall be publicly announced by the presiding officer who shall cause this information to be correctly recorded on blank forms provided therefor.

The clerk in open meeting shall publicly announce the result of the vote and enter on the total vote sheet, which shall be considered the precinct record, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters and shall forthwith certify such record, seal up the same, and deliver it, outside of the ballot container or envelope, but in a separate sealed envelope, to the city or town clerk, who shall forthwith enter it on his records; provided, that if voting machines are used, the general or precinct record sheet, as the case may be, shall be the record referred to in this paragraph.

At state elections, the city or town clerk, or such person as he shall designate in each precinct or polling place, shall immediately transmit to such central tabulation facilities as the state secretary shall designate, by telephone or telegraph, the vote cast for candidates for offices to be voted for by all the voters of the commonwealth and for congressman, by precincts or by polling places as the count for each such office is completed.

The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up, and all proceedings in the canvass and counting of votes shall be public and in open view of the voters, and there shall be no adjournment or postponement until the canvass and counting have been completed, and the voting lists and ballots have been enclosed and sealed up.

Upon the completion of the canvass and the counting, the warden shall place all ballots including absentee ballots, and all lists into a container and place a seal upon all such containers. The clerk shall receive from all the polling places such sealed containers and shall place all election material, so far as practical, in a locked facility.

Notwithstanding the foregoing provisions of this section, the clerks of precincts or the town clerk in a town not divided into precincts may, if authorized in writing by the election commissioners or election commission in a city having such a body, by the city clerk in any other city or by the town clerk in a town, publicly announce the number of votes cast for each candidate for each office as soon as the count of ballots for that office has been completed, and the number of

affirmative or negative votes cast upon any question submitted to the voters, as soon as the count of ballots upon such question has been completed.

Michigan

Mich. Comp. Laws § 168.523 Identification of registered elector; presenting official state identification card, operator's or chauffeur's license, or generally recognized picture identification card; execution of application; comparison of signature or other identification; challenge; affidavit; approval, initial, and notation of application; application as poll list; filing application; notations on cards or lists; record of voting participation.

Mich. Comp. Laws § 168.523a. Individual not listed on voter registration list; issuance of ballot; procedure.

Mich. Comp. Laws § 168.668a Voter information displays.

Mich. Comp. Laws § 168.735. Poll book and poll list; contents.

Mich. Comp. Laws § 168.745. Ballot of challenged voter; endorsement, rejection.

Mich. Comp. Laws § 168.746. Ballot of challenged voter; endorsement concealed, identification prohibited.

Mich. Comp. Laws § 168.813. Provisional ballot; tabulation; report.

Mich. Comp. Laws § 168.829. County provisional ballot report.

Mich. Comp. Laws § 168.523 Identification of registered elector; presenting official state identification card, operator's or chauffeur's license, or generally recognized picture identification card; execution of application; comparison of signature or other identification; challenge; affidavit; approval, initial, and notation of application; application as poll list; filing application; notations on cards or lists; record of voting participation.

Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being *sections 28.291* to *28.295 of the Michigan Compiled Laws*, an operator's or chauffeur's license issued to that individual pursuant to the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being *sections 257.1* to *257.923 of the Michigan Compiled Laws*, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official. If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

Mich. Comp. Laws § 168.523a. Individual not listed on voter registration list; issuance of ballot; procedure.

Sec. 523a. (1) If an individual who has applied to register to vote on or before the close of registration appears at a polling place on election day and completes an application under section

523 is not listed on the voter registration list, the election inspector shall issue a ballot to the individual as follows:

(a) For an individual who presents a receipt issued by a department of state office, a designated voter registration agency, or the elector's county, city, or township clerk's office verifying the acceptance of a voter registration application before the close of registration and completes a new voter registration application, the election inspector shall allow the individual to vote a ballot in the same manner as an elector whose name is listed on the voter registration list.

(b) For an individual who does not present a receipt verifying the acceptance of a voter registration application under subdivision (a), the election inspector shall determine whether the individual is in the appropriate polling place based on residence information provided by the individual. The election inspector shall review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual. The election inspector shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, the election inspector shall issue the individual a provisional ballot that shall be processed according to subsection (5).

(2) Except for an individual who produces a receipt under subsection (1)(a), the election inspector shall require an individual who is not listed on the voter registration list to execute a sworn statement affirming that the individual submitted a voter registration application before the close of registration and is eligible to vote in the election. An individual who provides false information in a signed sworn statement under this subsection is guilty of perjury. An individual signing a sworn statement shall complete a new voter registration application. The individual shall state the approximate date and in what manner the registration application was submitted:

(a) To a department of state office.

(b) To a designated voter registration agency.

(c) To the office of his or her county, city, or township clerk.

(d) By a mailed application.

(3) The election inspector shall contact the city or township clerk to verify whether the individual who signed the sworn statement is listed in the registration records of the jurisdiction or whether there is any information contrary to the content of the sworn statement.

(4) If the city or township clerk verifies the elector information and finds no information contrary to the information provided by the individual in the sworn statement and the individual presents a Michigan operator's or chauffeur's license, department of state issued personal identification card, other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in *section 6 of article VIII of the state constitution of 1963* or a junior college or community college established under *section 7 of article VIII of the state constitution of 1963* that contains a current residence address to establish his or her identity and residence address, the individual shall be permitted to vote a provisional ballot on election day. Before the provisional ballot is tabulated on election day, election inspectors shall process the ballot as a challenged ballot under sections 745 and 746.

(5) If the election inspector is not able to contact the city or township clerk, the individual is not in the correct precinct, the individual presents identification other than a Michigan operator's or chauffeur's license, department of state issued personal identification card, other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in *section 6 of article VIII of the state constitution of 1963* or a junior college or community college established under *section 7 of article VIII of the state constitution of 1963* that contains a current residence address, or the individual is unable to present any identification, the individual

shall be issued a provisional ballot that is not tabulated on election day but is secured for verification after the election. A provisional ballot shall also be issued under this subsection to a voter who presents a Michigan operator's license, chauffeur's license, department of state personal identification card, other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in *section 6 of article VIII of the state constitution of 1963* or a junior college or community college established under *section 7 of article VIII of the state constitution of 1963* that does not bear the voter's current residence address, if the voter also presents a document to establish the voter's current residence address. The election inspector shall accept a document containing the name and current residence address of the voter as sufficient documentation to issue a provisional ballot if it is 1 of the following documents:

(a) A current utility bill.

(b) A current bank statement.

(c) A current paycheck, government check, or other government document.

(6) A provisional ballot shall be placed in a provisional ballot return envelope prescribed by the secretary of state and delivered to the city or township clerk after the polls close in a manner as prescribed by the secretary of state.

(7) For a provisional ballot voted under subsection (4), the election inspector shall provide the voter with a notice that his or her ballot has been tabulated. For a provisional ballot voted under subsection (5), the election inspector shall provide the voter with a notice that the voter's information will be verified by the clerk of the jurisdiction within 6 days after the election to determine whether the ballot will be tabulated and, if the ballot is not tabulated, to determine the reason it was not tabulated. A clerk of a jurisdiction shall provide a free access system for the voter to determine whether the ballot was tabulated. The free access system may include a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.

(8) As used in this section and sections 813 and 829, "provisional ballot" means a special ballot utilized for an individual who is not listed on the voter registration list at the polling place that is tabulated only after verification of the individual's eligibility to vote.

Mich. Comp. Laws § 168.668a Voter information displays.

Sec. 668a. (1) The secretary of state shall furnish to each county clerk at state expense for each precinct 2 voter information displays that contain in not less than 18-point type the following information:

(a) The hours that the polls will be open.

(b) Voting instructions.

(c) Information on an individual's right to obtain a provisional ballot and instructions on how to vote a provisional ballot.

(d) Information on the identification requirements that apply to voters who register by mail.

(e) Instructions on how to contact the appropriate election official about alleged voting rights violations.

(f) Information on the federal and state laws that prohibit fraud and misrepresentation.

(g) Information on how to challenge another voter as unqualified to vote.

(h) Other information that the secretary of state considers necessary.

(2) Upon receipt of the voter information displays under subsection (1), each county clerk shall provide to each city, township, or village clerk, as designated by the secretary of state, 2 voter information displays for each precinct in the county.

(3) The city, township, or village clerk shall provide to each precinct 2 voter information displays and an instruction ballot for display at each precinct.

(4) Before the polls open on election day, the board of election inspectors in each precinct shall post in conspicuous places in the polling place the voter information displays and instruction ballot required under this section.

(5) If requested by an elector, the city, township, or village clerk shall have available a means to provide the information contained in the voter information displays in an alternative format, as prescribed by the secretary of state.

Mich. Comp. Laws § 168.735. Poll book and poll list; contents.

Sec. 735.

(1) At each primary and election, election inspectors shall keep 1 poll book and 1 poll list. An election inspector shall enter in the poll book, in the order in which electors are given ballots, the name of each elector who is given a ballot and immediately after the name, on the same line, shall enter the number of the ballot given to the elector. For an absent voter ballot, when an election inspector removes the ballot from the sealed absent voter envelope, the election inspector shall enter in the poll book the name of the absent voter and the number of the ballot.

(2) If an elector is issued a provisional ballot, an election inspector shall enter a proper designation in the poll book, including whether the provisional ballot was tabulated in the precinct or was secured for verification after the election.

(3) At the completion of the precinct canvass, an election inspector shall record on the certificate provided in the poll book the number of each metal seal used to seal voting equipment and ballot containers. Each member of the board of election inspectors shall sign the certificate.

Before 2004 election, section read as follows:

"At every primary and election, 1 poll book and 1 poll list shall be kept by the inspectors of election. In each such poll book and list there shall be entered the names of all electors who are given official ballots, and at the time of entering each such name there shall be placed on the same line and immediately following said name the number of the ballot or ballots given such elector. The names of the electors shall be entered in the poll book and list in the order in which such electors are given ballots. The name of an absent voter and the number of his ballot shall be entered in the poll book and list at the time his marked ballot or ballots are taken by the inspector from the sealed envelope, as provided by law. The numbers on all metal seals used to seal all voting machines, ballot boxes and ballot bags at the completion of the precinct canvass shall be recorded on the certificate provided in the poll book and this certificate shall be signed by all members of the board of inspectors.".

Mich. Comp. Laws § 168.745. Ballot of challenged voter; endorsement, rejection.

Sec. 745. Whenever at any election the ballot of any person who has been challenged as an unqualified voter and who has taken the oath provided by law in such ease to be taken shall be received by the inspectors of election, said inspectors shall cause to be plainly endorsed on said ballot, with pencil, before depositing the same in the ballot box, the number corresponding to the number placed after such voter's name on the poll lists without opening the same: Provided, That in case a ballot shall be so folded, defaced, printed or prepared that such number cannot be legibly and permanently written on the back thereof, said inspectors shall refuse to accept such ballot.

(last amended 1955)

Mich. Comp. Laws § 168.746. Ballot of challenged voter; endorsement concealed, identification prohibited.

Sec. 746. To prevent the identification of said ballot, except as hereinafter provided for in case of a contested election, the inspectors of election shall cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper of the same color and appearance, as nearly as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement but not to injure or deface the same; and if any inspector or other officer of an election shall afterward expose said endorsement or remove the said slip of paper covering the same, or attempt to identify the ballot of any voter, or suffer the same to be done by any other person, he shall, on conviction thereof, be deemed guilty of a misdemeanor.

(last amended 1955)

Mich. Comp. Laws § 168.813. Provisional ballot; tabulation; report.

Sec. 813. (1) Within 6 days after the election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot and whether to tabulate the provisional ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. A provisional ballot shall only be tabulated if a valid voter registration record for the elector is located or if the identity and residence of the elector is established using a Michigan operator's license, chauffeur's license, personal identification card, other government issued photo identification card, or a photo identification card issued by an institution of higher education in this state described in *section 6 of article VIII of the state constitution of 1963* or a junior college or community college established under *section 7 of article VIII of the state constitution of 1963* along with a document to establish the voter's current residence address as provided in section 523a(5). Before the provisional ballot is tabulated, election officials shall process the ballot as a challenged ballot under sections 745 and 746.

(2) Within 7 days after the election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results shall be transmitted in a form prescribed by the secretary of state.

(3) Within 7 days after the election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report shall include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on

election day, the number of provisional ballots forwarded to the clerk to be determined after the election, the number of provisional ballots tabulated by the clerk after election day, and any additional information concerning provisional ballots as required by the secretary of state.

(last amendment 2004)

Mich. Comp. Laws § 168.829. County provisional ballot report.

Sec. 829. (1) The board of county canvassers shall include the results of the tabulated provisional ballots in the canvass of the election following procedures prescribed by the secretary of state designed to maintain the secrecy of the ballot.

(2) Within 14 days after a primary or election, the county clerk shall transmit a county provisional ballot report to the secretary of state. The county provisional ballot report shall be in a manner prescribed by the secretary of state. After the secretary of state receives a county provisional ballot report, the county provisional ballot report shall be immediately available for public inspection.

(last amendment 2004)

Minnesota Provisional Voting Statutes

<u>201.061 Registration on or before election day</u>

Subdivision 1. Prior to election day. At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application as described in section 201.071, subdivision 1, and submitting it in person or by mail to the county auditor of that county or to the Secretary of State's Office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed applications to the secretary of state or the appropriate county auditor within ten days after the applications are dated by the voter.

For purposes of this section, mail registration is defined as a voter registration application delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service or a commercial carrier.

Subd. 1a. Incomplete registration by mail. If the county auditor determines that a voter who has submitted a voter registration application by mail has not previously voted in this state for a federal office and has also not presented a document authorized for election day registration in section 201.061, subdivision 3, to the auditor, and the county auditor is unable to verify the voter's driver's license, state identification, or last four digits of the voter's Social Security number as provided by the voter on the voter registration application, then the county auditor must notify the voter that the registration is incomplete and to complete registration by using one of the following methods:

(1) presenting to the auditor more than 20 days before the election a document authorized for election day registration in section 201.061, subdivision 3;

(2) registering in person before or on election day;

(3) if voting by absentee ballot or by mail, following election day registration procedures for absentee voters as described in section 203B.04, subdivision 4; or

(4) providing proof of residence by any of the methods authorized for election day registration in section 201.061, subdivision 3.

Subd. 2. Repealed, 1990 c 585 s 34

Subd. 3. Election Day Registration.
(A) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting any document approved by the secretary of state as proper identification;

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and minnesota rules, part 8200.9939, must be attached to the voter registration application and the information on the oath must be recorded on the records of both the voter registering on election day and the voter who is vouching for the person's residence, and entered into the statewide voter registration system by the county auditor when the voter registration application is entered into that system.

(b) the operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "residential facility" means transitional housing as defined in section 119a.43, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144a.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144d.01, subdivision 4; veterans home operated by the board of directors of the minnesota veterans homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245a.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256i.03, subdivision 3; a shelter for battered

women as defined in section 611a.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(D) For tribal band members, an individual may prove residence for purposes of registering by presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual.

(E) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.
etermining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in section 201.221, subdivision 4, to a municipal or school district clerk who prepares precinct maps as provided in section 204B.14, subdivision 5.

Subd. 7. Record of attempted registrations. The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

Mississippi Provisional Voting Statutes

MISS. CODE ANN. § 23-15-11. Eligibility

MISS. CODE ANN. § 23-15-13. Moving within same municipality or county

MISS. CODE ANN. § 23-15-169.5. Rules and regulations

MISS. CODE ANN. § 23-15-213. County commissioners

MISS. CODE ANN. § 23-15-223. County registrars

MISS. CODE ANN. § 23-15-435. Voting procedure

MISS. CODE ANN. § 23-15-571. Challenges

MISS. CODE ANN. § 23-15-573. Voting by affidavit; form and contents of affidavit

MISS. CODE ANN. § 23-15-574. Affidavit form compliance with state and federal law

MISS. CODE ANN. § 23-15-579. Treatment of challenged ballots

MISS. CODE ANN. 23-15-581. Public counting

MISS. CODE ANN. § 23-15-613. Residual vote reports

MISS. CODE ANN. § 23-15-639. Examination of ballots

MISS. CODE ANN. § 23-15-641. Rejection

MISS. CODE ANN. § 23-15-643. Examining or challenging affidavits

MISS. CODE ANN. § 23-15-1221. Counting ballots

MISS. CODE ANN. § 23-15-1223. Challenged ballots

MISS. CODE ANN. § 23-15-11. Eligibility

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days prior to the primary election

associated with such general election, may vote in such primary election even though such person has not reached his or her eighteenth birthday at the time such person offers to vote at such primary election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.

MISS. CODE ANN. § 23-15-13. Moving within same municipality or county

An elector who moves from one ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified to vote, but he or she shall be entitled to have his or her registration transferred to his or her new ward or voting precinct upon making written request therefor at any time up to thirty (30) days prior to the election at which he or she offers to vote, and if the removal occurs within thirty (30) days of such election he or she shall be entitled to vote in his or her new ward or voting precinct by affidavit ballot as provided in Section 23-15-573.

MISS. CODE ANN. § 23-15-169.5. Rules and regulations

The Secretary of State shall promulgate rules and regulations necessary to effectuate the provisions of the Help America Vote Act of 2002 in this state.

MISS. CODE ANN. § 23-15-213. County commissioners

At the general election in 1984 and every four (4) years thereafter there shall be elected five (5) commissioners of election for each county whose terms of office shall commence on the first Monday of January following their election and who shall serve for a term of four (4) years. Each of the commissioners, before acting, shall take and subscribe the oath of office prescribed by the Constitution and file the same in the office of the clerk of the chancery court, there to remain. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

The qualified electors of each supervisors district shall elect, at the general election in 1984 and every four (4) years thereafter, in their district one (1) commissioner of election. No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each supervisors district of the county and that each such commissioner be elected from the supervisors district in which he resides.

Candidates for county election commissioner shall qualify by filing with the clerk of the board of supervisors of their respective counties a petition personally signed by not less than fifty (50) qualified electors of the supervisors district in which they reside, requesting that they be a candidate, by 5:00 p.m. not less than sixty (60) days before the election and unless such petition is filed within said time, their names shall not be placed upon the ballot. All candidates shall declare in writing their party affiliation, if any, to the board of supervisors, and such party affiliation shall be shown on the official ballot.

The petition shall have attached thereto a certificate of the registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the same shall contain the required number of signatures and be filed within the time required, the president of the board shall verify that such candidate is a resident of the supervisors district in which he seeks election and that such candidate is otherwise qualified as provided by law, and shall certify the same to the chairman or secretary of

the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected unless and until he has received a majority of the votes cast for the position or post for which he is a candidate. If such majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held two (2) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.
Upon taking office, the county board of election commissioners shall organize by electing a chairman and a secretary.
It shall be the duty of the chairman to have the official ballot printed and distributed at each general or special election.

MISS. CODE ANN. § 23-15-223. County registrars
The State Board of Election Commissioners, on or before the fifteenth day of February succeeding each general election, shall appoint in the several counties registrars of elections, who shall hold office for four (4) years and until their successors shall be duly qualified. The registrar is empowered to appoint deputy registrars, with the consent of the board of election commissioners, who may discharge the duties of the registrar.
The clerk of every municipality shall be appointed as such a deputy registrar.
The county registrar may not be held liable for any malfeasance or nonfeasance in office by any deputy registrar who is a deputy registrar by virtue of his office.

MISS. CODE ANN. § 23-15-435. Voting procedure
Where a voter presents himself for the purpose of voting, the clerks shall ascertain whether his name is upon the pollbook, and if his name appears thereon and no challenge be interposed, the voter shall go to the voting machine for the purpose of casting his vote. No voter shall remain in the voting machine booth longer than ten (10) minutes, if no one is waiting to vote, and no longer than five (5) minutes if someone is waiting to vote, and, having cast his vote, the voter shall at once emerge therefrom, and leave the polling room by the exit opening; if he shall refuse to leave after the lapse of time stated above, he shall be removed by the election officers. No voter, after having entered and emerged from the voting machine booth, shall be permitted to re-enter the same on any pretext whatever.

MISS. CODE ANN. § 23-15-571. Challenges
(1) The following persons shall be designated as authorized challengers and shall be allowed to challenge the qualifications of any person offering to vote:
(a) Any candidate whose name is on the ballot in the precinct in which the challenge is made;
(b) Any official poll watcher of a candidate whose name is on the ballot in the precinct in which the challenge is made;
(c) Any official poll watcher of a political party for the precinct in which the challenge is made;
(d) Any qualified elector from the precinct in which the challenge is made; or
(e) Any manager, clerk or poll worker in the polling place where the person whose qualifications are challenged is offering to vote.
(2) The challenge of any authorized challenger shall be considered and acted upon by the managers of the election.
(3) A person offering to vote may be challenged upon the following grounds:
(a) That he is not a registered voter in the precinct;
(b) That he is not the registered voter under whose name he has applied to vote;

(c) That he has already voted in the election;
(d) That he is not a resident in the precinct where he is registered;
(e) That he has illegally registered to vote;
(f) That he has removed his ballot from the polling place; or
(g) That he is otherwise disqualified by law.

MISS. CODE ANN. § 23-15-573. Voting by affidavit; form and contents of affidavit
(1) If any person declares that he is a registered voter in the jurisdiction in which he offers to vote and that he is eligible to vote in the election, but his name does not appear upon the pollbooks, or that he is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote, or that he has been illegally denied registration:
(a) A poll manager shall notify the person that he may cast an affidavit ballot at the election.
(b) The person shall be permitted to cast an affidavit ballot at the polling place upon execution of a written affidavit before one (1) of the managers of election stating that the individual:
(i) Believes he is a registered voter in the jurisdiction in which he desires to vote and is eligible to vote in the election; or
(ii) Is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote; or
(iii) Believes that he has been illegally denied registration.
(c) The manager shall allow the individual to prepare his vote which shall be delivered by him to the proper election official who shall enclose it in an envelope with the written affidavit of the voter, seal the envelope and mark plainly upon it the name of the person offering to vote.
(2) The affidavit shall include:
(a) The complete name, all required addresses and telephone numbers;
(b) A statement that the affiant believes he is registered to vote in the jurisdiction in which he offers to vote;
(c) The signature of the affiant; and
(d) The signature of a poll manager at the precinct at which the affiant offers to vote.
(3)(a) A separate register shall be maintained for affidavit ballots and the affiant shall sign the register upon completing the affidavit ballot.
(b) In canvassing the returns of the election, the executive committee in primary elections, or the election commissioners in other elections, shall examine the records and allow the ballot to be counted, or not counted as it appears legal.
(4) When a person is offered the opportunity to vote by affidavit ballot, he shall be provided with written information that informs the person how to ascertain whether his affidavit ballot was counted and, if the vote was not counted, the reasons the vote was not counted.
(5) The Secretary of State shall, by rule duly adopted, establish a uniform affidavit and affidavit ballot envelope which shall be used in all elections in this state. The Secretary of State shall print and distribute a sufficient number of affidavits and affidavit ballot envelopes to the registrar of each county for use in elections. The registrar shall distribute the affidavits and affidavit ballot envelopes to municipal and county executive committees for use in primary elections and to municipal and county election commissioners for use in other elections.
(6) County registrars and municipal registrars shall implement a secure free access system that complies with the Help America Vote Act of 2002, by which persons who vote by affidavit ballot may determine if their ballots were counted, and if not, the reasons the ballot was not counted.
(7) Any person who votes in any election as a result of a federal or state court order or other order extending the time established by law for closing the polls, may only vote by affidavit ballot. Any

affidavit ballot cast under this subsection shall be separated and kept apart from other affidavit ballots cast by voters not affected by the order.

MISS. CODE ANN. § 23-15-574. Affidavit form compliance with state and federal law
If the enactment of any state or federal law shall require any modification to the form or language of the affidavit prescribed in Section 23-15-573, then the Secretary of State shall be authorized to promulgate an amended form of the affidavit to comply with the requirements of any such state or federal law, which shall be required to be used in all elections throughout this state.

MISS. CODE ANN. § 23-15-579. Treatment of challenged ballots
All votes which shall be challenged at the polls, whether the question be raised by a manager or by another authorized challenger, shall be received when voted, but each of such challenged votes shall, by one (1) of the managers or clerks, be marked on the back "CHALLENGED" and all such challenged votes shall be placed in one or more strong envelopes; and when all the unchallenged votes have been counted, tallied and totaled the challenged votes shall then be counted, tallied and totaled and a separate return shall be made of the unchallenged votes and of those that are challenged. The envelope or envelopes containing the challenged votes, when counted and tallied, shall be securely sealed with all said challenged votes inclosed therein and placed in the box with the unchallenged votes. Provided, that when a vote is challenged at the polls it shall so clearly appear in the unanimous opinion of the managers, either by the admissions or statements of the person challenged or from official documentary evidence, or indubitable oral evidence then presented to the managers, that the challenge is well taken, the vote shall be rejected entirely and shall not be counted; but in such case the rejected ballot, after it has been marked by the challenged voter, shall be marked on the back "REJECTED" and the name of the voter shall also be written on the back, and said vote and all other rejected votes shall be placed in a separate strong envelope and sealed and returned in the box as in the case of challenged votes. The failure of a candidate to challenge a vote or votes at a box shall not preclude him from later showing, in the manner provided by law, that one or more votes have been improperly received or counted or returned as regards said box. If the managers of an election believe a challenge of a voter is frivolous or not made in good faith they may disregard such challenge and accept the offered vote as though not challenged.

MISS. CODE ANN. 23-15-581. Public counting
When the polls shall be closed, the managers shall then publicly open the box and immediately proceed to count the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down and called by the clerks in the presence of the managers. During the holding of the election and the counting of the ballots, the whole proceedings shall be in fair and full view of the voting public without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the managers and other officers of the election. Candidates or their duly authorized representatives shall have the right to reasonably view and inspect the ballots as and when they are taken from the box and counted, and to reasonably view and inspect the tally sheets, papers and other documents used in said election during the proceedings, but not including, of course, the secret ballots being voted and placed and held in the box. There shall be no unnecessary delay and no adjournment except as provided by law.

MISS. CODE ANN. § 23-15-613. Residual vote reports

(1) As used in this section " residual votes" means overvotes, undervotes and any other vote not counted for any reason.

(2) For every election, election commissions and county and municipal executive committees shall report to the Secretary of State residual vote information; however, if the voting devices utilized in the election do not produce a ballot, other information shall be reported as required in this section.

(3) For every election, election commissions and county and municipal executive committees responsible for the conduct of elections in which ballots are generated that are counted by hand or by an electronic or automatic tabulating device shall report to the Secretary of State all residual votes for all candidates and ballot measures in the elections for which they are responsible for conducting. Such residual vote reports shall:

(a) Be received by the Secretary of State no later than December 15 of the year in which the election is held;

(b) Include any suggested explanation or suspected cause of the residual votes;

(c) Include a copy of a voided official ballot for the election as such ballot appeared to voters at the election and copies of voided affidavit and absentee ballots if they are different from the official ballot;

(d) Include the total voter turnout for each election to be determined by totaling the number of persons signing the receipt book at each precinct, absentee voters and persons who voted by affidavit ballot and persons whose ballots were challenged and rejected; and

(e) Include a copy of any printed voting instructions given or visible to voters in the election and a description of any verbal instructions and any other evidence of voter education that was utilized in the election.

(4) For every election, election commissions and county and municipal executive committees responsible for the conduct of election in which voting devices are used that do not generate ballots that are counted by hand or by electronic or automatic tabulating devices, shall file a report with the Secretary of State which shall:

(a) Be received by the Secretary of State no later than December 15 of the year in which the election is held;

(b) Include the total voter turnout for each election to be determined by totaling the number of persons signing the receipt book at each precinct, absentee voters and persons who voted by affidavit ballot and persons whose ballots were challenged and rejected;

(c) Include in the report any anecdotal information obtained concerning voter problems with the voting equipment or ballot layout;

(d) Include in the report any suggested explanation or suspected cause of any difference in the amount of total voter turnout and the number of counted votes for candidates for various offices; and

(e) Include a copy of any printed voting instructions given or visible to voters in the election and a description of any verbal instructions and any other evidence of voter education that was utilized in the election.

(5) Not later than January 31 of the year following the election, the Secretary of State shall submit a report to the Governor, Lieutenant Governor and Speaker of the House of Representatives analyzing the reports required to be filed pursuant to this section. The analysis shall include the following:

(a) The performance of each voting device type used in the election;

(b) Any problems with voter or poll worker instructions or ballot design and layout that have been identified as a result of analyzing the reports received;

(c) Recommendations for reducing the number of residual votes reported; and
(d) Such other information as the Secretary of State deems beneficial.
(6) The reports required pursuant to this section shall be in such form as may be required by rules and regulations promulgated by the Secretary of State.

MISS. CODE ANN. § 23-15-639. Examination of ballots
At the close of the regular balloting and at the close of the polls, the election managers of each voting precinct shall first take the envelopes containing the absentee ballots of such electors from the box, and the name, address and precinct inscribed on each such envelope shall be announced by the election managers. The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the election managers find that the applicant is a registered and qualified voter or otherwise qualified to vote, and that he has not appeared in person and voted at such election, the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined. Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the election managers shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if he had been present and voted in person. If voting machines are used, all absentee ballots shall be placed in the ballot box before any ballots are counted, and the election managers in each precinct shall immediately count such absentee ballots and add them to the votes cast in the voting machine or device.

MISS. CODE ANN. § 23-15-641. Rejection
(1) If an affidavit or the certificate of the officer before whom the affidavit is taken is required and such affidavit or certificate is found to be insufficient, or if it is found that the signatures do not correspond, or that the applicant is not a duly qualified elector in the precinct, or otherwise qualified to vote, or that the ballot envelope is open or has been opened and resealed, or the voter is not eligible to vote absentee or that the voter is present and has voted within the precinct where he represents himself to be a qualified elector, or otherwise qualified to vote, on the date of the election at such precinct, the previously cast vote shall not be allowed. Without opening the voter's envelope the commissioners of election, designated executive committee members or election managers, as appropriate, shall mark across its face "REJECTED," with the reason therefor.
(2) If the ballot envelope contains more than one (1) ballot of any kind, the ballot shall not be counted but shall be marked "REJECTED," with the reason therefor. The voter's envelopes and affidavits, and the voter's envelope with its contents unopened, when such vote is rejected, shall be retained and preserved in the same manner as other ballots at the election. Such votes may be challenged in the same manner and for the same reasons that any other vote cast in such election may be challenged.
(3) If an affidavit is required and the officials find that the affidavit is insufficient, or if the officials find that the absentee voter is otherwise disqualified to vote, the envelope shall not be opened and a commissioner or executive committee member shall write across the face of the envelope "REJECTED" giving the reason therefor, and the registrar shall promptly notify the voter of such rejection.

MISS. CODE ANN. § 23-15-643. Examining or challenging affidavits
If an affidavit is required, the appropriate election officials shall examine the affidavit of each absentee ballot envelope. If the officials are satisfied that the affidavit is sufficient and that the absentee voter is otherwise qualified to vote, an official shall announce the name of the voter and shall give any person present an opportunity to challenge in like manner and for the same cause as the voter could have been challenged had he presented himself personally in such precinct to vote. The ineligibility of the voter to vote by absentee ballot shall be a ground for a challenge. Also, the officials shall consider any absentee voter challenged when a person has previously filed a written challenge of such voter's right to vote. The election officials shall handle any such challenge in the same manner as other challenged ballots are handled.

MISS. CODE ANN. [§ 23-15-1221]. Counting ballots
<Text of section effective when Laws 2005, Ch. 534, § 11, is effectuated under Section 5 of the Voting Rights Act of 1965>
(1) In elections in which DRE voting equipment is used, the ballots shall be counted at the precinct under the direction of the officials in charge of the election. All persons who perform any duties at the precinct shall be deputized by the officials in charge of the election and only persons so deputized shall touch any ballot, container, paper or machine utilized in the conduct of the count or be permitted to be in the immediate area designed for officers deputized to conduct the count.
(2) All proceedings at the precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the officials in charge of the election shall touch any ballot, any DRE unit or the tabulating equipment.
(3) After the polls have closed and all voting in the precinct has ceased, the poll manager shall shut down the DRE units and extract the election results from each unit as follows:
(a) The manager shall obtain the results tape from each DRE unit and verify that the number of ballots cast as recorded on the tape matches the public count number as displayed on the DRE unit;
(b) If a system is established by the Secretary of State, the poll manager shall first transmit the election results extracted from each DRE unit in each precinct via modem to the central tabulating center of the county; and
(c) The manager shall then extract the memory card, if applicable, from each DRE unit.
(4)(a) Upon completion of shutting down each DRE unit and extracting the election results, the manager shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:
(i) The number of valid ballots;
(ii) The number of spoiled and invalid ballots;
(iii) The number of affidavit ballots; and
(iv) The number of unused affidavit ballots and any other unused ballots.
(b) The manager shall cause to be placed in the ballot supply container one (1) copy of the recap form and any unused, defective, spoiled and invalid ballots, each enclosed in an envelope or communication pack.
(5) The manager shall collect and retain the zero tape and the results tape for each DRE unit and place the tapes with the memory card, if any, for each unit and enclose all such items for all of the DRE units used in the precinct in one (1) envelope or communication pack which shall be sealed and initialed by the manager so that it cannot be opened without breaking the seal.
(6) The returning manager shall then deliver the envelope or communication pack to the tabulating center for the county or municipality or to such other place designated by the officials in charge of the election and shall receive a receipt therefor. The copies of the recap forms, unused ballots,

records and other materials shall be returned to the designated location and retained as provided by law.
(7) Upon receipt of the sealed envelope or communication pack containing the zero tapes, results tapes and memory cards, the officials in charge of the election shall verify the signatures on the envelope or communication pack. Once verified, the officials in charge of the election shall break the seal of the envelope or communication pack and remove its contents. The officials in charge of the election shall then download the results stored on the memory card from each DRE unit into the election management system located at the central tabulation point of the county in order to obtain election results for certification.

MISS. CODE ANN. [§ 23-15-1223]. Challenged ballots
<Text of section effective when Laws 2005, Ch. 534, § 12, is effectuated under Section 5 of the Voting Rights Act of 1965>
In the case of challenged ballots cast on direct recording electronic voting equipment, the ballots shall be coded in such a way that the ballot of a challenged voter can be separated from other valid ballots at the time of tabulation and the challenged ballots shall be counted, challenged or rejected in accordance with the challenged ballot law.

Missouri Statutes

MO. REV. STAT. § 115.430. Provisional ballots, when used--form

MO. REV. STAT. § 115.507. Announcement of results by verification board, when due--abstract of votes to be official returns

Mo. Code. Reg. Ann. tit. 15 § 30-8.010 Provisional Ballots and Envelopes

Mo. Code. Reg. Ann. tit. 15 § 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be Counted

Mo. Code. Reg. Ann. tit. 15 § 30-8.030 Provisional Ballot Verification Procedure

MO. REV. STAT. § 115.430. Provisional ballots, when used--form

1. This section shall apply to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters.

2. A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority, shall be entitled to vote a provisional ballot after providing a form of personal identification required pursuant to section 115.427, or may vote at a central polling place as established in section 115.115 where they may vote their appropriate ballot upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined. The provisional ballot contained in this section shall contain the statewide candidates and issues, and federal candidates. The congressional district on the provisional ballot shall be for the address contained on the affidavit provided for in this section. If the voter declares that the voter is eligible to vote and the election authority determines that the voter is eligible to vote at another polling place, the voter shall be directed to the correct polling place or a central polling place as established by the election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted.

3. Once voted, the provisional ballot shall be placed and sealed in a provisional ballot envelope. The provisional ballot in its envelope shall be deposited in the ballot box. The provisional ballot envelope shall be completed by the voter for use in determining eligibility. The provisional ballot envelope specified in this section shall contain a voter's certificate which shall be in substantially the following form:

STATE OF .....

COUNTY OF .....

I do solemnly swear (or affirm) that my name is .....; that my date of birth is .....; that the last four digits of my Social Security Number are .....; that I am registered to vote in ..... County or City (if a City not within a County), Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

I understand that if the above-provided information is not correct and the election authority

determines that I am not registered and eligible to vote, my vote will not be counted. I further understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

(Signature of Voter)

.....

(Current Address)

Subscribed and affirmed before me this ..... day of ....., 20.....

.....

(Signature of Election Official)

The voter may provide additional information to further assist the election authority in determining eligibility, including the place and date the voter registered to vote, if known.

4. Prior to certification of the election, the election authority shall determine if the voter is registered and entitled to vote and if the vote was properly cast. The provisional ballot shall be counted only if the election authority determines that the voter is registered and entitled to vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a mail application to register to vote pursuant to this chapter.

5. In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

6. The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

7. The secretary of state shall design and provide to the election authorities the envelopes and forms

necessary to carry out the provisions of this section.

8. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

9. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid.

MO. REV. STAT. § 115.507. Announcement of results by verification board, when due--abstract of votes to be official returns

1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such

election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.

4. Not later than the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of article V, section 29 of the state constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of _____ (City of St. Louis, Kansas City) on the _____ day of _____, _____,", etc.

Mo. Code. Reg. Ann. tit. 15 § 30-8.010 Provisional Ballots and Envelopes

PURPOSE: This rule ensures the uniform application of section 115.430, RSMo.

(1) The following steps will be taken to determine whether a person may vote a provisional ballot:
(A) The election judge shall examine the precinct register. If the voter's eligibility cannot be immediately established, then-
(B) The election judge shall contact the election authority. If the election authority cannot immediately establish the voter's eligibility upon examination of its records on file, or if the election judge is unable to make contact with the election authority immediately, then the voter will be entitled to a provisional ballot.
(C) In the case of a voter requesting an absentee ballot, such voter shall be entitled to a provisional ballot when the voter's qualifications cannot be immediately established upon examination of the records on file with the election authority.
(2) No person shall be entitled to receive a provisional ballot until they have completed a provisional ballot affidavit on the provisional ballot envelope. The secretary of state shall produce two (2) sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. One (1) size, three and five-eighths inches by seven and three-fourths inches (3 5/8" x 7 3/4") shall be distributed to jurisdictions using punch card and manual tabulating systems and a second size, fourteen and one-half inches by nine and one-fourth inches (14 1/2" x 9 1/4") shall be distributed to jurisdictions using optical scan. All provisional envelopes shall be printed on a distinguishable color of paper.
(A) On each side of the outside of the provisional envelopes, produced by the secretary of state, there shall appear information in substantially the format available at the secretary of state's website. A copy of the form may be requested in writing from the Elections Division, PO Box 1767, Jefferson City, MO 65102 or in person at the Elections Division, 600 W. Main, State Information Center, Jefferson City, Missouri.
(3) After the provisional ballot is voted, it shall be placed in the provisional ballot envelope and sealed. The sealed envelope shall be placed in the ballot box.
(4) The certificate of ballot cards shall:
(A) Reflect the number of provisional envelopes delivered; and

(B) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.
(5) Upon the election authority's determination of the eligibility of the voter, each rejected provisional envelope shall be marked "rejected" with reason for rejection noted. If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material and the copy of the envelope shall be used by the election authority for registration record keeping.
(6) Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible. All provisional ballots cast by voters, whose eligibility has been verified, shall be counted in accordance with the rules governing ballot tabulation.
(7) If a provisional ballot is cast in the wrong congressional district, the incorrect congressional vote shall not be counted but all other votes cast on that ballot shall be counted.

Mo. Code. Reg. Ann. tit. 15 § 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be Counted

PURPOSE: This rule sets out the procedures for provisional voting in addition to those found in Chapter 115, RSMo.

(1) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the provisional ballot envelope by the provisional voter is consistent with the identification provided by such person pursuant to section 115.427, RSMo.
(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one (1) member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed, by the team, in a sealed container and shall remain therein until tabulation.
(3) Prior to any provisional ballots being counted, the election authority shall determine the eligibility of the provisional voter. The eligibility of provisional voters shall be determined according to the requirements for a voter to cast a ballot in the election as set out in sections 115.133 and 115.135, RSMo.
(4) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is duly registered and qualified to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is duly registered and qualified to vote in the election.
(5) If the election authority determines that the provisional voter is registered and qualified to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:
(A) Name of provisional voter;
(B) Name of reviewer;
(C) Date and time; and
(D) Description of evidence found that supports the voter's eligibility.

(6) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and a notation marking it as accepted.
(7) If the election authority determines that the provisional voter is not registered and/or qualified to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:
(A) Name of the provisional voter;
(B) Name of reviewer;
(C) Date and time; and
(D) Description of why voter is ineligible.
(8) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and notation marking it as rejected.
(9) After the election authority completes its review of the provisional voter's eligibility pursuant to sections (4), (5), and (7), of this rule, the election authority shall deliver the provisional ballots, and copies of the provisional ballot envelopes which include the eligibility information, to bi-partisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two (2) judges, one (1) from each major political party. The election authority shall provide each team with a ballot box, and material necessary for tabulation.
(10) Challengers and watchers, as provided by sections 115.105 and 115.107, RSMo may be present during all times that the bi-partisan 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. The election authority shall notify the county chair of each major political party of the time and location when the bi-partisan counting teams will be 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.
(11) If the person named on the provisional ballot affidavit is found to have been duly qualified and registered to cast a ballot in the election, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.
(12) If the person named on the provisional ballot affidavit is found to have not been duly qualified and registered to cast a ballot in the election, or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened and the person's vote shall not be counted. The members of the team shall then follow the procedures set out in 15 CSR 30-8.010(5) for rejected provisional ballots.
(13) The vote shall then be tallied and the returns made as provided in sections 115.447 to 115.525, RSMo for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "voted provisional ballots and ballot envelopes from the election held ____, 20 ____." All rejected provisional ballots, ballot envelopes and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "rejected provisional ballots and ballot envelopes from the election held _____, 20 ____." On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional vote.

Mo. Code. Reg. Ann. tit. 15 § 30-8.030 Provisional Ballot Verification Procedure

PURPOSE: This rule describes Missouri's procedure for provisional voters to discern whether or not their provisional ballot was counted, as mandated by the Help America Vote Act of 2002.

(1) Provisional ballot envelopes, provided by the secretary of state's office, will have a tear away section containing a unique identification number and a toll free phone number.
(2) Individuals who cast provisional ballots may, after the election results have been certified, call the toll free phone number provided to them on the tear away section of their provisional ballot envelope. In compliance with the Help America Vote Act of 2002, this toll free phone number will be maintained and operated by the secretary of state's office. Only individuals who have cast provisional ballots are permitted to use this service to verify the status of their own provisional ballot.
(3) Upon receiving calls from provisional voters on the toll free provisional ballot inquiry line, the secretary of state's office shall transfer the call to the appropriate local election authority.
(4) The local election authority shall, using the provisional voter's unique provisional voting identification number from the tear away section of the provisional ballot envelope, inform the voter of whether or not their provisional ballot was counted or rejected.
(5) If the provisional voter's ballot was rejected the local election authority shall inform the provisional voter that their rejected provisional ballot envelope shall be used to register them to vote.

Montana Provisional Voting Statutes

Mont. Code Ann. § 13-1-101 – Definitions.

Mont. Code Ann. § 13-1-109. Election Records Open To Public.

Mont. Code Ann. § 13-2-108 – Rulemaking For Statewide Voter Registration List.

Mont. Code Ann. § 13-2-110 - Application For Voter Registration -- Sufficiency And Verification Of Information -- Identifiers Assigned For Voting Purposes.

Mont. Code Ann. § 13-13-112 – Display Of Instructions For Electors.

Mont. Code Ann. § 13-13-114 – Voter Identification And Marking Precinct Register Book Before Elector Votes--Provisional Voting.

Mont. Code Ann. § 13-13-201 - Voting By Absentee Ballot--Procedures.

Mont. Code Ann. § 13-13-204 - Authority To Vote In Person--Printing Error Or Ballot Destroyed-- Failure To Receive Ballot--Effect Of Absentee Elector's Death.

Mont. Code Ann. § 13-13-241 - Examination Of Absentee Ballot Return Envelopes--Deposit Of Absentee And Unvoted Ballots.

Mont. Code Ann. § 13-13-301 - Challenges.

Mont. Code Ann. § 13-13-601 - Provisional Voting In Person.

Mont. Code Ann. § 13-13-602 - Fail-Safe And Provisional Voting By Mail.

Mont. Code Ann. § 13-13-603 - Rulemaking On Provisional Voting, Absentee Ballots, And Challenged Ballots.

Mont. Code Ann. § 13-15-107 - Handling And Counting Provisional And Challenged Ballots.

Mont. Admin. R. 44.3.2113 - Provisional voting procedures at the polling place – casting a ballot.

Mont. Admin. R. 44.3.2114 - Provisional voting procedures on election day after the close of polls – the sixth day after election day.

Mont. Admin. R. 44.3.2115 - Provisional voting procedures – after final determination whether or not to count provisional ballots.

Mont. Admin. R. 44.2302 - Definitions.

Mont. Code Ann. § 13-1-101 – Definitions.

As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector who voted in the previous federal general election and whose name is on the active list.

(2) "Active list" means a list of active electors maintained pursuant to 13-2- 220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means:

(a) a paper ballot used with a paper-based system, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots; or

(b) a nonpaper ballot, such as a ballot used with a nonpaper-based system, such as a lever machine, a direct recording electronic machine, or other technology.

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(7) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

(iv) filing fees paid by the candidate.

(8) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(9) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(10) "Elector" means an individual qualified to vote under state law.

(11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees.

(12) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(13) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(14) "Inactive elector" means an individual who failed to vote in the preceding federal general election and whose name was placed on an inactive list pursuant to 13-2-220.

(15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220.

(16) "Individual" means a human being.

(17) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of the form of the petition or referral.

(18) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(19) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

(20) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(21) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(22) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

(23) "Provisional ballot" means a ballot cast by an elector whose identity and eligibility to vote have not been verified as provided by law.

(24) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose eligibility has not yet been verified as provided by law.

(25) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(26) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(27) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(28) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(29) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

(30) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(31) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper or nonpaper ballot.

Mont. Code Ann § 13-1-109. Election records open to public.

Unless specifically provided otherwise, all records pertaining to elector registration and elections are public records. They shall be open for inspection during regular office hours.

Mont. Code Ann. § 13-2-108. Rulemaking for statewide voter registration list.

(1) The secretary of state shall adopt rules to implement the provisions of 42 U.S.C. 15483 and this chapter.

(2) The rules must include but are not limited to:

(a) a list of maintenance procedures, including new data entry, updates, registration transfers, and other procedures for keeping information current and accurate;

(b) proper maintenance and use of active and inactive lists;

(c) proper maintenance and use of lists for legally registered electors and provisionally registered electors;
(d) procedures and timelines to be used by election administrators when providing the information required in 13-2-123;
(e) technical security of the statewide voter registration database;
(f) information security with respect to keeping from general public distribution driver's license numbers, whole or partial social security numbers, and address information protected from general disclosure pursuant to 13-2-115; and
(g) quality control measures for the system and system users.
(3) The rules adopted by the secretary of state must reflect that an elector who was properly registered prior to January 1, 2003, is considered a legally registered elector.

Mont. Code Ann § 13-2-110. Application for voter registration--sufficiency and verification of information--identifiers assigned for voting purposes. (Amended by SB 302)

(1) An individual may apply for voter registration in person or by mail by completing and signing an application for voter registration and providing the application to the election administrator in the county in which the elector resides
(2) An individual applying by mail shall send the application to the election administrator, postage paid, no later than 15 days after the date it is signed.
(3) Each application for voter registration must be accepted and processed as provided in rules adopted under 13-2-109.
(4) Except as provided in subsection (5):
(a) an applicant for voter registration shall provide the applicant's driver's license number; or
(b) if the applicant does not have a driver's license, the applicant shall provide the last four digits of the applicant's social security number.
(5) If an applicant does not have a driver's license or social security number:
(a) an applicant appearing in person before the election administrator shall provide:
(i) current and valid photo identification, including but not limited to a school district or postsecondary education photo identification~~,~~ or a tribal photo identification, with the individual's name; or
(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.
(b) an applicant applying by mail to register shall also enclose a copy of:
(i) a current and valid photo identification, including but not limited to a school district or postsecondary education photo identification~~,~~ or a tribal photo identification, with the individual's name; or
(ii) a current utility bill, bank statement, paycheck, government check, or other government document that shows the individual's name and current address.
(6)(a) If information provided on an application for voter registration is sufficient to be accepted and processed and is verified pursuant to rules adopted under 13-2-109, the election administrator shall register the elector as a legally registered elector.
(b) If information provided on an application for voter registration was sufficient to be accepted but the applicant failed to provide the information required in subsection (4) or (5) or if the information provided was incorrect or insufficient to verify the individual's eligibility to vote, the election administrator shall register the applicant as a provisionally registered elector.
(7) Each applicant for voter registration must be notified of the elector's registration status pursuant

to rules adopted under 13-2-109.
(8) The secretary of state shall assign to each elector whose application was accepted a unique identification number for voting purposes and shall establish a statewide uniform method to allow the secretary of state and local election officials to distinguish legally registered electors from provisionally registered electors.
(9) The provisions of this section may not be interpreted to conflict with voter registration accomplished under 13-2-221, 13-21-201, 13-21-203, and 61-5- 107 and as provided for in federal law.

Mont. Code Ann. § 13-13-112 – Display of instructions for electors.

(1) Except as provided in subsection (3), instructions for electors on how to prepare their ballots or use a voting system must be posted in each voting station provided for the preparation of ballots and elsewhere in the polling place.
(2) The instructions must be in easily read type, 18 point or larger, and explain:
(a) how to obtain ballots for voting;
(b) how to prepare ballots, including how to:
(i) cast a valid vote, including a valid vote for a write-in candidate;
(ii) correct a mistake; and
(iii) ensure the proper disposition of the ballot after the elector is finished voting;
(c) how to obtain a new ballot in place of one spoiled by accident;
(d) how to vote provisionally pursuant to 13-13-601;
(e) the election date and the hours the polls are open; and
(f) instructions for first-time voters who registered by mail.
(3) If the instructions for use of a voting system are printed on the system or are part of a ballot package given to each elector, separate instructions need not be posted in the voting station.
(4) Official ballots, clearly marked "sample" across the face, must be posted at each voting station and in conspicuous places around the polling place.

Mont. Code Ann. § 13-13-114 – Voter identification and marking precinct register book before elector votes--provisional voting.

(1)(a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.
(b) An elector who provides the information listed in subsection (1)(a) may sign the precinct register and must be provided with a regular ballot to vote.
(c) If the information provided in subsection (1)(a) differs from information in the precinct register but an election judge determines that the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register, complete a transfer form or new registration form to correct the elector's voter registration information, and vote.
(d) An election judge shall write "transfer form" or "registration form" beside the name of any

elector submitting a form.
(2) If the information presented under subsection (1) is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601.
(3) If the elector fails or refuses to sign the elector's name or, if the elector is disabled and a fingerprint, an indentifying mark, or signature by a person authorized to sign for the elector pursuant to [section 1] is not provided, the elector may cast a provisional ballot as provided in 13-13-601.

Mont. Code Ann. § 13-13-201 - Voting by absentee ballot--procedures.

(1) A legally registered elector or provisionally registered elector is entitled to vote by absentee ballot as provided for in this part.
(2) The elector may vote absentee only by paper ballot and by:
(a) marking the ballot in the manner specified;
(b) placing the marked ballot in the secrecy envelope, free of any identifying marks;
(c) placing the secrecy envelope containing one ballot for each election being held in the return envelope;
(d) executing the affidavit printed on the return envelope; and
(e) returning the return envelope with all appropriate enclosures by regular mail, postage prepaid, or by delivering it to the election administrator of the special absentee election board established pursuant to 13-13-225.
(3)(a) A provisionally registered elector may also enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification. If the provisionally registered elector does not enclose a photo identification, the elector may enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.
(b)An elector's absentee ballot must be handled as provided in 13-13-241.

Mont. Code Ann. § 13-13-204 - Authority to vote in person--printing error or ballot destroyed-- failure to receive ballot--effect of absentee elector's death. (Amended by SB 182)

(1) If an elector has voted by absentee ballot but the absentee ballot contains printing errors or omissions, except that the name of a candidate who has died since the printing of the ballot and that appears on the ballot does not constitute an error or omission, the elector may vote in person in any manner at the elector's polling place.
(2) If an elector does not receive an absentee ballot or if the absentee ballot was destroyed, the elector may appear at the appropriate polling place on election day and vote in person after signing an affidavit, in the form prescribed by the secretary of state, swearing that the elector's ballot has not been received or was destroyed. The ballot must be handled as a provisional ballot under 13-15-107.
(3) If an elector votes by absentee ballot and the ballot has been mailed or otherwise returned to the election administrator but the elector dies between the time of balloting and election day, the deceased elector's ballot must be counted.

MONT. CODE ANN. § 13-13-241 - Examination of absentee ballot return envelopes--deposit of absentee and unvoted ballots. (Amended by SB 302)

(1)(a) As soon as an absentee ballot is received, an election administrator shall compare the signature of the elector on the absentee ballot request with the signature on the absentee ballot return envelope.
(b) If the elector is legally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular ballot.
(c)(i) If the elector is provisionally registered and the signature on the return envelope matches the signature on the absentee ballot application, the election administrator or an election judge shall open the outer return envelope and determine whether the elector's voter identification information, if enclosed pursuant to 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.
(ii) If the voter identification information is sufficient to legally register the elector, the ballot must be handled as a regular ballot.
(iii) If voter identification information was not enclosed or the information enclosed is insufficient to legally register the elector, the ballot must be handled as a provisional ballot under 13-15-107.
(2) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot.
(3) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes.
(4) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify the absentee elector by mail or by the most expedient method available under rules adopted by the secretary of state that the elector's identification information was insufficient and that the elector's ballot will be treated as a provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope along with a description of the information necessary for the absentee elector to reclassify the provisional ballot as a regular ballot.
(5) If the signature on the absentee ballot return envelope does not match the signature on the absentee ballot request form, the absentee ballot must be rejected. The election administrator, without opening the absentee ballot return envelope, shall mark across it the reason for rejection. Unopened rejected absentee ballot return envelopes must be handled in the same manner as provided for rejected ballots in 13-13-243(1).
(6) After receiving an absentee ballot secrecy envelope, without opening the secrecy envelope, the election judges shall on election day place the secrecy envelope in the proper ballot box.

MONT. CODE ANN. § 13-13-301 - Challenges. (Amended by HB 177)

Challenges.
(1) An elector's right to vote may be challenged at any time by any registered elector by the challenger filling out and signing an affidavit stating the grounds of the challenge and providing any evidence supporting the challenge to the election administrator or, on election day, to an election judge A challenge may be made on the grounds that the elector:

(a) is of unsound mind, as determined by a court;
(b) has voted before in that election;
(c) has been convicted of a felony and is serving a sentence in a penal institution;
(d) is not registered as required by law;
(e) is not 18 years of age or older;
(f) has not been, for at least 30 days, a resident of the county in which the elector is offering to vote; or
(g) is a provisionally registered elector whose status has not been changed to a legally registered voter.
(3) When a challenge has been made under this section:
(a) prior to the close of registration under 13-2-301, the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under 13-2-402; or
(b) after the close of registration or on election day, the election administrator or, on election day, the election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107.
(4)(a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.
(b) If the challenge was not made in the presence of the elector being challenged, the election administrator or election judge shall notify the challenged elector as soon as possible of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided. If the challenge is made more than 5 days before an election, "as soon as possible", as used in this subsection (4)(b), means no later than 5 days after the challenge.
(5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors."

MONT. CODE ANN. § 13-13-601 - Provisional voting in person.

(1) Before being given a ballot, an elector casting a provisional ballot:
(a) must be given information, in a form prescribed by the secretary of state, explaining how to vote provisionally, what information must be provided by the elector to verify the elector's eligibility, and how to determine whether the elector's provisional ballot is or is not counted and, if not, the reasons why;
(b) shall sign an affirmation in a form prescribed by the secretary of state swearing that, to the best of the elector's knowledge, the elector is eligible to vote in the election and precinct and is aware of the penalty for false swearing; and
(c) shall cast and return the provisional ballot to an election judge, who shall place the ballot into an envelope prescribed by the secretary of state for provisional ballots.
(2) A provisional ballot must be handled as provided in 13-15-107.
(3) An elector making a false affirmation under this section is subject to the penalty for false swearing provided in 45-7-202.

MONT. CODE ANN. § 13-13-602 - Fail-safe and provisional voting by mail.

(1) To ensure the election administrator has information sufficient to determine the elector's eligibility to vote, an elector voting by mail may enclose in the outer return envelope, together with the voted ballot in the secrecy envelope, a copy of a current and valid photo identification with the elector's name or a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.
(2) If a provisionally registered elector voting by mail does not enclose with the ballot the information described in subsection (1), if the information provided under subsection (1) is invalid or insufficient to verify the elector's eligibility, or if the elector's name does not appear on the precinct register, the elector's ballot must be handled as a provisional ballot under 13-15-107.

MONT. CODE ANN. § 13-13-603 - Rulemaking on provisional voting, absentee ballots, and challenged ballots.

(1) The secretary of state shall adopt rules to:
(a) implement the provisions of 13-13-114 and this part concerning verification of voter identification and eligibility;
(b) establish standards for determining the sufficiency of information provided on absentee ballot return envelopes pursuant to 13-13-241;
(c) implement the provisions of 13-15-107 on the handling and counting of provisional and challenged ballots, including the establishment of procedures for verifying voter registration and eligibility information with respect to the ballots.
(2) The rules may not conflict with rules established under 13-2-109.

MONT. CODE ANN. § 13-15-107 - Handling and counting provisional and challenged ballots. (Amended by SB 302)

(1) To verify eligibility to vote, a provisionally registered elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:
(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);
(b) send by facsimile or electronic mail by 5 p.m. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or
(c) mail a nonreturnable copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.
(2)(a) If a legally registered elector casts a provisional ballot because the elector failed to provide sufficient identification as required pursuant to 13- 13-114(1)(a), the election administrator shall

compare the elector's signature on the affirmation required under 13-13-601 to the elector's signature on the elector's voter registration card.
(b) If the signatures match, the election administrator shall handle the ballot as provided in subsection (6).
(c) If the signatures do not match, the ballot must be rejected and handled as provided in 13-13-243.
(3) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election.
(4) A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under 13-13-603. However, if the election administrator cannot verify the elector's eligibility under the rules, the elector's provisional ballot must be rejected and handled as provided in 13-13-243.
(5) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.
(6) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot.

MT ADC § 44.3.2113 - Provisional voting procedures at the polling place – casting a ballot

(1) The election administrator shall direct election officials in each precinct to mark, in a location specified by the election administrator in the records maintained by election officials, a notation for each elector who has chosen to cast a provisional ballot.
(2) Consistent with 13-13-601, MONT. CODE ANN. , an election official shall give to an elector who has been permitted the option of casting a provisional ballot the following, in the forms prescribed by the secretary of state:
(a) instructions for casting a provisional ballot, which must be filled out by an election official in the areas specified;
(b) a provisional ballot outer envelope, which must be filled out by an election official in the areas specified;
(c) a provisional ballot secrecy envelope; and
(d) a regular ballot.
(3) The elector shall, upon receipt of the forms in (1):
(a) read the instructions for casting a provisional ballot;
(b) fill out the specified areas of the provisional ballot outer envelope; and
(c) allow an election official to review the provisional ballot outer envelope that has been filled out by the elector.
(4) An election official, upon receiving the provisional ballot outer envelope from the elector, shall:
(a) ensure that the elector completed all required information on the provisional ballot outer envelope; and
(b) inform the elector that the elector may provide additional information at the elector's option.
(5) After the elector and the election official complete the requirements in this rule, the election

official shall allow the elector to:
(a) sign the precinct register;
(b) cast the ballot;
(c) place the ballot in the provisional ballot secrecy envelope;
(d) place the provisional ballot secrecy envelope in the provisional ballot outer envelope; and
(e) return the provisional ballot outer envelope to an election official, who shall place the provisional ballot outer envelope into an unverified provisional ballot container.
(6) Consistent with 13-15-107, MONT. CODE ANN. , an election official shall handle a provisional ballot outer envelope which holds a ballot cast provisionally by an elector whose voter information is verified by the close of the polls on election day as follows:
(a) remove the provisional ballot outer envelope from the unverified provisional ballot container;
(b) mark it to indicate the reason(s) why it was verified and removed;
(c) remove the provisional ballot secrecy envelope, which must be opened by the elector to remove the provisional ballot, which must then be deposited with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot;
(d) place the provisional ballot outer envelope in the verified provisional ballot container; and
(e) mark in the location specified by the election administrator that the ballot has been counted as any other ballot.

MT ADC § 44.3.2114 - Provisional voting procedures on election day after the close of polls – the sixth day after election day.

(1) The election administrator shall direct election officials in each precinct, after the close of polls on election day, to tally the number of electors who have chosen to cast provisional ballots, but whose voter information is not verified by the close of the polls on election day, in a location specified by the election administrator in the records maintained by election officials.
(2) All information regarding electors who have chosen to cast provisional ballots shall remain private at all times prior to and during the counting of provisional ballots and shall not be released prior to and during the counting period without a court order.
(3) Election officials shall seal the unverified and verified provisional ballot containers and ensure delivery according to the election administrator's instructions.
(4) The election administrator shall, until 5:00 p.m. on the day after election day, allow electors who cast provisional ballots to verify eligibility to vote, in person, or by sending by facsimile or electronic mail a copy or scanned document.
(5) The election administrator shall allow electors who cast provisional ballots to verify eligibility to vote, by mail postmarked on election day or the day after election day.
(6) Consistent with 13-15-107, MONT. CODE ANN. , an election official shall handle a provisional ballot outer envelope which holds a ballot cast provisionally by an elector whose voter information is verified after the close of polls on election day as follows:
(a) remove the provisional ballot outer envelope from the unverified provisional ballot container;
(b) mark it to indicate the reason(s) why it was verified and removed;
(c) remove the provisional ballot secrecy envelope, which must be opened to remove the provisional ballot, and which must then be grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot under (7); and
(d) place the provisional ballot outer envelope in the verified provisional ballot container.
(7) Election officials must not begin the count of provisional ballots, cast by electors whose voter

information is received and verified after the close of polls on election day, until 3:00 p.m. on the sixth day following the election.
(8) Election officials must not count any provisional ballots cast by electors whose voter information is not verified by 3:00 p.m. on the sixth day following the election.
(9) After the completion of the count of provisional ballots, election officials must assure the secrecy of the ballots. An election administrator shall not release any information regarding any ballot, including provisionally cast ballots, if that information will result in any person being able to determine how an elector voted on any race or issue on the ballot.

MT ADC § 44.3.2115 - Provisional voting procedures – after final determination whether or not to count provisional ballots.

(1) Election officials, after making the final determination whether or not to count the ballot of each elector who cast a provisional ballot, shall:
(a) open the verified provisional ballot container, record on the provisional ballot outer envelope the reason(s) for counting the verified provisional ballots, and seal the verified provisional ballot container, which shall not be opened without a court order; and
(b) open the unverified provisional ballot container, and mark on each provisional ballot outer envelope that the elector's vote was not counted, and the reason why not, and all other applicable information, and seal the unverified provisional ballot container, which shall not be opened without a court order.
(2) Election officials or election workers shall notify each elector who cast a provisional ballot, by the most expedient means possible, whether or not the elector's vote was counted, and the reason(s) why or why not.

MT ADC § 44.2302 - Definitions.

As used in this subchapter, unless the context clearly indicates otherwise, the following definitions apply:
(1) "Absentee or mail ballot elector identification form" means a form prescribed by the secretary of state and printed by the election administrator that:
(a) includes the elector's preprinted name and preprinted address;
(b) asks but does not require an elector to provide the elector's Montana driver's license number or Montana state identification number or the last four digits of the elector's social security number, and states that if the elector does not have any of the above, the elector may enclose in the outer return envelope a copy of the elector's photo identification showing the elector's name, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, and that if the elector does not enclose a photo identification, the elector may enclose a copy of a current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address; and
(c) if sufficient, is permitted to be used by an absentee or mail ballot elector as a government document meeting the requirements of identification under (7).
(2) "Current address" means residence address, mailing address, or the precinct number that is preprinted on the voter confirmation notice issued pursuant to 13-2-207, MONT. CODE ANN. . For the purposes of this subchapter, an address is presumed to be current unless proved otherwise.
(3) "Driver's license number" means a number provided by the Montana motor vehicle division on either a Montana motor vehicle division driver's license or a Montana motor vehicle division

identification card.
(4) "Election official" means an election administrator, election deputy, or election judge.
(5) "Election worker" means an individual designated to perform election support duties.
(6) "Elector" means an individual qualified to vote under state law.
(7) "Identification" for the purposes of voting by absentee and mail ballot means any of the following:
(a) a current photo identification showing the elector's name, including, but not limited to, a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification; or
(b) a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, MONT. CODE ANN. , government check, or other government document that shows the elector's name and current address.
(c) For the purposes of this subchapter, identification is presumed to be current and valid unless proved otherwise. A driver's license or identification card is presumed to be current and valid if it is issued by any motor vehicle agency, regardless of its status. Any other photo identification is sufficient if it includes the name and photo of the individual.
(8) "Notice by the most expedient method available" means notification that shall occur by any of the following, at the discretion of the election administrator:
(a) telephone;
(b) mail;
(c) facsimile machine;
(d) in person; or
(e) email or other electronic means.

Nebraska Voting Statutes

R.R.S. Neb. § 32-915 (2004) - Registered voter; move within county; provisional ballot; certification

R.R.S. Neb. § 32-915.01 (2004) - Provisional ballot; required; when

R.R.S. Neb. § 32-916 (2004) - Ballots; initials required; approval; deposit in ballot box; procedure

R.R.S. Neb. § 32-914.01 (2004) - Registered voter; change of name; entitled to vote; when

R.R.S. Neb. § 32-914.02 (2004) - Registered voter; change of residence; entitled to vote; when

R.R.S. Neb. § 32-1002 (2004) - Provisional ballots; verification

R.R.S. Neb. § 32-1013 (2004) - Centralized location; watchers; counting board members; oath; authorized observers

R.R.S. Neb. § 32-1015 (2004) - Centralized location; resolution board; designation; duties

R.R.S. Neb. § 32-218 (2004) - County clerk perform duties of election commissioner; when; deputy county clerk for elections

R.R.S. Neb. § 32-319 (2004) - Registration form; contents

R.R.S. Neb. § 32-202 (2004) - Secretary of State; duties

R.R.S. Neb. § 32-915 (2004) - Registered voter; move within county; provisional ballot; certification

(1) If a person is registered to vote but (a) his or her name does not appear in the voter registration register, (b) he or she is not entitled to vote under section 32-914.01 or 32-914.02, and (c) he or she has continuously resided in such county since registering to vote whether or not he or she has moved within the county, the person shall be notified by a judge or clerk of election or precinct inspector that the person is entitled to vote upon completing a voter registration form at the polling place for his or her place of residence.
(2) The person shall enclose his or her ballot in an envelope marked Provisional Ballot and shall, by signing the front of the envelope or a separate form attached to the envelope, certify to the following facts:
(a) I am a registered voter in ..... County;
(b) (i) I registered to vote on approximately ..... (write the approximate date you registered to vote) and I registered to vote (check one):
in person at the election office or a voter registration site,
by mail,
on a form through the Department of Motor Vehicles,

on a form through another state agency,
in some other way; or
(ii) I have not resided outside of this county or voted outside of this county since registering to vote in this county;
(c) My current address is shown on the voter registration form; and
(d) I am eligible to vote in this election and I have not voted and will not vote in this election except by this ballot.
(3) The certification shall be signed under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both.

R.R.S. Neb. § 32-915.01 (2004) - Provisional ballot; required; when
Any person who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls pursuant to a state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot as described in section 32-915.

R.R.S. Neb. § 32-915.01 (2004) - Ballots; initials required; approval; deposit in ballot box; procedure

2005 amendments appear below, new text is in blue (copied from Westlaw)

32-916. (1) Two judges of election or a precinct ~~or district~~ inspector and a judge of election shall affix their initials to the official ballots. The judge of election shall deliver a ballot to each registered voter after complying with section 32-914.
(2) After voting the ballot, the registered voter shall, as directed by the judge of election, fold his or her ballot or place the ballot in the ballot envelope or sleeve so as to conceal the voting marks and to expose the initials affixed on the ballot. The registered voter shall, without delay and without exposing the voting marks upon the ballot, deliver the ballot to the judge of election before leaving the enclosure in which the voting booths are placed.
(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials upon the ballot and deposit the ballot in the ballot box in the presence of the registered voter. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the appropriate initials. Any ballot not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot is in order, the judge shall deposit the ballot in the ballot box in the presence of the voter and the voter shall promptly leave the polling place. The judges of election shall maintain the secrecy of the rejected ballots and shall cause the rejected ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Rejected Ballots and the designation of the precinct. The judges of election shall sign the endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots rejected.
(4) Upon receiving a provisional ballot as provided in section 32-915, -the judge of election shall give the voter written information that states that the voter may determine if his or her vote was counted and, if not, the reason that the vote was not counted by accessing the system created pursuant to section 32-202 and the judge of election shall ensure that the appropriate information is on the outside of the envelope in which the ballot is enclosed or attached to the envelope, attach the statement required by section 32-915 if not contained on the envelope, and place the entire envelope into the ballot box. Upon receiving a provisional ballot as provided in section 32- 915.01, the judge of election shall comply with the requirements for a provisional ballot under this subsection, except that a provisional ballot cast pursuant to section 32-

915.01 shall be kept separate from the other ballots cast at the election.

R.R.S. Neb. § 32-914.01 (2004) - Registered voter; change of name; entitled to vote; when

If a person who is registered to vote changes his or her name but the voter registration register has not been changed to reflect the change of name, the person shall be entitled to vote at the polling place upon completing a change of name form at the polling place. The election commissioner or county clerk shall update the voter registration register to reflect the change of name.

R.R.S. Neb. § 32-914.02 (2004) - Registered voter; change of residence; entitled to vote; when

If a person who is registered to vote moves to a new residence within the same county and precinct and has continuously resided in such county and precinct since registering to vote but the voter registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence upon completing a change of address form at the polling place. The election commissioner or county clerk shall update the voter registration register to reflect the change of address.

R.R.S. Neb. § 32-1002 (2004) - Provisional ballots; verification

2005 amendments- copied from Westlaw: (new text is highlighted in blue)

32-1002. (1) As the ballots are removed from the ballot box pursuant to sections 32-1011 to 32-1026, the receiving board or counting board shall separate the envelopes containing the provisional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a provisional ballot, the election commissioner or county clerk shall verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also (a) verify that such person has not voted anywhere else in the county or been issued an absentee ballot, (b) investigate whether any credible evidence exists that the person was properly registered to vote in the county before the deadline for registration for the election, (c) investigate whether any information has been received pursuant to section 32-309, 32-310, or 32-324 that the person has resided, registered, or voted in any other county or state since registering to vote in the county, and (d) upon determining that credible evidence exists that the person was properly registered to vote in the county, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot.

(4) A provisional ballot cast by a voter pursuant to section 32-915 shall be counted if:

(a) Credible evidence exists that the voter was properly registered in the county before the deadline for registration for the election;

(b) The voter has resided in the county continuously since registering to vote in the county;

(c) The voter has not voted anywhere else in the county or has not otherwise voted early using a ballot for early voting;

(d) The voter has completed a registration application prior to voting and:

(i) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is located within the precinct in which the person voted; and

(ii) If the voter is voting in a primary election, the party affiliation provided on the

registration application completed prior to voting the provisional ballot is the same party affiliation that appears on the voter's voter registration record based on his or her previous registration application; and

(e) The certification on the front of the envelope or form attached to the envelope is in the proper form and signed by the voter.

(5) A provisional ballot cast by a voter pursuant to section 32-915 shall not be counted if:

(a) The voter was not properly registered in the county before the deadline for registration for the election;

(b) Information has been received pursuant to section 32-309, 32-310, or 32- 324 that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she cast the provisional ballot;

(c) Credible evidence exists that the voter has voted elsewhere or has otherwise voted early;

(d) The voter failed to complete and sign a registration application pursuant to subdivision (1)(e) of section 32-915;

(e) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is in a different county or in a different precinct than the county or precinct in which the voter voted;

(f) If the voter is voting in a primary election, the party affiliation on the registration application completed prior to voting the provisional ballot is different than the party affiliation that appears on the voter's voter registration record based on his or her previous registration application; or

(g) The voter failed to complete and sign the certification on the envelope or form attached to the envelope pursuant to subsection (3) of section 32-915.

(6) Upon determining that the voter's provisional ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

(7) The election commissioner or county clerk shall notify the system administrator of the system created pursuant to section 32-202 as to whether the ballot was counted and, if not, the reason the ballot was not counted.

(8) The verification and investigation shall be completed within seven days after the election.

Sec. 54. Section 32-1027, Reissue Revised Statutes of Nebraska, as amended by section 26, Legislative Bill 98, Ninety-ninth Legislature, First Session, 2005, is amended to read:

R.R.S. Neb. § 32-1013 (2004) - Centralized location; watchers; counting board members; oath; authorized observers

(1) In each centralized location, watchers may be appointed to be present and observe the counting of ballots. Each political party shall be entitled to one watcher at each location appointed and supplied with credentials by the county central committee of such political party. The district court having jurisdiction over any such county may appoint additional watchers for any location.

(2) The watchers and the members of the counting board shall take the following oath administered by the election commissioner or county clerk or an election official designated by the election commissioner or county clerk: I do solemnly swear that I will not in any manner make known to

anyone other than duly authorized election officials the results of the votes as they are being counted until the polls have officially closed and the summary of votes cast is delivered to the election commissioner or county clerk.

(3) All other persons shall be excluded from the place where the counting is being conducted except for observers authorized by the election commissioner or county clerk. No such observer shall be connected with any candidate, political party, or measure on the ballot.

R.R.S. Neb. § 32-1015 (2004) - Centralized location; resolution board; designation; duties

The election commissioner or county clerk shall designate at least two members of the counting board to act as a resolution board to resolve questions as to the legality of votes to be counted. The members of the resolution board shall be of equal number from different political parties. Any issue as to the legality of a vote shall be resolved unanimously by the resolution board. If a unanimous decision cannot be obtained, the ballot shall be rejected as to the vote in question.

R.R.S. Neb. § 32-218 (2004) - County clerk perform duties of election commissioner; when; deputy county clerk for elections

(1) The county clerk shall have the powers and perform the duties assigned to the election commissioner except in those counties which have an election commissioner as provided by section 32-207 or 32-211. The powers and duties assigned to the county clerk in the Election Act relating to the registration of voters and the conduct of elections shall only apply to county clerks in counties without an election commissioner. The county clerk may hire additional personnel to perform the duties assigned under the act.

(2) The county board may establish the position of deputy county clerk for elections. Such deputy shall be appointed by the county clerk and shall not be a member of the same political party as the county clerk, except that any deputy county clerk for elections serving on January 1, 1995, shall be allowed to continue in his or her position for as long as he or she holds the position. Under the direction of the county clerk, the deputy shall be primarily responsible for performing the duties imposed on the county clerk by the election laws of this state and shall perform such other duties as may from time to time be assigned to him or her by the county clerk. The deputy shall serve at the pleasure of the county clerk. The county board shall determine the compensation of the deputy.

R.R.S. Neb. § 32-319 (2004) - Registration form; contents

(1) The Secretary of State shall prescribe a registration form which may be used statewide to register to vote. The form shall contain substantially all the information provided in section 32-312. The form shall include a mail-in portion which may be designed to be detached from the rest of the form for mail-in registrations. The form shall also include an abbreviated transfer of registration form as described in section 32-325. Every election commissioner or county clerk shall accept a registration made on the form prescribed by the Secretary of State.

(2) The mail-in portion of the form shall contain:

(a) A statement in enlarged, capitalized, bold print that the form must be postmarked on or before the third Friday before the election;

(b) A statement informing the applicant that if the form is submitted by mail and the applicant is registering within the county for the first time, the applicant must submit a copy of a photo identification which is current and valid or a copy of a utility bill, bank statement, government check,

paycheck, or other government document that is current and that shows the name and address of the voter with the mail-in registration form in order to avoid additional identification requirements upon voting for the first time;

(c) A statement that the election commissioner or county clerk will, upon receipt of the registration form, send an acknowledgment of registration to the registrant indicating whether the registration form is proper or not; and

(d) A statement as follows:

NOTE: This application may be delivered to the office of the election commissioner or county clerk by mail, in person, or by personal messenger.

(3) Any voter who is unable to sign his or her name may affix his or her mark before two witnesses who are registered voters in this county.

R.R.S. Neb. § 32-202 (2004) - Secretary of State; duties

In addition to any other duties prescribed by law, the Secretary of State shall:

(1) Supervise the conduct of primary and general elections in this state;

(2) Provide training for election commissioners, county clerks, and other election officials in providing for registration of voters and the conduct of elections;

(3) Enforce the Election Act;

(4) With the assistance and advice of the Attorney General, make uniform interpretations of the act;

(5) Provide periodic training for the agencies and their agents and contractors in carrying out their duties under sections 32-308 to 32-310;

(6) Develop and print forms for use as required by sections 32-308, 32-310, 32-320, 32-329, 32-955, 32-956, and 32-958;

(7) Contract with the Department of Administrative Services for storage and distribution of the forms;

(8) Require reporting to ensure compliance with sections 32-308 to 32-310;

(9) Prepare and transmit reports as required by the National Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq.;

(10) Develop and print a manual describing the requirements of the initiative and referendum process and distribute the manual to election commissioners and county clerks for distribution to the public upon request;

(11) Develop and print pamphlets described in section 32-1405.01;

(12) Adopt and promulgate rules and regulations for elections conducted under sections 32-952 to 32-959; and

(13) Establish a free access system, such as a toll-free telephone number or an Internet web site, that any voter who casts a provisional ballot may access to discover whether the vote of that voter was counted and, if the vote was not counted, the reason that the vote was not counted. The Secretary of State shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system. Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

Nevada Voting Statutes

Nev. Rev. Stat § 293.3081 – Casting of Provisional Ballot: General Conditions; Declaration or application

Nev. Rev. Stat § 293.3082 – Casting of Provisional Ballot: Specific Prerequisites

Nev. Rev. Stat § 293.3083 – Casting of Ballot by Mail to Vote for a Candidate for Federal Office

Nev. Rev. Stat § 293.3084 – County and City Clerks to Establish Certain Procedures Relating to Provisional Ballots

Nev. Rev. Stat § 293.3085 – Canvass and Counting of Provisional Ballots

Nev. Rev. Stat § 293.3086 – Free Access System to Provide Information to Voter Casting a Provisional Ballot

Nev. Rev. Stat § 293.3095 – Distribution of Forms to Request Absent Ballot

Nev. Rev. Stat § 293.2725 – Voter Who Registered to Vote by Mail and has Not Previously Voted in Election for Federal Office in Nevada

Nev. Rev. Stat § 293.387 – Canvass of Returns; Abstract of Votes

Nev. Rev. Stat § 293C.387 – Returns Filed with City Clerk; Canvass of Returns

Nev. Rev. Stat § 293.524 – Registration

Nev. Rev. Stat § 293.3081 – Casting of Provisional Ballot: General Conditions; Declaration or application
A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he has registered to vote and is eligible to vote at that election in that jurisdiction, but his name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this state and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this state in effect 10 days before the date of the election.

Added by Laws 2003, c. 382, § 7, eff. Jan. 1, 2004.

Nev. Rev. Stat §293.3082. Casting of provisional ballot: Specific prerequisites; completion of written affirmation; contents of affirmation; provision of receipt; notation on roster; provisional ballot limited to purpose of voting for candidates for federal offices

1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

(a) The name of the person casting the provisional ballot;

(b) The reason for casting the provisional ballot;

(c) A statement in which the person casting the provisional ballot affirms
under penalty of perjury that he is a registered voter in the jurisdiction and is eligible to vote in the election;

(d) The date and type of election;

(e) The signature of the person casting the provisional ballot;

(f) The signature of the election board officer;

(g) A unique affirmation identification number assigned to the person casting the provisional ballot;

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

(1) An indication by the person as to whether or not he provided the required identification at the time he applied to register to vote;

(2) The address of the person as listed on his application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:

(1) The address of the person as listed on his application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether his vote was counted, and, if his vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.

Nev. Rev. Stat §293.3083. Casting of ballot by mail to vote for candidate for federal office; treatment as provisional ballot under certain circumstances

A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies by mail to register to vote and has not previously voted in an election for federal office in this state;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that he mails his ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Nev. Rev. Stat §293.3084. County and city clerks to establish certain procedures relating to provisional ballots

Each county and city clerk shall establish procedures to:

1. Keep each provisional ballot cast pursuant to NRS 293.3081 or 293.3083 separate from other ballots until it has been determined whether or not the voter was registered and eligible to vote in the election in that jurisdiction;

2. Keep each provisional ballot cast pursuant to subsection 3 of NRS 293.3081 separate from all other provisional ballots; and

3. Inform a person whose name does not appear on a voter registration list as an eligible voter for a polling place or who an election official asserts is not eligible to vote at the polling place of the ability of the person to cast a provisional ballot.

293.3085. Canvass and counting of provisional ballots

1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

2. The county and city clerk shall not:

(a) Include any provisional ballot in the unofficial results reported on election night; or

(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.

3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:

(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which he resides;

(b) A voter who failed to provide required identification at the polling place or with his mailed ballot provides the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day; or

(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant subsection 3 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to subsection 3 of NRS 293.3081.

4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which he resides.

Nev. Rev. Stat §293.3086. Free access system to provide information to voter casting provisional ballot

1. The Secretary of State shall establish a free access system such as a toll-free telephone number or an Internet website to inform a person who cast a provisional ballot whether his vote was counted and, if his vote was not counted, the reason why the vote was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a provisional ballot must be restricted to the person who cast the provisional ballot.

Nev. Rev. Stat §293.3095. Distribution of forms to request absent ballots

1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the secretary of state, which must, in 14-point type or larger:
NRS § 293.2725 – Voter Who Registered to Vote by Mail and has Not Previously Voted in Election for Federal Office in Nevada

1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail to vote in this state and who has not previously voted in an election for federal office in this state:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the name and address of the person; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the name and address of the person.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the name and address of the person;

(b) Registers to vote by mail and submits with his application to register to vote a driver's license number or at least the last four digits of his social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.
(1) Identify the person who is distributing the form; and
(2) Include a notice stating, "This is a request for an absent ballot.";
(b) Not later than 14 days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;
(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and
(d) Not mail such a form later than 21 days before the election.
2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

NRS § 293.387 – Canvass of Returns; Abstract of Votes
1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the fifth working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board,

after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the secretary of state,

and transmit them to the secretary of state not more than 6 working days after the election.

4. The secretary of state shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. He shall make out and file in his office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which he is nominated.

NRS § 293C.387 – Returns Filed with City Clerk; Canvass of Returns

1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the fifth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 6 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

NRS § 293.524 – Registration
1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if he receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If he determines that the application is complete, he shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If he determines that the application is not complete, he shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that his records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

New Jersey

N.J. Stat. Ann. § 19:53C-1. Provisional ballot packet N.J. Stat. Ann. § 19:15-17. Comparison of signatures or statements made openly; provisional ballots for newly registered voters without proper identification

N.J. Stat. Ann. § 19:53C-3. Certain voters to be queried; circumstances

N.J. Stat. Ann. § 19:53C-6. Completion of affirmation statement

N.J. Stat. Ann. § 19:53C-9. Spoiled ballots

N.J. Stat. Ann. § 19:53C-10. Placement of ballot and statement in envelope

N.J. Stat. Ann. §19:53C-12. Transport of sealed ballots

N.J. Stat. Ann. § 19:53C-13. Breaking the seal of ballot bag N.J. Stat. Ann. § 19:53C-17. vote by voter from another district

N.J. Stat. Ann. § 19:53C-18. Decision of a majority of the county board to be final

N.J. Stat. Ann. § 19:61-4. Provisional ballot free-access system

N.J. Stat. Ann. § 19:53C-1. Provisional ballot packet

a. (1) The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of a provisional ballot packet for each election district. It shall include the appropriate number of provisional ballots, the appropriate number of envelopes with an affirmation statement, the appropriate number of written notices to be distributed to voters who vote by provisional ballot and one provisional ballot inventory form affixed to the provisional ballot bag. The clerk shall arrange for the preparation of and placement in each provisional ballot bag of a provisional ballot packet and an envelope containing a numbered seal. The envelope shall contain, on its face, the instructions for the use of the seal, the number and the election district location of the provisional ballot bag, and the identification numbers of the seal placed in the envelope. Each provisional ballot bag shall be sealed with a numbered security seal before being forwarded to the appropriate election district.

(2) Each provisional ballot bag and the inventory of the contents of each such bag shall be delivered to the designated polling place no later than the opening of the polls on the day of an election.

b. The county clerk or the municipal clerk, in the case of a municipal election, shall arrange for the preparation of the envelope , affirmation statement, and written notice that is to accompany each provisional ballot. The envelope shall be of sufficient size to accommodate the provisional ballot, and the affirmation statement shall be affixed thereto in a manner that enables it to be detached once completed and verified by the county commissioner of registration. The statement shall require the voter to provide the voter's name, and to indicate whether the voter is registered to vote in a county but has moved within that county since registering to vote; or is registered to vote in the election district in which that polling place is located but the voter's registration information is missing or otherwise deficient. The statement shall further require the voter to provide the voter's most recent prior voter registration address and address on the day of the election and date of birth. The statement shall include the statement: "I swear or affirm, that the foregoing statements made by me are true and correct and that I understand that any fraudulent voting may subject me to a fine of up to $1,000, imprisonment up to five years or both, pursuant to R.S.19:34-11." It shall be followed immediately by spaces for the voter's signature and printed name, and in the case of a name change, the voter's printed old and new name and a signature for each name, the date the statement was completed, political party affiliation, if used in a primary election, and the name of the person providing assistance to the voter, if applicable. Each statement shall also note the number of the election district, or ward, and name of the municipality at which the statement will be used.

The written notice shall contain information to be distributed to each voter who votes by provisional ballot. The notice shall state that, if the voter is a mail-in registrant voting for the first time in his or her current county of residence following registration and was given a provisional ballot because he or she did not provide required personal identification information, the voter shall be given until the close of business on the second day after the election to provide identification to the applicable county commissioner of registration, and the notice shall contain a telephone number at which the commissioner may be contacted. The notice shall further state that failure to provide the required personal identification information within that time period shall result in the rejection of the ballot. The notice shall state that pursuant to section 4 of P.L.2004, c. 88 (C.19:61-4), any individual who casts a provisional ballot will be able to ascertain under a system established by the State whether the ballot was accepted for counting, and if the vote was not counted, the reason for the rejection of the ballot. The notice shall include instructions on how to access such information.

c. For the primary for the general election, the provisional ballots shall be printed in ink on paper of a color that matches the color of the voting authority, which shall indicate the party primary of the voter. The provisional ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in P.L.1999, c. 232 (C.19:53C-1 et seq.). Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the primary election.

The clerk of the county or municipality shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots for each political party , a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots , envelopes, and notices shall be available for delivery to that election district on the day of the election, if necessary.

d. For the general election the provisional ballots shall be printed in ink. The provisional ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in this act. Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the general election.

The clerk of the county or municipality shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots , a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots , envelopes, and notices shall be available for delivery to that election district on the day of the election, if necessary.

e. For a school election the provisional ballots shall be printed in ink. The provisional ballots shall be uniform in size, quality and type and of a thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure on the front or back other than as provided in this act. Each such ballot shall include near the top thereof and in large type the designation PROVISIONAL BALLOT. In all other respects, the provisional ballots shall conform generally to the other ballots to be used in the election district for the school election.

The clerk of the county shall arrange for the preparation of each provisional ballot package with an appropriate number of provisional ballots , a corresponding number of envelopes with affirmation statements, and a corresponding number of written notices. Additional provisional ballots , envelopes, and notices shall be available for delivery to that election district on the day of the election, if necessary.

f. Following the effective date of P.L.2004, c. 88 (C.19:61-1 et al.), a provisional ballot that requires the voter to punch out a hole in the ballot as a means of recording the voter's vote shall not be used in any election in this State.

N.J. Stat. Ann. § 19:15-17. Comparison of signatures or statements made openly; provisional ballots for newly registered voters without proper identification

a. The comparison of signatures of a voter made upon registration and upon election day, and if the voter alleges his inability to write, the comparison of the answers made by such voter upon registration and upon election day, shall be had in full view of the challengers.

b. If a voter has registered by mail after January 1, 2003 to vote for the first time in his or her current county of residence and did not provide personal identification when registering pursuant to section 16 of P.L.1974, c. 30 (C.19:31-6.4), the voter shall be permitted to vote starting at the first election held after January 1, 2004 at which candidates are seeking federal office after displaying one of the following items: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the voter's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the voter does not display one of these documents, the voter shall not be permitted to vote by machine but shall instead be provided with a provisional ballot, pursuant to the provisions of P.L.1999, c. 232 (C.19:53C-1 et seq.). This subsection shall not apply to any voter entitled to vote by absentee ballot under the 'Uniformed and Overseas Citizens Absentee Voting Act' (42 U.S.C. 1973ff-1 et seq.) or to any voter who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the 'Voting Accessibility for the Elderly and Handicapped Act,' or any other voter entitled to vote otherwise than in person under any other federal law. This subsection shall also not apply to any person who registers to vote by appearing in person at any voter registration agency or to any person whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery.

c. Each county commissioner of registration shall collect and maintain, in the manner prescribed by the Attorney General, the information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31- 6.4). Access to the personal identification information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31- 6.4). shall be prohibited, in accordance with subsection a. of section 6 of P.L.2001, c. 404 (C.47:1A-5).

N.J. Stat. Ann. § 19:53C-3. Certain voters to be queried; circumstances

Whenever a voter enters a polling place to vote on the day of an election and the circumstance of that voter matches the circumstance of a voter described in subsection b. of R.S.19:31-11, the district board shall query the voter and follow the appropriate procedure herein described.

a. If, at any time, the voter has moved from one residence to another in the same election district, the board shall permit the voter to vote at that polling place in the same manner as other voters at the polling place upon written affirmation by the voter to the district board.

b. If the voter has moved within a municipality but currently resides in an election district different from that listed for the voter by the commissioner of registration, the district board shall direct the voter to the appropriate election district and polling place for the voter and inform that person that: (1) the person must go to that polling place to vote; and (2) the person will be permitted to vote thereat by provisional ballot after completing an affirmation statement.

c. If the voter has moved within the county but currently resides in a municipality different from that listed for the voter by the commissioner of registration, the district board shall determine the

appropriate election district and polling place for the voter and inform that person that: (1) the person must go to that polling place to vote; and (2) the person will be permitted to vote thereat by provisional ballot after completing an affirmation statement.

d. If, on or before the 29th day prior to the day of the election, the voter has moved into the county from another county or state and has not registered to vote in that county, the board shall inform the voter that he is not eligible to vote in that county at that election.

e. If, after the 29th day prior to the day of an election, the voter has moved into the county from another county in this State, the board shall inform the voter that: (1) the voter is not eligible to vote in the county where he resides currently at that election; and (2) the voter may be eligible to vote in the election district where the voter resided prior to moving to the voter's current residence.

f. If the voter's registration information has been marked by the county commissioner of registration to indicate a problem therewith, or if the voter's sample ballot has been returned as undeliverable to the county or municipal clerk, as the case may be, but the voter states that the voter has not moved prior to the day of an election, but instead continues to reside at the same address the voter resided at when voting previously, the voter shall be permitted to vote in such election district in the same manner as other voters at the polling place upon written affirmation to the district board of that election district.

g. If the voter's registration information is missing, the voter shall be permitted to vote by provisional ballot after completing the affirmation statement attached to the envelope provided with the provisional ballot.

h. In accordance with the requirements of subsection (c) of section 302 of Pub.L.107-252 (42 U.S.C. 15482), whenever a voter is voting as a result of a federal or State court order or any other order extending the time established for closing the polls in effect 10 days before the date of an election, the voter may vote only by provisional ballot. Any such ballot shall be separated by the county board from other provisional ballots cast at the election and the results shall be canvassed and recorded separately in the official canvas for the election.

i. Any person who, pursuant to subsection b. of R.S.19:15-17, votes by provisional ballot at the polling place because of his or her failure to provide required personal identification information shall be given until the close of business on the second day after the election to provide the applicable county commissioner of registration with the identification information. Failure to provide the required personal identification information within that time period shall result in the rejection of the ballot.

N.J. Stat. Ann. § 19:53C-6. Completion of affirmation statement

Prior to voting the provisional ballot or immediately thereafter, the voter shall complete the affirmation statement attached to the provisional ballot envelope. The statement shall conform with the requirements for such a statement contained in paragraph b. of section 7 of P.L.1999, c. 232 (C.19:53C-1).

At no time when in possession of the provisional ballot with attached affirmation statement shall the voter detach the statement from the ballot envelope.

N.J. Stat. Ann. § 19:53C-9. Spoiled ballots

If any voter to whom a provisional ballot and envelope with an affirmation statement has been handed spoils or renders any of the same unfit for use, the voter shall return the ballot and the envelope with affirmation statement to a district board member. The voter shall be furnished with another provisional ballot and envelope with affirmation statement. No more than two provisional ballots and envelopes with affirmation statements shall be furnished to a voter, except at the discretion of the board members.

The district board shall preserve each spoiled provisional ballot and envelope with an affirmation statement and shall write "SPOILED" across the envelope and initial the same. Immediately thereafter, the "SPOILED" envelope shall be sealed and placed in the provisional ballot bag.

N.J. Stat. Ann. § 19:53C-10. Placement of ballot and statement in envelope

a. After voting the provisional ballot and completing the affirmation statement, and before leaving the polling booth or the designated voting area, as the case may be, the voter shall place the voted provisional ballot in the envelope. The voter shall seal the envelope and shall retain custody of the envelope until a member of the board is ready to accept the envelope.

b. The voter shall hand the sealed envelope to the member of the district board. The member shall keep the sealed envelope in full view of the voter, the other district board members and all other persons present until it is placed in the provisional ballot bag. The voter may also take hold of the envelope, with that member of the board, until the envelope is placed in the provisional ballot bag. The security of the provisional ballot bag and its contents while any election occurs shall be the responsibility of the members of the district board. After placing the envelope in the provisional ballot bag, the member of the district board shall hand to the voter the written notice of instructions on how the voter may access information regarding whether the ballot of the individual is accepted for counting, and if the vote is not counted, the reason for the rejection of the ballot, pursuant to section 4 of P.L.2004, c. 88 (C.19:61-4).

N.J. Stat. Ann. § 19:53C-11. Inventory of ballots

Immediately following the closing of the polls on the day of an election, the members of the district board shall inventory the provisional ballots. All invalid provisional ballots placed in envelopes and marked "SPOILED" shall be counted and the number of those envelopes shall be recorded on the provisional ballot inventory form provided with the provisional ballot bag. All provisional ballots that have been voted, not used or found to be missing shall next be recorded on the provisional ballot inventory form. Upon the completion of the inventory of all provisional ballots, and if the members of the district board agree on that inventory, the provisional ballot inventory form shall be signed by those members. Any member not in agreement shall give the reason therefor on the form and so certify with the member's signature. All envelopes marked "SPOILED", and all voted and not voted provisional ballots, shall be placed in the provisional ballot bag and sealed with the numbered seal taken from the envelope provided with that bag.

N.J. Stat. Ann. §19:53C-12. Transport of sealed ballots

Immediately following the sealing of the provisional ballot bag at a polling place on the day of any election, a member of the district board shall transport the ballot bag and all other election materials to a location designated by the commissioner of registration.

N.J. Stat. Ann. § 19:53C-13. Breaking the seal of ballot bag

When the office of the commissioner of registration receives a provisional ballot bag that has been found to be in good order, the commissioner thereof shall first break the seal and open the bag. In any county where the superintendent of elections is the commissioner of registration, the county board of elections may sort the provisional ballots if so agreed to in advance by both the superintendent and the board. Envelopes marked "SPOILED" shall be set aside and remain unopened. The name, signature and other information contained on the form as supplied by a voter shall be compared with the name, signature and other information that the commissioner of registration has on file, in electronic or other form, for that voter. No affirmation statement shall be separated from a provisional ballot envelope until all affirmation statements have been reviewed by the commissioner of registration. After a comparison of the voter's address is completed by the commissioner of registration and prior to separating the affirmation statement from the envelope and counting the ballot, the letter "p" shall be placed adjacent to the voter's name on the signature copy register or computer listing, as the case may be, together with the name of the municipality in which the voter voted the provisional ballot. If two provisional ballots from the same voter are received, both such ballots shall not be counted, the affirmation statements shall not be separated from the envelopes, and the ballots shall be put aside for further investigation.

Whenever the address supplied by the voter on the affirmation statement does not match the address for such a person contained in the files of the commissioner of registration, but it is clear that the circumstance of a voter matches the circumstance of a voter described in subsection b. of R.S.19:31- 11, the updated information on the affirmation statement shall be recorded and shall constitute a transfer by the voter to a new address for any subsequent election.

After the examination of the affirmation statement by the commissioner of registration, the county board of elections shall determine if a provisional ballot voter is legally entitled to have voted and if a provisional ballot conforms to the requirements established by law.

The members of the county board shall then proceed to count and canvass the votes cast on each provisional ballot. Immediately after the canvass is complete, the county board of elections shall certify the results of the canvass to the county clerk or municipal clerk or other appropriate officials, as the case may be, showing the results of the canvass by municipality.

The outside front of each envelope that contains a voided provisional ballot shall have the word "VOID" written next to the circled number.

Unless provided otherwise by this section, all provisional ballot materials shall be processed by the county board of elections in accordance with the procedures established for absentee ballots pursuant to section 31 of P.L.1953, c. 211 (C.19:57-31).

N.J. Stat. Ann. § 19:53C-17. vote by voter from another district

If, for any reason, a provisional ballot voter votes a ballot other than the ballot for the district in which the voter is qualified to vote, the votes for those offices and questions for which the voter would be otherwise qualified to vote shall be counted. All other votes shall be void.

N.J. Stat. Ann. § 19:53C-18. Decision of a majority of the county board to be final

The decision of a majority of the county board on any question concerning a provisional ballot matter shall be deemed the decision of the board and final. If any member of the board dissents from any decision and wishes to make the dissension known to avoid any of the consequences which may result from that decision, the member may record the dissent in the signature copy register, if it is available, or in a note signed and dated. If the dissent is in the form of a note, it shall be appended to or recorded on the signature copy register afterwards by the superintendent of elections or the commissioner of registration, as shall be appropriate.

N.J. Stat. Ann. § 19:61-4. Provisional ballot free-access system

The Attorney General shall establish a free-access system, such as a toll-free telephone number, an Internet website or any combination thereof, that any individual who casts a provisional ballot may access to ascertain whether the ballot of that individual was accepted for counting and, if the vote was not counted, the reason for the rejection of the ballot. The system shall at all times preserve the confidentiality of each voter, and shall ensure that no person, other than the individual who cast the ballot, may discover whether or not that individual's ballot was accepted, unless so informed by the voter.

New Mexico Voting Statutes

New Statutes

Section 5. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:
'UNIQUE IDENTIFIER.--As used in the Election Code, 'unique identifier' means the last four digits of a voter's social security number.'

Section 6. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:
'REQUIRED VOTER IDENTIFICATION.--As used in the Election Code, 'required voter identification' means any of the following forms of identification as chosen by the voter:

A. a physical form of identification, which may be:

(1) an original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter's certificate of registration or a voter identification card; or

(2) an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person, the address of which is not required to match the voter's certificate of registration; or

B. a verbal or written statement by the voter of the voter's name, year of birth and unique identifier; provided, however, that the statement of the voter's name need not contain the voter's middle initial or suffix.'

1-12-7.1. VOTER LISTS-- SIGNATURE ROSTERS-- USE DURING ELECTION

D. The judge assigned to the precinct voter list used for confirmation of registration and voting shall determine that each person offering to vote is registered and, in the case of a primary election, that the voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed by the presence of the person's name on the precinct voter list and the voter provides the required voter identification, the judge shall announce to the election clerks the list number and the name of the voter as shown on the precinct voter list. <u>If the voter does not provide the required voter identification, the voter shall be allowed to vote on a provisional ballot and shall provide the required voter identification to the county clerk's office before the county canvass begins, or to the precinct board before the polls close, or the voter's provisional ballot shall not be qualified. If the required voter identification is provided, the voter's provisional ballot shall be qualified and the voter shall not vote on any other type of ballot.</u>

1-12-8. CONDUCT OF ELECTION-- PROVISIONAL VOTING

A. A person shall be permitted to vote on a provisional paper ballot even though the person's original certificate of registration cannot be found in the county register or even if the person's name does not appear on the signature roster, provided:

(1) the person's residence is within the boundaries of the county in which the person offers to vote;

(2) the person's name is not on the list of persons submitting absentee ballots; and

(3) the person executes a statement swearing or affirming to the best of the person's knowledge that the person is a qualified elector, is currently registered and eligible to vote in that county and has not cast a ballot or voted in that election.

B. A voter shall vote on a provisional paper ballot if the voter:

(1) has not previously voted in a general election in New Mexico or has been purged from the voter list;

(2) registered to vote by mail;

(3) did not submit the physical form of the required voter identification with the certificate of registration form; and

(4) does not present to the election judge a physical form of the required voter identification.

C. A voter shall vote on a provisional ballot in accordance with the provisions of Section 1-12-7.1 NMSA 1978 if the voter does not provide the required voter identification to the election judge.

D. An election judge shall have the voter sign the signature roster and issue the voter a provisional paper ballot, an outer envelope and an official inner envelope. The voter shall vote on the provisional paper ballot in secrecy and when done, place the ballot in the official inner envelope and place the official inner envelope in the outer envelope and return it to the precinct officer. The election judge shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate place and place it in an envelope designated for provisional paper ballots.

E. Knowingly executing a false statement constitutes perjury as provided in the Criminal Code of this state, and voting on the basis of such falsely executed statement constitutes fraudulent voting.'

1-12-10. CONDUCT OF ELECTION-- VOTER'S NAME, ADDRESS, SIGNATURE

A. When a voter presents himself at the polls to vote, he shall announce his name and address in an audible tone of voice. When an election judge finds the voter's name in the signature roster, he shall in like manner repeat the name of the voter. The election judge shall then ask the voter to provide the required voter identification. The voter shall then sign his name or make his mark on the signature line in the copy of the signature roster to be returned to the county clerk. Upon the voter's name or mark being written in the signature roster, a challenge may be interposed as provided in the Election Code.

B. If a voter fails to provide the required voter identification, the voter shall be allowed to vote on a provisional ballot.'

1-12-25.2. CONDUCT OF ELECTION-- PROVISIONAL VOTING-- INFORMATION TO VOTER-- STATUS OF VOTER'S BALLOT

A. If a voter is required to vote on a provisional paper ballot, the election judge shall give the voter written instructions on how the voter may determine whether the vote was counted and, if the vote was not counted, the reason it was not counted.

B. The county clerk shall establish a free access system, such as a toll-free telephone number or internet web site, that a voter who casts a provisional paper ballot may access to ascertain whether the voter's ballot was counted and, if the vote was not counted, the reason it was not counted. Access to information about an individual voter's provisional ballot is restricted to the voter who cast the ballot.

C. Beginning with the closing of the polls on election day through the tenth day following the election, the county clerk shall notify by certified mail each person whose provisional ballot was not counted of the reason the ballot was not counted. The voter shall have until the Friday prior to the meeting of the state canvassing board to appeal to the county clerk a decision to reject the voter's ballot. The secretary of state shall establish procedures for handling appeals to the county clerk.'

1-12-25.3. PROVISIONAL PAPER BALLOTS-- REQUIRED INFORMATION

A. At a minimum, the following information shall be printed on the outer envelope for a provisional paper ballot:

(1) the name and signature of the voter;

(2) the voter's registered address, both present and former if applicable;

(3) the voter's date of birth;

(4) the reason for using the ballot;

(5) the precinct and the polling place at which the voter has voted;

(6) the voter's social security number; and

(7) sufficient space to list the disposition of the ballot after review by the county clerk.

B. A provisional paper ballot shall not be rejected for lack of the information required by this section and shall be qualified as long as the voter provides a valid signature and sufficient information for the clerk to determine the voter is a qualified elector.'

1-12-25.4. PROVISIONAL PAPER BALLOTS-- DISPOSITION

A. Upon closing of the polls, provisional paper ballots shall be delivered to the county clerk, who shall determine if the ballots will be counted prior to certification of the election.

B. A provisional paper ballot shall not be counted if the registered voter did not sign either the signature roster or the ballot's envelope.

C. If there is no record of the voter ever having been registered in the county, the voter shall be offered the opportunity to register and the provisional paper ballot shall not be counted.

D. If the voter was registered in the county, the registration was later canceled and the county clerk determines that the cancellation was in error, the voter's registration shall be immediately restored and the provisional paper ballot counted.

E. If the county clerk determines that the cancellation was not in error, the voter shall be offered the opportunity to register at the voter's correct address, and the provisional paper ballot shall not be counted.

F. If the voter is a registered voter in the county, but has voted on a provisional paper ballot at a polling place other than the voter's designated polling place, the county canvassing board shall ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.

G. If the county clerk finds that the voter who voted on a provisional paper ballot at the polls has also voted an absentee ballot in that election, the provisional paper ballot shall not be counted.

H. The county canvassing board shall prepare a tally displaying the number of provisional paper ballots received, the number found valid and counted, the number rejected and not counted and the reason for not counting the ballots as part of the canvassing process and forward it to the secretary of state immediately upon certification of the election.

I. The secretary of state shall issue rules to ensure securing the secrecy of the provisional paper ballots, especially during canvassing, reviewing or recounting, and protecting against fraud in the voting process.'

Section 76. A new section of Chapter 1, Article 14 NMSA 1978 is enacted to read:

'CONTESTS, RECOUNTS AND RECHECKS-- PROVISIONAL, ABSENTEE AND OTHER PAPER BALLOTS
The secretary of state shall issue rules governing and allowing procedures for reviewing the qualification of provisional ballot envelopes, absentee and other paper ballots in the case of a contest, recount or recheck of election results. All rejected provisional paper ballot envelopes shall be included in any contest, recount or recheck of election results, and a review of the qualification of provisional ballot envelopes shall occur in a recount.'

N. M. S. A. 1978, § 1-12-27.1 Conduct of election; provisional paper ballots; use when polling hours extended; disposition

A. If polling hours are extended by court order or any other order pursuant to a state law in effect at least ten days before the date of that election, during the extended hours, a voter shall vote only on a provisional paper ballot.

B. A provisional paper ballot cast pursuant to this section shall be separated and held apart from provisional paper ballots cast by those not affected by the order. The ballot shall be counted if:

(1) there is no legal challenge to the order extending polling hours within ten days of the election; or
(2) a legal challenge to the order extending polling hours is not sustained.

N.M. Admin. Code 1.10.22

1.10.22 NMAC

CODE OF NEW MEXICO RULES
TITLE 1. GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10. ELECTIONS AND ELECTED OFFICALS
PART 22. PROVISIONAL VOTING SECURITY

All new rules, amendments, and repeals effective prior to April 1, 2005.

1.10.22. PROVISIONAL VOTING SECURITY

1.10.22.1 ISSUING AGENCY: Office of the Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, New Mexico, 87503.

[1.10.22.1 NMAC - N, 8-15-2003]

1.10.22.2 SCOPE: This rule applies to any special statewide election, general election, primary election, county wide election or elections to fill vacancies in the office of United States representative and regular or special school district elections as modified by the School Election Law (Sections 1-22-1 to 1-22-19 NMSA 1978).

[1.10.22.2 NMAC - N, 8-15-2003]

1.10.22.3 STATUTORY AUTHORITY: Election Code, Section 1-2-1 NMSA 1978; Chapter 356, Laws 2003, Public Law 107-252, The Help America Vote Act of 2002. The issuing authority shall issue rules to ensure securing the secrecy of the provisional ballot and protect against fraud in the voting process.

[1.10.22.3 NMAC - N, 8-15-2003]

1.10.22.4 DURATION: Permanent.

[1.10.22.4 NMAC - N, 8-15-2003]

1.10.22.5 EFFECTIVE DATE: August 15, 2003 unless a later date is cited at the end of a section.

[1.10.22.5 NMAC - N, 8-15-2003]

1.10.22.6 OBJECTIVE: The Election Code (Section 1-1-1 NMSA through 1-24- 4 NMSA 1978) was amended by Chapter 356, Laws 2003. The purpose of the amendment is compliance with the provisions of PL 107-252, effective October 29, 2002, which allows a voter whose name does not appear on the roster at the polling place or a new voter whose name does appear on the roster and has not provided the required identification to cast a provisional ballot. The purpose of this rule is to ensure the secrecy of the provisional ballot and protect against fraud in the voting process.

[1.10.22.6 NMAC - N, 8-15-2003; A, 8-29-2003

1.10.22.7 DEFINITIONS:

A. 'Absentee ballot register' means a list of the name and address of each applicant; the date and time of receipt of the application; the disposition of the application; the date of issue of the absentee ballot; the applicant's precinct; whether the applicant is a voter, federal voter, qualified federal elector or an overseas citizen voter and the date and time of receipt of the ballot.
B. 'Absentee provisional ballot' means the paper ballot card issued to an absent provisional voter.
C. 'Absentee provisional voter' means a voter casting a provisional ballot pursuant to the provisions of the Election Code.
D. 'Alternate location' means a site outside the office of the county clerk, established by the county clerk, where a voter may cast an absentee ballot seventeen (17) days prior to an election.
E. 'County canvassing board' means the board of county commissioners in each county (Section 1-13-1 NMSA 1978).
F. 'Early voter' means a voter who votes in person before election day and not by mail.
G. 'Election' means any special statewide election, general election, primary election or special election to fill vacancies in the office of United States representative and regular or special school district elections.
H. 'Marksense or optical scan ballot' means a paper ballot card used on an electronic vote tabulating system, but for the purposes of this rule is hand tallied.
I. 'Precinct board' means the appointed election officials at a polling place, consolidated polling place, absentee precinct or alternate site.
J. 'Provisional ballot' means a marksense or optical scan paper ballot card marked by a provisional voter.
K. 'Provisional ballot tally sheet' means a document prepared and used by the county clerk for counting votes cast for candidates and questions by provisional voters.
L. 'Provisional ballot transmission envelope' means an envelope marked and designated by the county clerk to transmit provisional ballots from the polling place or alternate site to the office of the county clerk.
M. 'Provisional voter' means a voter casting a provisional ballot pursuant to the provisions of the Election Code.
N. 'Signature roster' means the certified list of voters at a polling place which is signed by a voter when presenting himself for voting on election day.
O. 'Voter' means any person who is qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States and who is registered under the provisions of the Election Code of the state of New Mexico.
[1.10.22.7 NMAC - N, 8-15-2003; A, 8-29-2003]

1.10.22.8 PRECINCT BOARD PROCEDURES:

A. A provisional ballot shall not be placed in a ballot box at the polling place, alternate location or county clerk's office. Provisional ballots shall be deposited in a special provisional ballot transmission envelope designated by the county clerk for that purpose.
B. The precinct board shall not accept any verbal authorization from the county clerk to allow a person to vote whose name is not on the roster. The precinct board shall not accept any verbal authorization from the county clerk to allow a person to vote who is required to provide identification pursuant to the Election Code. The precinct board shall ensure that the name of a provisional voter is entered in the roster on the line immediately following the last entered voter's name, pursuant to the Election Code.
C. Upon sealing the voter's provisional ballot envelope, the precinct board shall provide the voter with the toll free telephone number, attached to the provisional ballot outer envelope, to use if the voter wishes to determine whether or not the provisional ballot was counted. The precinct board shall ensure that each provisional voter completes the certificate of voter registration attached to the provisional ballot outer envelope and that the certificate of registration is not placed in the envelope but returned to the county clerk.
D. The precinct board shall ensure that each provisional ballot cast at a polling place or alternate site is placed in an inner or secrecy envelope prior to placing the inner or secrecy envelope in the outer envelope containing the provisional voter's oath or affirmation. The precinct board shall ensure that each provisional voter is provided with a toll free telephone number that may be called fourteen (14) days after the election for a determination on whether the provisional ballot was counted.
E. Absentee precinct boards shall not open or tally any provisional absentee ballots, but shall convey them to the county clerk for processing according to the provisions of the Election Code and this rule. The county clerk shall process provisional absentee ballots using the same procedures used for provisional ballots cast at the polling place or alternate location. Identification documents submitted with provisional absentee ballots shall be attached to the voter's certificate of registration and a notation that the documents have been submitted shall be entered into the electronic file of registered voters.
F. Provisional voters are not subject to challenge under the procedures provided in the Election Code.
G. The voter registration card attached to the outer provisional ballot envelope shall be placed in the provisional ballot transmission envelope and returned to the county clerk.
H. A voter who is required to present identification at the polling place and fails to do so shall be entitled to vote on a provisional ballot and shall be instructed by the precinct board that the required identification must be taken to the office of

the county clerk prior to 7:00 p.m. on election day to ensure counting of the voter's ballot.
[1.10.22.8 NMAC - N, 8-15-2003; A, 8-13-2004]

1.10.22.9 COUNTY CLERK PROCEDURES:

A. The provisional ballot outer envelope containing the voter's oath shall not be opened until the county clerk has determined the reason the provisional voter's name was not on the signature roster, or whether the voter has provided identification, if required, by the Election Code.
B. The determination of the provisional voter's status and whether the ballot shall be counted, along with the research done by the county clerk shall be noted on the provisional ballot outer envelope. The county clerk shall, after status determination, separate qualified ballots from unqualified ballots. Unqualified ballots shall not be opened and shall be deposited in an envelope marked 'unqualified provisional ballots' and retained for twenty-two (22) months, pursuant to 42 USC 1974. The outer provisional ballot envelope for qualified provisional ballots shall be opened and deposited in an envelope marked 'qualified provisional ballot outer envelopes' and retained for twenty-two (22) months, pursuant to 42 USC 1974. The county clerk shall mark the number of the voter's correct precinct on the inner secrecy envelope, but no other information indicating the identity of the voter shall be furnished to the county canvassing board. After the tally of qualified provisional ballots, the county clerk shall deposit the counted provisional ballots in an envelope marked 'counted provisional ballots' and retained for a twenty-two (22) months pursuant to 42 USC 1972.
C. The county canvassing board shall direct the county clerk to prepare a tally of qualified provisional ballots and include them in the canvass presented to the county canvassing board. The tally sheet may be a photocopy of a precinct tally sheet, however it shall be clearly marked as designated for provisional ballot tally. Upon the conclusion of the county canvass, the county clerk shall transmit the provisional ballot tally to the office of the secretary of state. The county clerk shall also prepare a report, on behalf of the county canvassing board, on the disposition of all provisional ballots cast within the county. The report shall contain the name, address, date of birth and social security number of each provisional voter. The report shall include an explanation why a provisional voter's name was not included on the signature roster and the reason why any provisional voter's ballot was not counted.
D. The county clerk may designate emergency paper ballots for use as provisional ballots.
[1.10.22.9 NMAC - N, 8-15-2003; A, 4-15-2004]

1.10.22.10 SECRETARY OF STATE PROCEDURES:

A. Provisional voters wishing to determine the disposition of their ballot may call the office of the secretary of state fourteen (14) days after the election. The secretary of state shall make the agency toll free number available to county clerks for the purpose of determining the status of provisional ballots. The secretary of state, prior to providing information to a voter on the disposition of his ballot, shall verify the identity of the voter by name, address, date of birth and social security number.
B. The secretary of state shall not discuss the disposition of any provisional ballot with any person other than the provisional voter

New York Voting Statutes

N.Y. Election Law § 8-302(3)(e) Voting; verification of registration

N.Y. Election Law § § 8-303 ***(Section in effect only from Sept. 2004 until 7-1-2005)***

N.Y. Election Law 9-209 Canvass of absentee, military and special ballots and ballots cast by voters with registration poll records missing on days of election or voters who have moved after registering (Current statute. New language, effective 1/1/06, follows).

N.Y. Election Law § 3-202 Election commissioners; term of office

N.Y. Election Law § 3-204 Election commissioners; appointment

N.Y. Election Law § 8-302(3)(e) Voting; verification of registration

1. At all elections held pursuant to the provisions of this chapter two inspectors representing different political parties shall act together at all times in supervising the use of the registration records and in verifying the rights of persons to vote on the basis of such records.

2. The voter shall give his name and his residence address to the inspectors. An inspector shall then loudly and distinctly announce the name and residence of the voter.

3. (a) If an applicant is challenged, the board, without delay, shall either enter his name in the second section of the challenge report together with the other entries required to be made in such section opposite the applicant's name or make an entry next to his name on the computer generated registration list or in the place provided at the end of the computer generated registration list.

(b) A person who claims to have moved to a new address within the election district in which he is registered to vote shall be permitted to vote in the same manner as other voters unless challenged on other grounds. The inspectors shall enter the names and new addresses of all such persons in either the first section of the challenge report or in the place provided at the end of the computer generated registration list and shall also enter the new address next to such person's address on such computer generated registration list. When the registration poll records of persons who have voted from new addresses within the same election district are returned to the board of elections, such board shall change the addresses on the face of such registration poll records without completely obliterating the old addresses and shall enter such new addresses and the new addresses for any such persons whose names were on computer generated registration lists into its computer records for such persons.

(c) A person who claims a changed name shall be permitted to vote in the same manner as other voters unless challenged on other grounds. The inspectors shall either enter the names of all such persons in the first section of the challenge report or in the place provided at the end of the computer generated registration list, in the form in which they are registered, followed in parentheses by the name as changed or enter the name as changed next to such voter's name on the computer generated registration list. The voter shall sign first on the registration poll record or on the computer generated registration list, the name under which the voter is registered and, immediately above it, the new name, provided that on such a computer generated registration list, the new name may be signed in the place provided at the end of such list. When the registration poll record of a person who has voted under a new name is returned to the board of elections, such board shall change his name on the face of each of his registration records without completely obliterating the old one, and thereafter such person shall vote only under his new name. If a voter has signed a new name on a computer generated registration list, such board shall enter such voter's new name and new signature in such voter's computer record.

(d) If an applicant requests assistance in voting and qualifies therefor, the board shall provide

assistance as directed by this chapter, and shall without delay either enter such applicant's name and the other entries required in the third section of the challenge report or make an entry next to such applicant's name on the computer generated registration list or in the place provided at the end of the computer generated registration list.

(e) Whenever a voter presents himself and offers to cast a ballot, and the address at which he claims to live is in the election district in which he seeks to vote but no registration poll record can be found for him in the poll ledger or his name does not appear on the computer generated registration list or his signature does not appear next to his name on such computer generated registration list or his registration poll record or the computer generated registration list does not show him to be enrolled in the party in which he claims to be enrolled, he shall be permitted to vote only as hereinafter provided:

(i) He may present a court order requiring that he be permitted to vote. At a primary election, such a court order must specify the party in which the voter is permitted to vote. He shall be required to sign his full name on top of the first page of such order, together with his registration serial number, if any, and his name and the other entries required shall then be entered without delay in the fourth section of the challenge report or in the place provided at the end of the computer generated registration list, or, if such person's name appears on the computer generated registration list, the board of elections may provide a place to make such entry next to his name on such list. The voter shall then be permitted to vote in the manner otherwise prescribed for voters whose registration poll records are found in the ledger or whose names are found on the computer generated registration list; or

(ii) He may swear to and subscribe an affidavit stating that he has duly registered to vote, the address in such election district from which he registered, that he remains a duly qualified voter in such election district, that his registration poll record appears to be lost or misplaced or that his name and/or his signature was omitted from the computer generated registration list or that he has moved within the county or city since he last registered, the address from which he was previously registered and the address at which he currently resides, and at a primary election, the party in which he is enrolled. The inspectors of election shall offer such an affidavit to each such voter whose residence address is in such election district. Each such affidavit shall be in a form prescribed by the state board of elections, shall be printed on an envelope of the size and quality used for an absentee ballot envelope, and shall contain an acknowledgment that the affiant understands that any false statement made therein is perjury punishable according to law. The voter's name and the entries required shall then be entered without delay and without further inquiry in the fourth section of the challenge report or in the place provided at the end of the computer generated registration list, with the notation that the voter has executed the affidavit hereinabove prescribed, or, if such person's name appears on the computer generated registration list, the board of elections may provide a place to make such entry next to his name on such list. The voter shall then, without further inquiry, be permitted to vote an emergency ballot provided for by this chapter. Such ballot shall thereupon be placed in the envelope containing his affidavit, and the envelope sealed and returned to the board of elections in the manner provided by this chapter for protested official ballots, including a statement of the number of such ballots.

3-a. The inspectors shall also give to every person whose address is in such election district for whom no registration poll record can be found and, in a primary election, to every voter whose registration poll record does not show him to be enrolled in the party in which he wishes to be enrolled a copy of a notice, in a form prescribed by the state board of elections, advising such person of his right to, and of the procedures by which he may, cast an affidavit ballot or seek a court order permitting him to vote, and shall also give every such person who does not cast an affidavit ballot, an application for registration by mail.

3-b. In every election district in which the candidates for any office or position in a primary election have been assigned numbers by the board of elections because of identical or similar names, the inspectors shall also give to every person eligible to vote in such primary, a copy of a leaflet prepared by the board of elections which contains biographical information about such candidates.

4. At a primary election, a voter whose registration poll record is in the ledger shall be permitted to vote only in the primary of the party in which such record shows him to be enrolled unless he shall present a court order pursuant to the provisions of subparagraph (i) of paragraph (e) of subdivision three of this section requiring that he be permitted to vote in the primary of another party, or unless he shall present a certificate of enrollment issued by the board of elections, not earlier than one month before such primary election, pursuant to the provisions of this chapter which certifies that he is enrolled in a party other than the one in which such record shows him to be enrolled, or unless he shall subscribe an affidavit pursuant to the provisions of subparagraph (ii) of paragraph (e) of subdivision three of this section.

5. Except for voters unable to sign their names, no person shall be permitted to vote without first identifying himself as required by this chapter.

Section in effect only from Sept. 2004 until 7-1-2005 **N.Y. Election Law § § 8-303**

1. Applicability. Each board of elections, in a uniform and nondiscriminatory manner, shall require a voter to meet the requirements of subdivision two of this section if:

(a) the individual registered to vote in a jurisdiction by mail on or after January first, two thousand three; and

(b) the individual has not previously voted in an election for federal office in the jurisdiction of the board of elections.

2. Requirements. (a) In general. An individual meets the requirements of this subdivision if the individual:

(1) in the case of an individual who votes in person: (i) presents to the appropriate election inspector, clerk or coordinator a current and valid photo identification; or

(ii) presents to the appropriate election inspector, clerk or coordinator a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(2) in the case of an individual who votes by mail, submits in the outer envelope with the envelope containing the ballot: (i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(b) Fail-safe voting. (1) An individual who desires to vote in person, but who does not meet the requirements of subparagraph one of paragraph (a) of this subdivision, may cast an affidavit ballot, and notwithstanding this section of law, such affidavit ballot shall be duly cast and counted, even though such individual does not meet the requirements of subparagraph one of paragraph (a) of this subdivision, provided such individual casting such ballot is an otherwise eligible voter pursuant to law, provided further that such ballot otherwise complies with the requirements of law.

(2) An individual who desires to vote by mail but who does not meet the requirements of subparagraph two of paragraph (a) of this subdivision may cast such a ballot by mail and such ballot shall be duly cast and counted, notwithstanding this section, provided the voter is determined to be an eligible voter and provided further that such ballot otherwise complies with the requirements of law.

3. Inapplicability. Subdivisions one and two of this section shall not apply in the case of a person: (a) who registers to vote by mail and submits as part of such registration either:

(1) a copy of a current and valid photo identification; or

(2) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(b)(1) who registers to vote by mail and submits with such registration either:

(i) a driver's license number; or

(ii) at least the last four digits of the individual's social security number; and

(2) with respect to whom a local board of elections matches the information submitted under subparagraph one of this paragraph with an existing state identification record bearing the number, name and date of birth of such voter; or

(c) who is: (1) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(2) provided the right to vote otherwise than in person under section 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1 (b) (2) (B) (ii)); or

(3) entitled to vote otherwise than in person under any other federal law.

N.Y. Election Law § 5-712. Confirmation notices

1. The board of elections shall send a confirmation notice by forwardable first class or return postage guaranteed mail to every registered voter or applicant for registration, at the address at which the voter is registered or the address on the application for registration, when any mail sent to such voter or applicant is returned as undeliverable by the postal service without any indication of a forwarding address and to any voter for whom notice that the voter has moved without leaving a forwarding address, is received from the United States Postal Service through the National Change of Address System.

2. (a) The board of elections shall also send a confirmation notice to every registered voter for whom it receives a notice of change of address to an address not in such city or county which is not signed by the voter. Such change of address notices shall include, but not be limited to, notices of change of address received pursuant to subdivision eleven of section 5-211 and subdivision six of section 5-212 of this article, notice of change of address from the United States Postal Service through the National Change of Address System or from any other agency of the federal government or any agency of any state or local government and notice of a forwarding address on mail sent to a voter by the board of elections and returned by the postal service. Such confirmation notices shall be sent to such new address.

(b) If a notice sent pursuant to paragraph (a) of this subdivision to the voter at the new address is returned as undeliverable, the board of elections shall send another such notice to the address at which the voter was originally registered.

3. Such notices shall be in a form prescribed by the state board of elections and shall include a postage-paid return card on which the voter may confirm the fact that he still resides at the address to which the notice was sent, or notify the board of any change of address. Such notices shall

request all voters who receive the notice to reply with their current addresses. Such notices shall request all voters who receive the notice to reply with their current addresses and shall state that voters who have not moved or who have moved within the county or city and who do not respond may be required to vote by affidavit ballot and that if they do not vote in any election up to and including the second federal election after such notice, their registrations may be cancelled. Such notices sent to addresses in New York state shall also include a mail registration form and information on how voters who have moved to a different city or county may reregister.

4. No such confirmation notices shall be sent between June first in any year and the date of the general election in such year or in the ninety days before a spring primary election except that such notices shall be sent forthwith to persons for whom an acknowledgment of acceptance of registration sent pursuant to subdivision nine of section 5-210 of this article is returned to the board of elections as undeliverable and to every registered voter for whom the board of elections receives a notice of change of address described in paragraph a of subdivision two of this section to an address not in such city or county.

5. All voters or applicants to whom a confirmation notice is sent, pursuant to the provisions of this section, shall forthwith be placed in inactive status.

N.Y. Election Law 9-209 Canvass of absentee, military and special ballots and ballots cast by voters with registration poll records missing on days of election or voters who have moved after registering (Current statute. New language, effective 1/1/06, follows).

Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to cast and canvass any absentee, military, special presidential, special federal or other special ballots which were not cast and canvassed at the polling place, and any ballots voted by voters who moved within the county or city after registering, voters who are in inactive status, voters whose registration was incorrectly transferred to another address even though they did not move, or voters whose registration poll records were missing on the day of such election or whose registration poll records did not show them to be enrolled in the party in which they claimed to be enrolled. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be cast and canvassed.

1. a. The board of elections shall designate itself or such of its employees as it shall deem appropriate as a set of poll clerks to cast and canvass such ballots, and fix a time and place for their meeting for such purpose, provided that such meeting shall be no more than ten days after a general election and no more than eight days after a special or primary election at which such ballots are voted. The board may designate additional sets of poll clerks and if it designates more than one such set shall apportion among all such sets the election districts from which such ballots have been received, provided that all such ballots from a single election district shall be assigned to a single set of clerks, and that each such set shall be divided equally between representatives of the two major political

parties. Each such set of clerks shall be deemed a central board of inspectors for purposes of this section.

b. At least five days prior to the time fixed for such meeting, the board shall send notice by first class mail to each candidate, political party, and independent body entitled to have had watchers present at the polls in any election district in the board's jurisdiction. Such notice shall state the time and place fixed by the board for such canvass.

c. Each such candidate, political party, and independent body shall be entitled to appoint such number of watchers to attend upon each central board of inspectors as such candidate, political party, or independent body was entitled to appoint at such election in any one election district for which such central board of inspectors is designated to act.

2. a. (1) Upon assembling at the time and place fixed for such meeting, each central board of inspectors shall cast and canvass the envelopes and the ballots therein contained as nearly as practicable in the manner provided by this chapter for a board of inspectors to consider, cast, and canvass absentee ballot envelopes and ballots at the polling place.

(2) If the board of inspectors determines that a person was entitled to vote at such election it shall cast and canvass such ballot if such board finds that ministerial error by the board of elections or any of its employees caused such ballot envelope not to be valid on its face.

b. 1. Such board of inspectors shall also cast and canvass any federal write-in ballots validly cast by an absentee, military or special federal voter for the offices of president and vice-president, United States senator and representative in congress.

2. Federal write-in ballots shall be cast and canvassed only if an application for an absentee, military or special federal ballot was received from the absentee, military or special federal voter at least thirty days before election day, if the federal write-in ballot was submitted from outside the United States, if such ballot is received by the board of elections not later than seven days following the day of election and if the absentee, military or special federal ballot which was sent to the voter is not received by the board of elections by the seventh day following the day of election. If such a federal write-in ballot is received after election day, the envelope in which it is received must contain a cancellation mark of the United States postal service or a foreign country's postal service, or a dated endorsement of receipt by another agency of the United States government, with a date which is ascertained to be not later than the day before election day.

3. If such a federal write-in ballot contains the name of a person or persons in the space provided for a vote for any office, such ballot shall be counted as a vote for such person or persons. A vote for a person who is the candidate of a party or independent body either for president or vice-president shall be deemed to be a vote for both the candidates of such party or independent body

for such offices. If such a ballot contains the name of a party or independent body in the space provided for a vote for any office, such ballot shall be deemed to be a vote for the candidate or candidates, if any, of such party or independent body for such office. In the case of the offices of president and vice-president a vote cast for a candidate, either directly or by writing in the name of a party or independent body, shall also be deemed to be votes for the electors supporting such candidate. Any abbreviation, misspelling or other minor variation in the form of the name of a candidate or a party or independent body shall be disregarded in determining the validity of the ballot, if the intention can be ascertained.

c. The following provisions shall apply to casting and canvassing of all such ballots which are counted by machine and all other provisions of this chapter with respect to casting and canvassing such ballots which are not inconsistent with this paragraph shall be applicable to such ballots.

1. Such ballots shall be counted by placing them, arranged by election district, in the counting machine.

2. Such ballots may be separated into sections before being placed in the counting machine.

3. Any write-in ballots and any ballots which cannot be counted by the machine shall be counted manually subject to all the applicable provisions of this chapter with respect to counting of absentee ballots.

4. The record of the vote counted by machine for each candidate and for and against each ballot proposal, printed by election district, shall be preserved in the same manner and for the same period as the returns of canvass for the election.

d. Any person lawfully present may object to the refusal to cast or canvass any ballot on the grounds that the voter is a properly qualified voter of the election district, or in the case of a party primary duly enrolled in such party, or to the casting or canvassing of any ballot on the grounds that the voter is not a properly qualified voter of the election district, or in the case of a party primary not duly enrolled in such party, or otherwise not entitled to cast such ballot. When any such objection is made, the central board of inspectors shall forthwith proceed to determine such objection and reject or cast such ballot according to such determination. If the board cannot agree as to the validity of the ballot it shall set the ballot aside, unopened, for a period of three days at which time the ballot envelope shall be opened and the vote counted unless otherwise directed by an order of the court.

e. Upon completing the casting and canvassing of ballots as hereinabove provided for any election district, the central board of inspectors shall thereupon, as nearly as practicable in the manner provided in this chapter for absentee ballots, verify the number of ballots so cast, tally the votes so cast, add such tally to the previous tally of all votes cast in such election district, and announce the result.

New language of 9-209 effective 1/1/06: (new language is bold)

Canvass of absentee, military and special ballots and ballots cast by voters with registration poll records missing on days of election or voters who have not had their identity previously verified or who have moved after registering. Before completing the canvass of votes cast in any primary, general, special, or other election at which voters are required to sign their registration poll records before voting, the board of elections shall proceed in the manner hereinafter prescribed to cast and canvass any absentee, military, special presidential, special federal or other special ballots which were not cast and canvassed at the polling place, and any ballots voted by voters who moved within the county or city after registering, voters who are in inactive status, voters whose registration was incorrectly transferred to another address even though they did not move, or voters whose registration poll records were missing on the day of such election or voters who have not had their identity previously verified or whose registration poll records did not show them to be enrolled in the party in which they claimed to be enrolled. Each such ballot shall be retained in the original envelope containing the voter's affidavit and signature, in which it is delivered to the board of elections until such time as it is to be cast and canvassed.

a. ~~(1)~~ **1.** Upon assembling at the time and place fixed for such meeting, each central board of inspectors shall cast and canvass the envelopes and the ballots therein contained as nearly as practicable in the manner provided by this chapter for a board of inspectors to consider, cast, and canvass absentee ballot envelopes and ballots at the polling place.

~~(2)~~ **2.** If the board of inspectors determines that a person was entitled to vote at such election it shall cast and canvass such ballot if such board finds that ministerial error by the board of elections or any of its employees caused such ballot envelope not to be valid on its face.

§ 6. Section 9-212 of the election law is amended by adding a new subdivision 4 to read as follows:

N.Y. Election Law § 3-202 Election commissioners; term of office

1. The term of office of an election commissioner shall be two years beginning January first of each odd numbered year except that in the city of New York and the county of Schenectady the term shall be four years beginning on January first of each alternate odd numbered year. The county legislative body of any other county may determine that the commissioners of elections thereafter appointed shall serve for a term of four years. Such determination may be rescinded by a subsequent action of the county legislative body which shall take effect at the expiration of the terms of the commissioners then in office.

2. The local legislative body may, at any time, determine that the terms of office for commissioners shall be staggered and may make subsequent appointments so as to provide for staggered terms of office thereafter.

N.Y. Election Law § 3-204 Election commissioners; appointment

1. At least thirty days before the first day of January of any year in which a commissioner of elections is to be appointed, the chairman or secretary of the appropriate party county committee shall file a certificate of party recommendation with the clerk of the appropriate local legislative body.

2. Party recommendations for election commissioner shall be made by the county committee or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present. If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present.

3. The certificate filed shall be in such form and contain such information as shall be prescribed by the state board of elections.

4. Commissioners of election shall be appointed by the county legislative body, or in the city of New York, by the city council. Provided, however, that if a legislative body shall fail to appoint any person recommended by a party for appointment as a commissioner pursuant to this section, within thirty days after the filing of a certificate of recommendation with such legislative body, then the members of such legislative body who are members of the political party which filed such certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are so appointed within sixty days after the filing of any such certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If a party fails to file a certificate within the time prescribed by this section, the members of the legislative body who are members of such party may appoint any eligible person to such office.

5. If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, such vacancy shall be filled as herein provided for the regular appointment of a commissioner except that a person who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he shall serve. Certificates of party recommendation to fill such vacancy shall be filed not later than forty-five days after the creation of the vacancy.

Ohio Voting Statutes

Ohio Rev. Code. Ann. 3503.16 Change of residence or name

(A) Whenever a registered elector changes the place of residence of that registered elector from one precinct to another within a county or from one county to another, or has a change of name, that registered elector shall report the change by delivering a change of residence or change of name form, whichever is appropriate, as prescribed by the secretary of state under section 3503.14 of the Revised Code to the state or local office of a designated agency, a public high school or vocational school, a public library, the office of the county treasurer, the office of the secretary of state, any office of the registrar or deputy registrar of motor vehicles, or any office of a board of elections in person or by a third person. Any voter registration, change of address, or change of name application, returned by mail, may be sent only to the secretary of state or the board of elections.

A registered elector also may update the registration of that registered elector by filing a change of residence or change of name form on the day of a special, primary, or general election at the polling place in the precinct in which that registered elector resides or at the board of elections or at another site designated by the board.

(B)(1) Any registered elector who moves within a precinct or changes the name of that registered elector and remains within a precinct on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote in that election by going to that registered elector's assigned polling place, completing and signing a notice of change of residence or change of name, whichever is appropriate, and casting a ballot.

(2) Any registered elector who moves from one precinct to another within a county or moves from one precinct to another and changes the name of that registered elector on or prior to the day of a general, primary, or special election and has not filed a notice of change of residence or change of name, whichever is appropriate, with the board of elections may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(a) Appears at anytime during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote, or if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election or during regular business hours on the Monday prior to the election at the office of the board of elections, or appears on the day of the election at either of the following locations:

(i) The polling place in the precinct in which that registered elector resides;

(ii) The location designated by the board of elections, which shall be the office of the board or another appropriate site designated by the board in the county in which that registered elector resides.

(b) Completes and signs, under penalty of election falsification, a notice of change of residence or change of name, whichever is appropriate, and files it with election officials at the polling place, at the office of the board of elections, or at the site designated by the board, whichever is appropriate;

(c) Votes at the polling place, at the office of the board of elections, or at the site designated by the board, whichever is appropriate, by absent voter's ballots using the address to which that registered elector has moved or the name of that registered elector as changed, whichever is appropriate;

(d) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector moved or had a change of name, whichever is appropriate, on or prior to the day of the election, has voted at the polling place in the precinct in which that registered elector resides, at the office of the board of elections, or at the site designated by the board, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular election. The statement required under division (B)(2)(d) of this section may be included on the notice of change of residence or change of name, whichever is appropriate, required under division (B)(2)(b) of this section.

(C) Any registered elector who moves from one county to another county within the state on or prior to the day of a general, primary, or special election and has not registered to vote in the county to which that registered elector moved may vote in that election if that registered elector complies with division (G) of this section or does all of the following:

(1) Appears at any time during regular business hours on or after the twenty-eighth day prior to the election in which that registered elector wishes to vote, or if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election or during regular business hours on the Monday prior to the election at the office of the board of elections, or appears on the day of the election at the location designated by the board of elections, which shall be either the office of the board or another appropriate site designated by the board in the county in which that registered elector resides;

(2) Completes and signs, under penalty of election falsification, a notice of change of residence and files it with election officials at the board or at the site designated by the board, whichever is appropriate;

(3) Votes at the office of the board of elections or at a site designated by the board by absent voter's

ballots using the address to which that registered elector has moved;

(4) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector has moved from one county to another county within the state on or prior to the day of the election, has voted at the office of the board of elections or at the site designated by the board, whichever is appropriate, and will not vote or attempt to vote at any other location for that particular election. The statement required under division (C)(4) of this section may be included on the notice of change of residence required under division (C)(2) of this section.

(D) A person who votes by absent voter's ballots pursuant to division (B), (C), or (G) of this section shall not make written application for the ballots pursuant to Chapter 3509. of the Revised Code. Ballots cast pursuant to division (B), (C), or (G) of this section shall be set aside in a special envelope and counted during the official canvass of votes in the manner provided for in sections 3505.32 and 3509.06 of the Revised Code insofar as that manner is applicable. The board shall examine the pollbooks to verify that no ballot was cast at the polls or by absent voter's ballots under Chapter 3509. or 3511. of the Revised Code by an elector who has voted by absent voter's ballots pursuant to division (B), (C), or (G) of this section. Any ballot determined to be insufficient for any of the reasons stated above or stated in section 3509.07 of the Revised Code shall not be counted.

A board of elections may lease or otherwise acquire a site different from the office of the board at which registered electors may vote pursuant to division (B) or (C) of this section.

(E) Upon receiving a change of residence or change of name form, the board of elections shall immediately send the registrant an acknowledgment notice. If the change of residence or change of name form is valid, the board shall update the voter's registration as appropriate. If that form is incomplete, the board shall inform the registrant in the acknowledgment notice specified in this division of the information necessary to complete or update that registrant's registration.

(F) Change of residence and change of name forms shall be available at each polling place, and when these forms are completed, noting changes of residence or name, as appropriate, they shall be filed with election officials at the polling place. Election officials shall return completed forms, together with the pollbooks and tally sheets, to the board of elections.

The board of elections shall provide change of residence and change of name forms to the probate court and court of common pleas. The court shall provide the forms to any person eighteen years of age or older who has a change of name by order of the court or who applies for a marriage license. The court shall forward all completed forms to the board of elections within five days after receiving them.

(G) A registered elector who otherwise would qualify to vote under division (B) or (C) of this section but is unable to appear at the office of the board or other location designated by the board

on account of personal illness, physical disability, or infirmity, may vote on the day of the election if that registered elector does all of the following:

(1) Makes written application to the appropriate board for an absent voter's ballot on or after the twenty-seventh day prior to the election in which the registered elector wishes to vote through noon of the Saturday prior to that election and requests that the absent voter's ballot be sent to the address to which the registered elector has moved if the registered elector has moved, or to the address of that registered elector who has not moved but has had a change of name;

(2) Declares that the registered elector has moved or had a change of name, whichever is appropriate, and otherwise is qualified to vote under the circumstances described in division (B) or (C) of this section, whichever is appropriate, but that the registered elector is unable to appear at the board or other location designated by the board because of personal illness, physical disability, or infirmity;

(3) Completes and returns along with the completed absent voter's ballot a notice of change of residence indicating the address to which the registered elector has moved, or a notice of change of name, whichever is appropriate;

(4) Completes and signs, under penalty of election falsification, a statement attesting that the registered elector has moved or had a change of name on or prior to the day before the election, has voted by absent voter's ballot because of personal illness, physical disability, or infirmity that prevented the registered elector from appearing at the board or other location designated by the board, and will not vote or attempt to vote at any other location or by absent voter's ballot mailed to any other location or address for that particular election.

North Carolina Voting Statutes

N.C. Gen. Stat. § 163-166.12. Requirements for certain voters who register by mail

N.C. Gen. Stat.§ 163-166.11. Provisional voting requirements

N.C. Gen. Stat.§ 163-182.5. Canvassing votes

N.C. Gen. Stat.§ 163-30. County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings

N.C. Gen. Stat. § 163-166.12. Requirements for certain voters who register by mail

(a) Voting in Person. -- An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, shall present to a local election official at a voting place before voting there one of the following:

(1) A current and valid photo identification.
(2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b) Voting Mail-In Absentee. -- An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

(1) A copy of a current and valid photo identification.
(2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof as soon as the type of proof is noted in the voter registration records.

(c) The Right to Vote Provisionally. -- If an individual is required under subsection (a) or (b) of this section to present identification in order to vote, but that individual does not present the required identification, that individual may vote a provisional official ballot. If the voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If the voter is voting by mail-in absentee ballot, the mailed ballot without the required identification shall be treated as a provisional official ballot.

(d) Exemptions. -- This section does not apply to any of the following:

(1) An individual who registers by mail and submits as part of the registration application either of the following:
   a. A copy of a current and valid photo identification.
   b. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
(2) An individual who registers by mail and submits as part of the registration application the individual's drivers license number or at least the last four digits of the individual's social security number where an election official matches either or both of the numbers submitted with an existing State identification record bearing the same number, name, and date of birth contained in the submitted registration.

(3) An individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.
(4) An individual who is entitled to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act.
(5) An individual who is entitled to vote otherwise than in person under any other federal law.

N.C. Gen. Stat.§ 163-166.11. Provisional voting requirements

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163-82.1 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

(1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.
(2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction as provided in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote in that election.
(3) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board of Elections or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.
(4) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board of Elections. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board of Elections.
(5) The county board of elections shall count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote.

N.C. Gen. Stat.§ 163-182.2. Initial counting of official ballots

(a) The initial counting of official ballots shall be conducted according to the following principles:

(1) Vote counting at the precinct shall occur immediately after the polls close and shall be continuous until completed.
(2) Vote counting at the precinct shall be conducted with the participation of precinct officials of all political parties then present. Vote counting at the county board of elections shall be conducted in the presence or under the supervision of board members of all political parties then present.

(3) Any member of the public wishing to witness the vote count at any level shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the official counting of official ballots.
(4) Provisional official ballots shall be counted by the county board of elections before the canvass. If the county board finds that an individual voting a provisional official ballot is not eligible to vote in one or more ballot items on the official ballot, the board shall not count the official ballot in those ballot items, but shall count the official ballot in any ballot items for which the individual is eligible to vote. Eligibility shall be determined by whether the voter is registered in the county as provided in G.S. 163-82.1 and whether the voter is qualified by residency to vote in the election district as provided in G.S. 163-55 and G.S. 163-57. If a voter was properly registered to vote in the election by the county board, no mistake of an election official in giving the voter a ballot or in failing to comply with G.S. 163-82.15 or G.S. 163-166.11 shall serve to prevent the counting of the vote on any ballot item the voter was eligible by registration and qualified by residency to vote.
(5) Precinct officials shall provide a preliminary report of the vote counting to the county board of elections as quickly as possible. The preliminary report shall be unofficial and has no binding effect upon the official county canvass to follow.

(b) The State Board of Elections shall promulgate rules for the initial counting of official ballots. All election officials shall be governed by those rules. In promulgating those rules, the State Board shall adhere to the following guidelines:

(1) For each voting system used, the rules shall specify the role of precinct officials and of the county board of elections in the initial counting of official ballots.
(2) The rules shall provide for accurate unofficial reporting of the results from the precinct to the county board of elections with reasonable speed on the night of the election.
(3) The rules shall provide for the prompt and secure transmission of official ballots from the voting place to the county board of elections.

The State Board shall direct the county boards of elections in the application of the principles and rules in individual circumstances.

N.C. Gen. Stat.§ 163-182.5. Canvassing votes

(a) The Canvass. - As used in this Article, the term "canvass" means the entire process of determining that the votes have been counted and tabulated correctly, culminating in the authentication of the official election results. The board of elections conducting a canvass has authority to send for papers and persons and to examine them and pass upon the legality of disputed ballots.

(b) Canvassing by County Board of Elections. --The county board of elections shall meet at 11:00 A.M. on the seventh day after every election to complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. If, despite due diligence by election officials, the initial counting of all the votes has not been completed by that time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass meeting shall be at the county board of elections office, unless the county board, by unanimous vote of all its members, designates another site within the county. The county board shall examine the returns from precincts, from absentee official ballots,

and from provisional official ballots and shall conduct the canvass.

(c) Canvassing by State Board of Elections. -After each general election, the State Board of Elections shall meet at 11:00 A.M. on the Tuesday three weeks after election day to complete the canvass of votes cast in all ballot items within the jurisdiction of the State Board of Elections and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. After each primary, the State Board shall fix the date of its canvass meeting. If, by the time of its scheduled canvass meeting, the State Board has not received the county canvasses, the State Board may adjourn for not more than 10 days to secure the missing abstracts. In obtaining them, the State Board is authorized to secure the originals or copies from the appropriate clerks of superior court or county boards of elections, at the expense of the counties.

N.C. Gen. Stat.§ 163-30. County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings

In every county of the State there shall be a county board of elections, to consist of three persons of good moral character who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the last Tuesday in June 1985, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Not more than two members of the county board of elections shall belong to the same political party.

No person shall be eligible to serve as a member of a county board of elections who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person who holds any office in a state, congressional district, county or precinct political party or organization, or who is a campaign manager or treasurer of any candidate or political party in a primary or election, shall be eligible to serve as a member of a county board of elections, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this section.

No person shall be eligible to serve as a member of a county board of elections who is a candidate for nomination or election.

No person shall be eligible to serve as a member of a county board of elections who is the wife, husband, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, aunt, uncle, niece, or nephew of any candidate for nomination or election. Upon any member of the board of elections becoming ineligible, that member's seat shall be declared vacant. This paragraph only applies if the county board of elections is conducting the election for which the relative is a candidate.

The State chairman of each political party shall have the right to recommend to the State Board of Elections three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the Board 15 or more days before the last Tuesday in June 1985, and each two years thereafter, it shall be the duty of the State Board of Elections to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause the State chairman of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

At the meeting of the county board of elections required by G.S. 163-31 to be held on Tuesday following the third Monday in July in the year of their appointment the members shall take the following oath of office:

> "I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the ..... County Board of Elections to the best of my knowledge and ability, according to law; so help me God."

Each member of the county board of elections shall attend each instructional meeting held pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall be paid the sum of twenty-five dollars ($25.00) per day for attending each of those meetings.

Oklahoma Voting Statutes

Okla.Stat. tit. 26 § 7-115.2. Application by mail--Voter identification required

Okla.Stat. tit. 26 § 7-116.1. Provisional ballots--Persons authorized to use--Counting--Release of information--Retention

Okla.Stat. tit. 26 § 14-121. Discharged military personnel or personnel on officially authorized leave or spouses thereof--Authorization to vote

Okla.Stat. tit. 26 § 8-114. Procedure for recount--Watchers

Okla.Stat. tit. 26 § 7-125. Procedure for counting

Okla.Stat. tit. 26 § 2-111.1. Secretaries of county election boards--Appointment--Terms

Okla.Stat. tit. 26 § 7-115.2. Application by mail--Voter identification required

Registered voters who submitted applications for new voter registration in the county of their residence by mail on or after January 1, 2003, shall be required to provide identification when they vote for the first time in a federal election. Acceptable forms of identification shall include, but shall not be limited to, a current and valid photo identification, a voter identification card issued by the county election board in acknowledgement of the person's valid voter registration application as required by Section 4- 113 of Title 26 of the Oklahoma Statutes, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and address. Voters who may be subject to the voter identification requirements of this section may submit a copy of one of these forms of identification along with their voter registration application, but they shall not be required to do so. A voter who submits such identification with a voter registration application shall not be required to show identification when voting as outlined in this section. Any registered voter subject to the voter identification requirements of this section who is unable to provide one of the acceptable forms of identification when they appear at the precinct polling place on election day or at the in-person absentee polling place on a day of in-person absentee voting is entitled to cast a provisional ballot as provided in Section 8 of this act and to have said ballot counted upon verification of the voter's identity.

Okla.Stat. tit. 26 § 7-116.1. Provisional ballots--Persons authorized to use--Counting--Release of information--Retention

A. Provisional ballots shall be available for all elections conducted by the county election board. Provisional ballots shall include all offices, candidates and questions and shall be identical to the regular ballots for each precinct. The Secretary of the State Election Board shall promulgate rules and shall prescribe materials necessary for the implementation of provisional ballots.

B. Persons who are not listed in the precinct registry, but who claim to be registered voters in the precinct and eligible to vote in the election, shall be entitled to vote a provisional ballot upon execution of an affidavit prescribed by the Secretary of the State Election Board. Registered voters required to show identification before voting for the first time in a federal election, as described in Section 7 of the act and who are unable to show one of the acceptable forms of identification described in said section, shall be entitled to cast a provisional ballot. Persons identified in Section 14- 121 of Title 26 of the Oklahoma Statutes shall be entitled to vote a provisional ballot upon execution of an affidavit prescribed by the Secretary of the State Election Board. Persons who are listed in the precinct registry for a

partisan primary election, but who dispute the political affiliation indicated by said precinct registry, shall be entitled to vote a provisional ballot for a party other than the one indicated. However, such provisional ballot shall be counted only if evidence is found by the secretary of the county election board of the voter's valid voter registration in the party for which the provisional ballot was cast.

C. Provisional ballots shall be segregated from the regular ballots cast in the precinct in the manner prescribed by the Secretary of the State Election Board and shall not be inserted in the precinct voting device. Information provided by a person who votes a provisional ballot shall be investigated by the secretary of the county election board after the election. A provisional ballot shall be counted only if it is cast in the precinct of the voter's residence and if evidence of the provisional voter's valid voter registration, or of the voter's identity, is found, except a provisional ballot cast by a voter identified in Section 14-121 of Title 26 of the Oklahoma Statutes shall be counted.

D. No information concerning provisional ballots, except the number of provisional ballots cast in the county, shall be made public by any election official prior to 1:00 p.m. on Friday following the election. The county sheriff shall secure sealed ballot transfer cases containing provisional ballots that have been counted after 1:00 p.m. on Friday following the election until 5:00 p.m. on Tuesday next succeeding the election or, in the event a recount contest is filed, until such times as said transfer cases are delivered to the district courtroom.

E. In the event that the secretary of any county election board is unable to complete the investigation and verification of provisional ballots by 1:00 p.m. on Friday following the election, the Secretary of the State Election Board shall be authorized to extend the period for the investigation and verification of provisional ballots. When such an extension is required by any county for a statewide election, the extension shall apply statewide. The Secretary shall promulgate rules establishing procedures for requesting and granting such extensions.

F. All materials used for procuring and casting a provisional ballot shall be retained by the secretary of the county election board for a period of twenty-four (24) months after the day of the election.

Okla.Stat. tit. 26 § 14-121. Discharged military personnel or personnel on officially authorized leave or spouses thereof--Authorization to vote

Any person eligible to register, who has been honorably discharged or is on officially authorized leave from the Uniformed Services of the United States, or who has been terminated in such service or employment overseas, or who is the spouse or dependent of a person who has been honorably discharged, is on authorized leave from the Uniformed Services of the United States or who has been terminated in such service or employment overseas, and returned home too late to register at the time when, and at the place where, registration is required, to vote at the next ensuing election,

shall be entitled to vote a provisional ballot at such election in the precinct for which the person is a qualified elector without being registered. Such person shall be entitled to cast the provisional ballot and to have the provisional ballot counted upon completion of an affidavit as required by Section 8 of this act.

Okla.Stat. tit. 26 § 8-114. Procedure for recount--Watchers

A. If a recount is to be conducted using electronic voting devices, the devices used shall be tested for accuracy by the county election board, giving all contestants, or their agents, an opportunity to view the testing procedure. In conducting a recount using electronic voting devices, the county election board shall open the transfer cases containing regular ballots and counted provisional ballots from each requested precinct or for absentee ballots individually and shall assign said ballot cards to one or more voting devices operated by persons appointed by the secretary of the county election board. The county election board shall supervise such counting and its decision shall be final in all cases. Each contestant is entitled to have a watcher present at each place where a voting device is being used. Said watcher shall be limited to a challenge, in writing, of any action taken by operators of the voting devices. Such challenge shall be made immediately to the county election board, whose decision on said challenge shall be final.

B. In conducting a manual recount of ballots, the county election board shall open the transfer cases containing regular ballots and counted provisional ballots from each requested precinct or for absentee ballots individually and shall assign said ballot cards to a group of counters appointed by the secretary of the county election board. Counters shall then conduct the recount in the same manner as provided by law for counting ballots in Primary, Runoff Primary and General Elections. The county election board shall supervise such counting and its decision shall be final in all cases. Each candidate affected by or individual petitioning for the recount is entitled to have a watcher present at each place where a count is being made. Said watcher shall be limited to a challenge, in writing, of any decision made by the counters with regard to counting of a ballot. Such challenge shall be made immediately to the county election board, whose decision on said challenge shall be final. Each group of counters shall have representation of at least two political parties, where possible. Said counters shall be appointed from among the registered voters of the county and shall meet such qualifications as may be imposed for a precinct inspector, judge or clerk. Counters shall be paid on the same basis as precinct judges and clerks are paid for Primary, Runoff Primary or General Elections.

Okla.Stat. tit. 26 § 7-125. Procedure for counting

When counters are authorized for an election, said counters shall be permitted to begin the count at 10:00 a.m., or at a time designated by the county election board, and after said counters have cast their own ballots. The inspector shall cause the ballot box to be shaken so as to mix the voted ballots, then shall join the judge and clerk in opening said ballot box. The counters shall remove the ballots and shall proceed to count them in a secure, private, adjacent area. The clerk shall record the

number of voters who have received ballots at the beginning of the official count. As often as necessary throughout the day, the aforementioned procedure shall be repeated, provided no fewer than twelve voters have received ballots since the last time the ballot box was opened. Provided, however, that in the event no counters are authorized and voting devices are not used, the precinct election board shall conduct the count. In such case, the count may not begin until after the polls have closed.

Okla.Stat. tit. 26 § 2-111.1. Secretaries of county election boards--Appointment--Terms

The State Election Board shall appoint the secretary of each county election board for a term of two (2) years beginning May 1, 1983, and every two (2) years thereafter; provided, however, that on October 1, 1981, a secretary shall be appointed in each county for the balance of a term of two (2) years ending April 30, 1983.

Oregon Provisional Voting Statutes

O.R.S. § 246.110. Chief elections officer

O.R.S. § 246.120. Directives, instructions and assistance

O.R.S. § 246.200. Conduct of elections

O.R.S. § 247.012. Registration; updating

O.R.S. § 247.174. Qualification for registration; update

O.R.S. § 247.195. Validity of registration

O.R.S. § 247.563. Notice of invalid registration

O.R.S. § 253.070. Ballot; marking and returning

O.R.S. § 253.080. Ballot; duties of clerk; manner of counting

O.R.S. § 253.085. Absentee ballots; Special counting boards; vote tally system; deadline\

O.R.S. § 253.090. Verification of ballot; procedure

O.R.S. § 254.226. Poll book

O.R.S. § 254.385. Signing poll book

O.R.S. § 254.390. Identification in poll book of electors eligible to receive absentee ballot

O.R.S. § 254.408. Voting by person without evidence of registration

O.R.S. § 254.411. Voting after name change

O.R.S. § 254.419. Challenging a person's right to vote at polling place

O.R.S. § 254.426. Challenged ballot

O.R.S. § 254.465. Elections required or eligible to be conducted by mail

O.R.S. § 254.470. Procedures for conducting election by mail

O.R.S. § 254.474. Voting booths for primary and general elections

O.R.S. § 254.478. Preparation for counting ballots delivered by mail

O.R.S. § 254.480. Replacement ballots in elections conducted by mail

O.R.S. § 254.482. Persons authorized to watch receiving and counting of votes in elections conducted by mail

O.R.S. § 246.110. Chief elections officer
The Secretary of State is the chief elections officer of this state, and it is the secretary's responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws.

O.R.S. § 246.120. Directives, instructions and assistance
In carrying out the responsibility under ORS 246.110, the Secretary of State shall prepare and distribute to each county clerk detailed and comprehensive written directives, and shall assist, advise and instruct each county clerk, on registration of electors and election procedures which are under the direction and control of the county clerk. The directives and instructions shall include relevant sample forms of ballots, documents, records and other materials and supplies required by the election laws. A county clerk affected thereby shall comply with the directives or instructions.

O.R.S. § 246.200. Conduct of elections
(1) Except as specifically provided otherwise in the statute laws of this state, the county clerk shall be the only elections officer to conduct any election in this state. For the purpose of this section, the conduct of an election includes, but is not limited to, establishing precincts and polling places, preparing ballots and sample ballots, and receiving and processing votes.
(2) Notwithstanding subsection (1) of this section:
(a) The county clerk is not the only elections officer who may accept and verify a filing for nomination or filing of a petition, prepare a voters' pamphlet or ballot title, or prepare or publish an election notice; and
(b) The Secretary of State may receive ballots as provided in ORS 253.585.

Pending Legislation: SB 162.

O.R.S. § 247.012. Registration; updating
(1) A qualified person may register to vote or update a registration to vote by:
(a) Delivering by mail or otherwise a completed registration card to any county clerk, the Secretary of State, any office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208;
(b) Personally delivering the card to an official designated by a county clerk under subsection (7) of this section; or
(c) Completing the voter registration portion of the application for issuance or renewal of a driver license, issuance of a state identification card under ORS 807.400 or a change of address at an office of the Department of Transportation under ORS 247.017.
(2) If a registration card is mailed or delivered to:
(a) Any person other than a county clerk or the Secretary of State, the person shall forward the card to a county clerk or the Secretary of State not later than the fifth day after receiving the card; or
(b) The Secretary of State or a county clerk for a county other than the county in which the person

applying for registration resides, the Secretary of State or county clerk shall forward the card to the county clerk for the county in which the person resides not later than the fifth day after receiving the card.
(3) Registration of a qualified person occurs:
(a) When a legible, accurate and complete registration card is received in the office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation, a designated voter registration agency under ORS 247.208 or at a location designated by a county clerk under subsection (7) of this section;
(b) On the date a registration card is postmarked if the card is received after the 21st day immediately preceding an election but is postmarked not later than the 21st day immediately preceding the election; or
(c) In the case of a registration card missing a date of birth, containing an incomplete date of birth or containing an unintentional scrivener's error that is supplied or corrected as described in subsection (4) or (6) of this section, on the date that registration would have occurred if the registration card had not been missing the date of birth, contained an incomplete date of birth or contained the scrivener's error.
(4) If a registration card is legible, accurate and contains, at a minimum, the registrant's name, residence address, date of birth and signature, the county clerk shall register the person. If this information is missing from the registration card or the date of birth is incomplete, the county clerk shall attempt to contact the person to obtain the missing or incomplete information. The county clerk may supply the registrant's date of birth from any previous registration of the registrant.
(5) If a registration card meets the requirements of subsection (4) of this section but is missing an indication of political party affiliation, the registrant shall be considered not affiliated with any political party. This subsection does not apply if an elector is updating a registration within the same county.
(6) If a registration card contains an unintentional scrivener's error, the county clerk may attempt to contact the person to correct the error.
(7) A county clerk may appoint officials to accept registration of persons at designated locations. The appointments and locations shall be in writing and filed in the office of the county clerk. The county clerk shall be responsible for the performance of duties by those appointed.
(8) A registration card received and accepted under this section shall be considered an active registration.
(9) A registration may be updated at any time.

Pending Legislation: SB 1033, HB 3342, HB 2841, HB 2583

O.R.S. § 247.174. Qualification for registration; update
(1) The qualifications of any person who requests to be registered or to update a registration shall be determined in the first instance by the county clerk or official designated by the county clerk to register persons as electors from the evidence present.
(2) The county clerk or official designated by the county clerk to register persons as electors may reject any registration or update of a registration if the clerk or official determines that the person is not qualified or that the registration card is illegible, inaccurate or incomplete. The clerk or official shall promptly notify the person of the rejection.
(3) A person whose registration or update to a registration is rejected may apply to the county clerk not later than the 10th day after the rejection for a hearing on the person's qualifications to register or update the registration. Not later than the 10th day after the date the county clerk receives the

application, the clerk shall notify the applicant of the place and time of the hearing on the qualifications. The hearing shall be held not sooner than the second nor later than the 20th day after notice is given. At the hearing the applicant may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the applicant is qualified, the county clerk shall register or update the registration of the applicant.

O.R.S. § 247.195. Validity of registration

(1) The county clerk, at any time, may inquire into the validity of the registration of any elector. The county clerk shall mail a written statement to the elector that describes the nature of the inquiry and provides a suitable form for reply.

(2) Not later than the 20th day after the date of mailing of the statement, the elector, in writing, may state that the information on the registration card is correct or may request a change in the information on the card. Upon receipt of the statement or request, the county clerk shall determine whether the information satisfies the inquiry. If the county clerk determines that the inquiry has not been satisfied, the county clerk shall schedule a hearing and shall notify the elector of the place and time of the hearing. The hearing shall be held not sooner than the second nor later than the 20th day after notice is given. At the hearing, the elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the elector's registration is not valid, the county clerk shall cancel the registration.

O.R.S. § 247.563. Notice of invalid registration

(1) Except as provided in subsection (4) of this section and ORS 247.555, whenever it appears to the county clerk that an elector needs to update the elector's registration or that the elector has changed residence address to another county, the county clerk shall mail a notice to the elector.

(2) The notice shall be sent by forwardable mail and shall include a postage prepaid, preaddressed return card on which the elector may state the elector's current residence and mailing address. The notice shall advise the elector that:

(a) The elector should return the card promptly;

(b) If the card is not returned by the 21st calendar day immediately preceding an election, the elector may be required to complete a new registration card in order to vote in an election; and

(c) The elector's registration will be canceled if the elector neither votes nor updates the registration before two general elections have been held.

(3) When the county clerk mails a notice under this section, the registration of the elector shall be considered inactive until the elector updates the registration, the registration is canceled or the clerk determines that the registration should be considered active.

(4) This section does not apply when the county clerk receives written evidence from the elector, the United States Postal Service or another county clerk indicating a change of residence or mailing address and the registration of the elector is automatically updated by the county clerk under any provision of this chapter.

O.R.S. § 253.070. Ballot; marking and returning

Upon receipt of a ballot the absent elector shall mark it and comply with the instructions provided with the ballot. The absent elector may return the marked ballot to the office of the clerk, by any appropriate means. The ballot must be received by a county clerk not later than 8 p.m. of the day of the election. If a county clerk receives a ballot for an elector who does not reside in the clerk's

county, the ballot shall be forwarded to the county clerk of the county in which the elector resides not later than the eighth day after the election.

Pending Legislation: HB 3372

O.R.S. § 253.080. Ballot; duties of clerk; manner of counting
(1) Upon receipt of an envelope containing a marked absentee ballot, the clerk shall keep it safely in the office and, before delivering the ballot for counting, shall compare the signature of the absent elector which appears on the back of the absentee ballot envelope with that upon the applicant's registration card. If the signatures appear to be the same, the envelope shall be marked in order to indicate that the ballot may be counted.
(2) Except as otherwise provided in this chapter, the absentee ballots shall be counted and returns shall be made, as nearly as possible, in the same manner as for other ballots cast at the election.

O.R.S. § 253.085. Absentee ballots; Special counting boards; vote tally system; deadline
(1) The county clerk shall appoint as many special counting boards as may be necessary to conduct the count of absentee ballots not delivered to the election boards. Each member of a special counting board shall be an elector of the county, but no member shall be a candidate for any office at the election. The members of a special counting board shall not all be members of the same political party. Each member of a special counting board shall be compensated at not less than the rate of a member of a regular election board at the election.
(2) The special counting boards may begin to process the absentee ballots as soon as the poll books used at the election are delivered to the counting board.
(3) Absentee ballots may be counted by the special counting boards or by use of an automated vote tally system. The count of absentee ballots shall be completed not later than the third day after the date of the election.

O.R.S. § 253.090. Verification of ballot; procedure
(1) The election board or special counting board shall verify the legality of each absentee ballot delivered to the board for counting by determining if the envelope has been marked as provided in ORS 253.080 and by examining the poll book to see that the absent elector has not voted in person.
(2) If the envelope delivered to an election board or special counting board is not marked as provided in ORS 253.080, the envelope shall be returned unopened to the clerk who shall determine if the ballot should be counted. If the clerk determines that the ballot should be counted, the envelope shall be returned to the board with appropriate instructions.

O.R.S. § 254.226. Poll book
(1) The county clerk shall prepare the poll book of each precinct. The poll book shall list alphabetically the electors in the precinct, and the residence address and political affiliation of each. The poll book shall indicate clearly each electoral district in which the elector is eligible to vote.
(2) If a person registers before the 20th day before the election, the person's name shall be listed in the poll book of the person's precinct.
(3) The poll book shall be ruled so that in a column for ballot numbers sufficient space appears for inserting the number of the ballot given to the elector.

(4) The county clerk shall have attached to, or printed in, the poll book blank oaths of office for the election board clerks.

O.R.S. § 254.385. Signing poll book
(1) An elector before receiving a ballot shall sign the poll book following the elector's name.
(2) If the residence address of a person in the poll book is not correct because of an error in preparation of the poll book, the chairperson of the election board shall ascertain the correct address from the person by a statement made under oath or affirmation before the election board. Thereafter a correction shall be made in the poll book.

O.R.S. § 254.390. Identification in poll book of electors eligible to receive absentee ballot
(1) For purposes of ensuring that electors do not vote more than once at the same election, for each election not conducted by mail, the county clerk shall identify electors who applied for an absentee ballot or whose applications as absent electors remain valid under ORS 253.030 (5). Electors described in this subsection shall be identified in poll books or in another manner specified by the Secretary of State by rule.
(2) If an elector offers to vote at a polling place and the elector is identified in the poll book or in another manner under subsection (1) of this section as having applied for an absentee ballot for that election or as an elector whose application as an absent elector remains valid under ORS 253.030 (5), the elector may cast a ballot but the ballot shall not be counted until the county clerk determines whether the elector has voted more than once at the same election. The Secretary of State shall adopt rules specifying procedures for the handling of ballots cast under this subsection. This subsection shall operate in each county at the discretion of the county clerk.
(3) If an elector applies for an absentee ballot after the poll book is printed, any absentee ballot cast by the elector at the election shall not be opened and counted until the county clerk determines whether the elector cast a ballot at a polling place.

O.R.S. § 254.408. Voting by person without evidence of registration
(1) A person offering to vote and who claims to be an elector, but for whom no evidence of active or inactive registration can be found, shall be granted the right to vote in the manner provided in this section.
(2) Whenever an elector updates a registration at a polling place on the date of the election, the elector shall vote in the manner provided in this section.
(3) An elector voting under this section shall complete and sign a registration card.
(4) The elector shall insert the ballot into a small envelope provided by the election board and then insert the small envelope into a larger envelope. The larger envelope shall be deposited in the ballot box. When the ballot box is opened, the larger envelopes shall be segregated and not counted until the registration of the elector is verified under this section.
(5) The county clerk shall determine if the elector is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the registration of the elector is considered active or inactive.
(6) A vote shall be counted only if the elector is qualified to vote for the particular office or on the measure.

Pending Legislation: SB 162

O.R.S. § 254.411. Voting after name change
(1) Any elector whose name has been changed may vote once in the precinct in which the elector is registered under the elector's former name.
(2) If the elector votes at a polling place, the election board clerk shall enter into the poll book the fact that the elector's name has changed.
(3) Following the election, the registration of the elector shall be considered inactive.
(4) In order to vote at subsequent elections the elector whose name has changed must update the elector's registration.

Pending Legislation: SB 162

O.R.S. § 254.419. Challenging a person's right to vote at polling place
(1) At elections held at polling places, an election board clerk or elector present shall challenge any person offering to vote whom the clerk or elector knows or suspects not to be qualified as an elector. The person's right to vote may be challenged at any time before the ballot is actually deposited in the ballot box.
(2) A person offering to vote under subsection (1) of this section shall complete and sign a written statement containing the name, residence address and mailing address of the person and the oath or affirmation required by this subsection. The statement shall be printed on the larger envelope described in this section.
(3) The oath or affirmation shall be signed before any member of the election board and shall state that the person is registered and qualified to vote and that the person has not already voted at the same election. If the person signs the statement, the person shall be permitted to vote, subject to ORS 254.426. If the person does not sign the statement, the person shall not be permitted to vote.
(4) A person voting a ballot challenged under this section shall insert the ballot into a small envelope provided by the election board and then insert the small envelope into a larger envelope. The written statement of challenge shall be attached to the larger envelope. The larger envelope shall be deposited in the ballot box. When the ballot box is opened, the larger envelopes shall be segregated and not counted until the registration of the person is verified.

O.R.S. § 254.426. Challenged ballot
(1) Whenever any person votes a challenged ballot, the county clerk shall ensure that the ballot offered by the person includes the number of the written statement of challenge so that the ballot may be identified in any future contest of the election.
(2) The county clerk shall examine the challenge and determine if the person is validly registered to vote and if the vote was properly cast. The ballot shall be counted only if the county clerk determines the person is validly registered.
(3) The county clerk shall ensure that the information on the numbered written statement is treated as confidential so that in the event of a recount of votes it cannot be determined how any challenged person voted.
(4) The registration of any person voting under this section and ORS 254.415 shall be verified not later than the last business day prior to the last day for the official certification of election results

required by ORS 254.545 (3) and 255.295 (1) in order for the vote of the person to be counted.

O.R.S. § 254.465. Elections required or eligible to be conducted by mail
The following rules apply to elections conducted by mail:
(1) An election held on the date of the primary or general election shall be conducted by mail.
(2) A state election not described in subsection (1) of this section may be conducted by mail. The Secretary of State by rule shall direct that a state election authorized to be conducted by mail under this subsection be conducted uniformly by mail or at polling places.
(3) A county clerk may conduct an election not described in subsections (1) and (2) of this section by mail in the county, in a city or in a district defined in ORS 255.012, under the supervision of the Secretary of State. In deciding to conduct an election by mail, the county clerk may consider requests from the governing body of the county, city or district and shall consider whether conducting the election by mail will be economically and administratively feasible.
(4) The Secretary of State shall adopt rules to provide for uniformity in the conduct of state elections by mail.

Pending Legislation: SB 162

O.R.S. § 254.470. Procedures for conducting election by mail
(1) An election by mail shall be conducted as provided in this section. The Secretary of State may adopt rules governing the procedures for conducting an election by mail.
(2) The Secretary of State by rule shall establish requirements and criteria for the designation of places of deposit for the ballots cast in the election. The rules shall also specify the dates and times the places of deposit must be open and the security requirements for the places of deposit. At a minimum, the places designated under this section shall be open on the date of the election for a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit designated under this section, the county clerk shall prominently display a sign stating that the location is an official ballot drop site.
(3)(a) Except as provided in paragraphs (b), (c) and (d) of this subsection, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope not sooner than the 18th day before the date of an election conducted by mail and not later than the 14th day before the date of the election, to each active elector of the electoral district as of the 21st day before the date of the election.
(b) Notwithstanding paragraph (a) of this subsection, if the county clerk determines that an active elector of the electoral district as of the 21st day before the date of the election does not receive daily mail service from the United States Postal Service, the county clerk shall mail by nonforwardable mail an official ballot with a return identification envelope and a secrecy envelope to the elector not sooner than the 20th day before the date of an election conducted by mail and not later than the 18th day before the date of the election.
(c) Notwithstanding paragraph (a) of this subsection, the Secretary of State by rule shall specify the date on which all ballots shall be mailed for any state election conducted by mail under ORS 254.465 (2).
(d) Notwithstanding paragraph (a) of this subsection, in the case of ballots to be mailed to addresses outside this state to electors who are not long-term absent electors, the county clerk may mail the

ballots not sooner than the 29th day before the date of the election.
(4) For an election held on the date of a primary election:
(a) The county clerk shall mail the official ballot of a major political party to each elector who is registered as being affiliated with the major political party as of the 21st day before the date of the election.
(b) An elector not affiliated with any political party shall be mailed the ballot of a major political party in whose primary election the elector wishes to vote if the elector has applied for the ballot as provided in this subsection and that party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(c) An elector not affiliated with any political party who wishes to vote in the primary election of a major political party shall apply to the county clerk in writing. Except for electors described in subsection (5) of this section, and subject to ORS 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day before the date of the election.
(d) If the primary election ballot includes city, county or nonpartisan offices or measures, an elector not eligible to vote for party candidates shall be mailed a ballot limited to those offices and measures for which the elector is eligible to vote.
(5) For each elector who updates a voter registration after the deadline in ORS 247.025, the county clerk shall make the official ballot, the return identification envelope and the secrecy envelope available either by mail or at the county clerk's office or at another place designated by the county clerk. An elector to whom this subsection applies must request a ballot from the county clerk.
(6) The ballot or ballot label shall contain the following warning:
Any person who, by use of force or other means, unduly influences an elector
to vote in any particular manner or to refrain from voting, is subject, upon conviction, to imprisonm ent or to a fine, or both.
(7) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county clerk by United States mail or by depositing the ballot at the office of the county clerk, at any place of deposit designated by the county clerk or at any location described in ORS 254.472 or 254.474. The ballot must be returned in the return identification envelope. If the elector returns the ballot by mail, the elector must provide the postage. A ballot must be received at the office of the county clerk, the designated place of deposit or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under subsection (2) of this section on the date of the election.
(8) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. Replacement ballots shall be issued and processed as described in this section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided under this subsection. Notwithstanding any deadline for mailing ballots in subsection (3) or (4) of this section, a replacement ballot may be mailed, made available in the office of the county clerk or made available at one central location in the electoral district in which the election is conducted. The county clerk shall designate the central location. A replacement ballot need not be mailed after the fifth day before the date of the election.
(9) A ballot shall be counted only if:
(a) It is returned in the return identification envelope;
(b) The envelope is signed by the elector to whom the ballot is issued; and
(c) The signature is verified as provided in subsection (10) of this section.
(10) The county clerk shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration card, according to the procedure provided by rules

adopted by the Secretary of State. If the county clerk determines that an elector to whom a replacement ballot has been issued has voted more than once, the county clerk shall count only one ballot cast by that elector.
(11) At 8 p.m. on election day, electors who are at the county clerk's office, a site designated under subsection (2) of this section or any location described in ORS 254.472 or 254.474 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the act of voting.

Pending Legislation: HB 2167, HB 3293, SB 604, HB 2168, SB 162

O.R.S. § 254.474. Voting booths for primary and general elections
(1) Notwithstanding ORS 254.465 (1), at each primary election and general election, the county clerk shall maintain voting booths in the county as follows:
(a) In each county with 35,000 or more electors in the county, the county clerk shall maintain a number of voting booths equal to at least one voting booth for every 20,000 electors in the county; and
(b) In each county with fewer than 35,000 electors in the county, the county clerk shall maintain at least one voting booth.
(2) The county clerk may determine the location of the voting booths required under this section.

Pending Legislation: SB 162

O.R.S. § 254.478. Preparation for counting ballots delivered by mail
Not sooner than the seventh day before the date of an election, in preparation for counting ballots delivered by mail, the county clerk may begin opening return identification and secrecy envelopes of ballots delivered by mail and received by the county clerk. The county clerk may take any other actions that are necessary to allow the counting of ballots delivered by mail to begin on election day.

Pending Legislation: HB 3090, HB 2551

O.R.S. § 254.480. Replacement ballots in elections conducted by mail
(1) In an election conducted by mail, an elector may obtain a replacement ballot described in ORS 254.470 (8). To vote a replacement ballot, the elector must complete and sign a replacement ballot request form. The request for a replacement ballot may be made electronically, by telephone, in writing, in person or by other means designated by the Secretary of State by rule.
(2) The replacement ballot request form shall be mailed or made available to the elector along with the replacement ballot.
(3) Upon receiving a request for a replacement ballot, the county clerk shall:
(a) Verify the registration of the elector and ensure that another ballot has not been returned by the elector;
(b) Note in the list of electors that the elector has requested a replacement ballot;
(c) Mark the return identification envelope clearly so that it may be readily identified as a replacement ballot; and
(d) Issue the replacement ballot by mail or other means.
(4) The completed and signed replacement ballot request form and the voted replacement ballot must be received at the office of the county clerk, a place of deposit designated by the county clerk

or at any location described in ORS 254.472 or 254.474 not later than the end of the period determined under ORS 254.470 (2) on the date of the election.
(5) Upon receiving a voted replacement ballot, the county clerk shall verify that a completed and signed replacement ballot request form has been received by the county clerk or is included with the voted replacement ballot. If a request form has been completed and signed by the elector and received by the county clerk, the county clerk shall process the ballot. If the request form is not completed or signed by the elector or received by the county clerk, the county clerk may not process the ballot.

Pending Legislation: SB 162

O.R.S. § 254.482. Persons authorized to watch receiving and counting of votes in elections conducted by mail
(1) This section applies only to elections conducted by mail.
(2) After the date that ballots are mailed as provided in ORS 254.470, the county clerk, if requested, shall permit authorized persons to be at the office of the county clerk to watch the receiving and counting of votes. The authorization shall be in writing, shall be signed by an officer or its county affiliate of a political party, a candidate or the county clerk and shall be filed with the county clerk. The county clerk shall permit only so many persons as watchers under this subsection as will not interfere with an orderly procedure at the office of the county clerk.

Pending Legislation: HB 3090, HB 2167, HB 2168, SB 162

Pennsylvania Voting Statutes

25 Pa. Stat. Ann. § 3050 Manner of applying to vote; persons entitled to vote; voter's certificates; entries to be made in district register; numbered lists of voters; challenges
25 Pa. Stat. Ann. §2641

25 Pa. Stat. Ann. § 3050 Manner of applying to vote; persons entitled to vote; voter's certificates; entries to be made in district register; numbered lists of voters; challenges (version in effect until 10/8/05)

(a) At every primary and election each elector who appears to vote in that election district for the first time and who desires to vote shall first present to an election officer: one of the following forms of photo identification:

(1) a valid driver's license or identification card issued by the Department of Transportation;

(2) a valid identification card issued by any other agency of the Commonwealth;

(3) a valid identification card issued by the United States Government;

(4) a valid United States passport;

(5) a valid student identification card;

(6) a valid employe identification card; or

(7) a valid armed forces of the United States identification card.

The election officer shall examine the identification presented by the elector.

On and after 10/8/05, the following language is effective:

> (a) At every primary and election each elector who appears to vote in that election district for the first time and who desires to vote shall first present to an election officer one of the following forms of photo identification:
>
> (1) a valid driver's license or identification card issued by the Department of Transportation;
>
> (2) a valid identification card issued by any other agency of the Commonwealth;
>
> (3) a valid identification card issued by the United States Government;

(4) a valid United States passport;

(5) a valid student identification card;

(6) a valid employe identification card; or

(7) a valid armed forces of the United States identification card.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector:

(1) nonphoto identification issued by the Commonwealth, or any agency thereof;

(2) nonphoto identification issued by the United States Government, or agency thereof;

(3) a firearm permit;

(4) a current utility bill;

(5) a current bank statement;

(6) a paycheck;

(7) a government check.

The election officer shall examine the identification presented by the elector.

On or after 10/8/05, the following language is effective:

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector:

(1) nonphoto identification issued by the Commonwealth, or any agency thereof;

(2) nonphoto identification issued by the United States Government, or agency thereof;

(3) a firearm permit;

(4) a current utility bill;

(5) a current bank statement;

(6) a paycheck;

(7) a government check.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.

(a.2) If the elector is unable to produce identification or the elector's identification is challenged by the judge of elections, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4).

(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate, and, unless he is a State or Federal employee who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the general register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who are voting for the first time at the election district shall be required to produce identification pursuant to subsection (a) or (a.1) and if unable to do so shall

be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot.

(2) Prior to voting the provisional ballot, the elector shall be required to sign an affidavit stating the following:

I do solemnly swear or affirm that my name is _____, that my date of birth is _____, and at the time that I registered I resided at _____ in the municipality of _____ in _____ County of the Commonwealth of Pennsylvania and that this is the only ballot that I cast in this election.

Signature of Voter/Elector

Current Address

Signed by Judge of Elections and minority inspector

(3) After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. All provisional ballots shall remain sealed in their provisional ballot envelopes for return to the county board of elections.

(4) Within three business days of the election, the county board of elections shall examine each provisional ballot envelope to determine if the individual voting that ballot was entitled to vote at the election district in the election. One authorized representative of each candidate in a primary or election, who is an elector in the county, shall be permitted to remain in the room in which the determination is being made if he does not impede the orderly conduct of the determination.

(5) If it is determined that the individual was registered and entitled to vote at the election district where the ballot was cast, the county board of elections shall compare the signature on the provisional ballot envelope with the signature on the elector's registration form and, if the signatures are determined to be genuine, count the ballot.

(6) If it is determined that the individual voting the provisional ballot was not registered, the provisional ballot shall not be counted and the ballot shall remain in the provisional ballot envelope and shall be marked "Rejected as Ineligible."

(7) If it is determined that the individual voting the provisional ballot was eligible to vote but not at the election district where the ballot was cast, the county board of elections shall open the envelope and only count that portion of the ballot that the individual would have been eligible to vote in his proper election district and at the election district where the vote was cast.

(8) The department shall establish a World Wide Web site and a toll-free telephone number to permit an individual who cast a provisional ballot to determine whether the vote of that individual was counted and, if the vote was not counted, the reason that it was not counted.

(9) For purposes of this subsection, "provisional ballot" means a ballot issued to an individual who claims to be a registered elector by the judge of elections on election day when the individual's name does not appear on the general register and the individual's registration cannot be verified.

On and after 10/8/05, the following language is effective:

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who are voting for the first time at the election district shall be required to produce identification pursuant to subsection (a) or (a.1) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot.

(2) Prior to voting the provisional ballot, the elector shall be required to sign an affidavit stating the following:

I do solemnly swear or affirm that my name is _____, that my date of birth is _____, and at the time that I registered I resided at _____ in the municipality of _____ in _____ County of the Commonwealth of Pennsylvania and that this is the only ballot that I cast in this election.

Signature of Voter/Elector

Current Address

Check the Reason for Casting the Provisional Ballot.

Signed by Judge of Elections and minority inspector

(3) After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. All provisional ballots shall remain sealed in their provisional ballot envelopes for return to the county board of elections.

(4) Within seven calendar days of the election, the county board of elections shall examine each provisional ballot envelope that is received to determine if the individual voting that ballot was entitled to vote at the election district in the election. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the determination is being made. Representatives shall be permitted to keep a list of those persons who cast a provisional ballot and shall be entitled to challenge any determination of the county board of elections

with respect to the counting or partial counting of the ballot under this section. Upon challenge of any provisional ballot under this clause, the ballot envelope shall be marked "challenged" together with the reason for the challenge, and the provisional ballot shall be set aside pending final determination of the challenge according to the following procedure:

(i) Provisional ballots marked "challenged" shall be placed unopened in a secure, safe and sealed container in the custody of the county board of elections until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all provisional electors thus challenged and to every attorney, watcher or candidate who made the challenge.

(ii) The time for the hearing shall not be later than seven days after the date of the challenge.

(iii) On the day fixed for the hearing, the county board shall proceed without delay to hear the challenges and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence.

(iv) The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(v) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any petitioner aggrieved by the decision of the county board. The appeal shall be taken, within two days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(vi) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged provisional ballots irrespective of whether or not an appeal was taken from the county board's decision.

(vii) Upon completion of the computation of the returns of the county, the votes cast upon the challenged official provisional ballots shall be added to the other votes cast within the county.

(5) (i) Except as provided in clause (ii), if it is determined that the individual was registered and entitled to vote at the election district where the ballot was cast, the county board of elections shall compare the signature on the provisional ballot envelope with the signature on the elector's registration form and, if the signatures are determined to be genuine, shall count the ballot if the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election.

(ii) A provisional ballot shall not be counted if:

(A) either the provisional ballot envelope under clause (a.4)(3) or the affidavit under clause (a.4)(2) is not signed by the individual;

(B) the signature required under clause (a.4)(3) and the signature required under clause (a.4)(2) are either not genuine or are not executed by the same individual; or

(C) a provisional ballot envelope does not contain a secrecy envelope.

(iii) One authorized representative of each candidate in an election and one representative from each party shall be permitted to remain in the room in which deliberation or determination of clause (ii) is being made.

(6) If it is determined that the individual voting the provisional ballot was not registered, the provisional ballot shall not be counted and the ballot shall remain in the provisional ballot envelope and shall be marked "Rejected as Ineligible."

(7) The following shall apply:

(i) Except as provided in clause (ii), if it is determined that the individual voting the provisional ballot was eligible to vote in the county in which the ballot was cast but not at the election district where the ballot was cast, the county board of elections shall open the envelope and only count that portion of the ballot that the individual would have been eligible to vote in his proper election district and at the election district where the vote was cast if:

(A) the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election; and

(B) the individual casting the provisional ballot is a resident of the county in which the provisional ballot was cast.

(ii) In the event that the individual casting the provisional ballot is not found to be a resident of the county in which the provisional ballot was cast, the ballot shall not be counted.

(iii) In the event that the board of elections determines, based on an evidentiary record, that the individual intentionally and wilfully cast a provisional ballot in an election district in which the individual was not eligible to vote, the ballot shall not be counted.

(8) On election night, immediately upon completion of the count and tabulation of the votes cast, the judge of election shall prepare and certify under oath a tally displaying the number of provisional ballots received from the election board and the number of provisional ballots cast and transmitted to the county board of elections. The judge of election shall record on the tabulation the name of the individual into whose possession the provisional ballots were passed for transmission to the county board of elections.

(9) All provisional ballots and the tally of provisional ballots tabulated under clause (8) in the possession of an election board official shall be promptly returned by the judge of election to the custody of the proper county election board in accordance with sections 1113-A(j) [FN1], 1225(b) [FN2] and 1228(a) [FN3].

(10) One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room where provisional ballots are received by the county board of elections.

(11) The department shall establish a World Wide Web site and a toll-free telephone number to permit an individual who cast a provisional ballot to determine whether the vote of that individual was counted and, if the vote was not counted, the reason that it was not counted.

(12) For purposes of this subsection, "provisional ballot" means a ballot issued to an individual who claims to be a registered elector by the judge of elections on election day when the individual's name does not appear on the general register and the individual's registration cannot be verified.

(b) If any elector was unable to sign his name at the time of registration, or, if having been able to sign his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name, or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote, he shall establish his identity to the satisfaction of the election officers, and in such case he shall not be required to sign a voter's certificate, but a certificate shall be prepared for him by one of the election officers, upon which the facts as to such disability shall be noted and attested by the signature of such election officer.

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate.

(d) No person, except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth, and who votes under the provisions of Article XIII [FN4] of this act, shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which he resides, nor shall he be permitted to vote in the election district in which he resides, unless he has been personally registered as an elector and his registration card appears in the district register of such election district, except by order of the court of common pleas as provided in this act, and any person, although personally registered as an elector, may be challenged by any qualified elector, election officer, overseer, or watcher at any primary or election as to his identity, as to his continued residence in the election district or as to any alleged violation of the provisions of section 1210 [FN5] of this act, and if challenged as to identity or residence, he shall produce at least one qualified elector of the election district as a witness, who shall make affidavit of his identity or continued residence in the election district: Provided, however, That no person shall be entitled to vote as a member of a party at any primary, unless he is registered and enrolled as a member of such party upon the district register, which enrollment shall be conclusive as to his party membership and shall not be subject to challenge on the day of the primary.

(e) A person who wilfully commits fraud or who conspires to wilfully commit fraud in relation to any of the provisions of this section commits a felony of the third degree and, upon conviction, shall

be sentenced to pay a fine not exceeding fifteen thousand dollars ($15,000) or to undergo a term of imprisonment of not more than seven years, or both. An individual convicted under this subsection shall be barred for life from serving as a judge, inspector or clerk of election, machine inspector translator, county election board official, poll watcher or in any other official capacity relating to the sanctity, observation or conduct of Pennsylvania elections.

Rhode Island Laws

RI ST § 17-19-24Procedure for voting. –

RI ST § 17-19-24.1. Provisional voting under the Help America Vote Act of 2002. --

RI ST § 17-9.1-16. Procedure on change of address -- Fail safe voting provisions. --

RI ST § 17-7-1. Legislative intent. --

RI ST § 17-7-2. Composition of board. --

RI ST § 17-8-1. Appointment of bipartisan authority. 17-22-1. Commencement and continuance of tabulations. –

Rhode Island Regulations dealing with Provisional Voting

RI ST § 17-19-24Procedure for voting. --

(a) Each person desiring to vote shall state his or her name and residence, including that person's street address, if he or she has any, to one of the first pair of bi-partisan supervisors, who shall then announce the name and residence in a loud and distinct voice, clear and audible. As each voter's name is announced, the voter shall be handed a ballot application in the following form:
BALLOT APPLICATION

(Poll List)

Senatorial District _____

Representative District _____

Voting District _____

Election

Date _____

I hereby certify that I am a registered and qualified elector in the above voting district of City of

and hereby make application for ballots to be voted at this election.

_____

(Signature of Voter)

_____

(Residence Address)

Number Approved _____

(Supervisor of Election)

(b) The voter shall sign the application in the presence and view of a bipartisan pair. They shall locate the voter's name on the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, they shall initial the ballot application in the place provided next to the word "Approved" and shall enter on the certified list of voters a proper notation that the applicant has voted in the election. They

shall then return the ballot application to the voter who shall pass down the line and present it to the clerk. After the voter has handed the approved ballot application to the clerk, the clerk shall provide the voter with the appropriate computer ballot and security sleeve, the warden shall direct the voter to the voting booth which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall proceed to the optical scan precinct count unit and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of voting booths shall be permitted within the enclosed space at any time.

(c) The optical scan precinct count unit shall be programmed to return a ballot to the voter if the voter has cast votes for more persons than which he or she is entitled to cast. The warden, by reading the message given on the optical scan precinct count unit, must advise the voter of the fact that the ballot has been over-voted. The voter will be instructed by the warden to remove his or her own ballot from the optical scan precinct count unit ballot slot. The warden will then ask the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the voter will make additional marks on the ballot so as not to identify the actual votes intended by the voter for the ballot. The ballot will be marked void by the warden and deposited in the receptacle for void ballots provided at the polling place. If the voter insists on casting the over-voted ballot, he or she will be advised that all races, other than the over-voted race, will be counted by the optical scan precinct count unit, and if he or she still insists, the warden will manually override the appropriate control on the unit and allow for the ballot to be entered and counted for all races other than the over-voted race.

(d) In the event a voter incorrectly marks a ballot by indicating his or her choices other than in the spaces provided for them, the ballot will be returned to the voter. The warden, by reading the message given on the optical scan precinct count unit, must advise the voter of the fact that the ballot has been marked incorrectly. The voter will be instructed by the warden to remove his or her own ballot from the optical scan precinct unit ballot slot. The warden will then advise the voter to surrender the ballot as void and receive a new ballot. If the voter agrees, the voter will make additional marks on the ballot so as not to identify the actual votes intended by the voter for the ballot. The ballot will be marked void by the warden and deposited in the receptacle for void ballots provided at the polling place. The warden will then provide for the instruction of the voter on the correct manner of marking his or her vote and the voter will be issued a new ballot. If the voter insists on casting the incorrectly marked ballot, the warden will manually override the appropriate control on the optical scan precinct count unit and allow for the ballot to be accepted.

RI ST § 17-19-24.1. Provisional voting under the Help America Vote Act of 2002. --

(a) If an individual's name does not appear on the certified voting list as provided for in § 17-19-24(b) and the individual is eligible to vote in an election for federal office or an election

official asserts that the individual is not eligible to vote in the district in which the individual desires to vote, then the individual shall be permitted to cast a provisional ballot as provided in Section 302 of the Help America Vote Act (P.L. 107-252)
(b) Provisional ballots provided for in this section shall be cast in accordance with rules and regulations which shall be promulgated by the state board of elections in accordance with the Help America Vote Act (P.L. 107- 252)

RI ST § 17-9.1-16. Procedure on change of address -- Fail safe voting provisions. --

(a) Change of address within the same city or town. (1) A registered voter who has moved from a residence address within a voting district to another residence address within the same voting district and who has not notified the local board of the change of residence address thirty (30) days or more prior to the election shall be permitted to vote at the polling place designated for the voting district or at the local board upon completion of a written affirmation form which shall record the voter's change of address within the voting district. The form may be completed by the voter at the polling place designated for the voting district and thereafter transmitted, after the close of the polls, to the local board or may be completed at the local board.

(2) Any registered voter who has moved his or her residence from one residence address to another residence address within the same city or town and who has not notified the local board of the change of residence address thirty (30) days or more prior to the election shall be permitted to vote as follows:

(i) A registered voter who has moved from a residence address in one voting district to a residence address in another voting district within the same city or town thirty (30) days or more preceding an election shall be permitted to vote a full ballot at the polling place of the new residence address or at the local board upon completion of an affirmation form which shall record the voter's change of address. If the form is completed at the polling place, the form shall be forwarded to the local board after the close of the polls; or

(ii) Any registered voter who has moved less than thirty (30) days preceding an election from one address to another address within a different voting district within the same city or town shall be permitted to vote at the polling place of the former address or at the local board and is entitled to vote the full ballot for the old polling place upon completion of an affirmation form which shall record the voter's change of address.

(3) Any registered voter to whom a confirmation mailing was sent by either the state board or a local board, based upon information other than change of address information received from or through the postal service, shall be placed on the inactive list of voters if the recipient of the confirmation mailing fails to return the related confirmation card. If the voter continues to reside in the same city or town and at the residence address currently recorded on the voter's registration card or at a residence address within the same voting district, the voter shall be permitted to vote at the polling place for that residence address upon signing an affirmation form. If the voter has moved to a new residence address within the same city or town but within a different voting district the registered voter shall be

permitted to vote a full ballot at the polling place of the new residence address or at the local board upon completion of an affirmation form which shall record the voter's change of address.

(4) Any registered voter to whom a confirmation mailing was sent by either the state board or a local board, based upon change of address information provided by or through the postal service, shall not be placed on the inactive list even if the recipient of the confirmation mailing fails to return the related confirmation card. The registered voter shall be permitted to vote at the polling place of the new residence address or the local board without the requirement of signing an affirmation form. If the change of address information provided by or through the postal service was in error, the registered voter shall be permitted to vote at the polling place of his or her former address or at the local board upon signing the required affirmation form.

(b) Change of address from one city or town to another city or town. (1) A voter who has moved his or her residence, as defined in § 17-1-3.1, from the address at which the voter is registered to another within a different city or town shall be required to register in the city or town to which the voter has moved; provided, that no person qualified to vote in any city or town in this state shall lose his or her right to vote in that city or town by reason of his or her removal to another city or town in this state during the thirty (30) days, less one day, next preceding an election or primary in the former city or town.

(2) That a voter who remains within the state, although he or she fails to register in the city or town to which the voter has moved within time to vote in the city or town, shall be permitted to vote by special paper ballot to be provided by the secretary of state upon application for it approved by the board of canvassers of the voter's former city or town for federal and statewide elected officials only during the six (6) months, less one day, next preceding an election or primary.

(c) Persons erroneously excluded from certified voting list. Any voter finding that his or her name is not on the certified voting list of his or her city or town being used at any election may make an affidavit before the local board, each member or employee of which is empowered to take his or her affidavit, that he or she is duly registered in the city or town and is not otherwise disqualified from voting in the election. The board may examine the voter and if it finds that the voter is qualified to vote, the voter shall, upon making the affidavit provided for, be allowed to vote either at the local board or at the polling place for the voting district in which the voter resides. In the latter case, the local board shall issue a temporary registration certificate as provided in § 17-10-18. Local boards shall be required to be continuously in session during the hours assigned for voting in each city or town.

17-7-1. Legislative intent. --

It is the intent of the general assembly that the board of elections be a board on which all the qualified electors of the state, regardless of their political identification or the lack of it, will be eligible to serve. The governor, in making these appointments, and the senate, in confirming them, shall consider the abilities and integrity of the qualified electors under

consideration and their knowledge of and/or experience in the working of the election laws of the state. They shall strive to select a board whose membership shall be representative of all citizens of the state and of their diverse points of view.

17-7-2. Composition of board. --

There shall be, independent of every other department and agency of this state, a board of elections consisting of seven (7) qualified electors of this state, of outstanding honesty and ability and none of whom shall hold any other public office or be employees of persons who hold state wide public office, but no person shall be disqualified solely because that person is a notary public, who shall be appointed by the governor with the advice and consent of the senate, as provided in this chapter.

17-8-1. Appointment of bipartisan authority. --

The legislative body of each city and town shall appoint a bipartisan canvassing authority of three (3) qualified electors of the city or town, not more than two (2) of whom shall belong to the same political party, and may appoint two (2) alternate members, not more than one of whom shall belong to the same political party. At any meeting of the canvassing authority at which a member is to be absent, the member may request that an alternate replace him or her for that meeting; provided, that the alternate member must be of the same political party as the member. The mayor or the president of the town council shall nominate the members of the canvassing authority from lists of party voters submitted by the respective chairpersons of the city or town political committee, which lists shall contain the names of five (5) times the number of persons to be appointed. If the legislative body refuses to approve the nomination of any person to the canvassing authority, the mayor or the president shall submit to the legislative body another person named on one of the lists, and so on until a person is appointed. If the chairperson of the city or town committee of a political party entitled to an appointment fails or refuses to submit a list, the mayor or the president shall nominate any party voter of the political party entitled to the appointment.

17-22-1. Commencement and continuance of tabulations. --

The state board shall commence the counting, canvassing, and tabulating of all votes cast, including mail ballots, at nine o'clock (9:00) p.m. on any election day at which mail ballots may be cast and within twenty-four (24) hours after any other election or primary, and shall continue and complete the tabulation with all reasonable expedition by using an optical scan count system.

2005 RI REG TEXT 2343 (SN)
Rhode Island Regulation Text - State Net
Sections 1 through 10
Adopted Rule
March 08, 2005
State Board of Elections

RULES & REGULATIONS
FOR PROVISIONAL VOTING
ADOPTED BY THE
RHODE ISLAND BOARD OF ELECTIONS

The Rhode Island Board of Elections hereby adopts the within rules and regulations relating to provisional voting pursuant to and in accordance with the Help America Vote Act of 2002 ("HAVA") (P.L. 107-252) and sections 17-7-5 et seq. and 17-19-24.1 et seq. of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. Section 42-35 et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.

Section 1. Purpose

The within rules and regulations are hereby adopted by the Board of Elections for the purpose of establishing a procedure for the casting, certification and tabulation of provisional ballots pursuant to the requirements of the Help America Vote Act of 2002, hereinafter referred to as ("HAVA").

Section 2. Definitions

"Ballot Identification Number" or "Ballot ID No." shall mean the number appearing on a "Provisional Ballot Application" and which is unique to said application. Said number shall be used by election officials to process an individual's provisional ballot and shall be used by the individual to determine the disposition of his/her ballot. The identity of the individual assigned said number shall be confidential.

"Board of Canvassers" or "Local Board" shall mean the board of canvassers in a city or town.

"Board of Elections" or "State Board" shall mean the Rhode Island Board of Elections.

"Disqualified Ballot" shall mean a provisional ballot executed by an individual who is deemed to be ineligible to vote in the election at which said ballot was cast. The votes cast on said ballot shall not be counted by election officials.

"Federal Office" shall mean the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress pursuant to

Section 301(3) of the Federal Election Campaign Act of 1971.

"Federal Offices Only Ballot" shall mean a ballot executed by an individual who is deemed eligible to vote for federal offices only in the election at which the ballot was cast. Only those votes cast for federal offices shall be counted by election officials.

"Full Ballot" shall mean a ballot executed by an individual who is deemed eligible to vote for all offices and questions appearing on the ballot in the election at which the ballot was cast. All of the votes cast on said ballot shall be counted by election officials.

"Provisional Ballot" shall mean a ballot cast by an individual meeting the eligibility requirements set forth in these rules and regulations.

"Provisional Ballot Application" shall mean the document prescribed in these rules and regulations and executed by a voter seeking to cast a provisional ballot and used by election officials in ascertaining the disposition of a provisional ballot.

"Voting District" or "Precinct" shall mean the geographical subdivision within a community into which voters are assigned pursuant to Section 17-11-1.

Section 3. Voter Information - Public Posting

Election officials at each precinct shall publicly post on the day of each election for federal office voting information which shall include, but not be limited to:

a) a sample version of the ballot used in the election;

b) information regarding the date of the election and the hours during which the polling places are open;

c) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

d) instructions for first-time voters who register by mail; and

e) general information on voting rights under the applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate election officials if an individual feels his/her rights may have been violated.

Section 4. Provisional Voting - Eligibility & Information

A. Eligibility

An individual shall be eligible to cast a provisional ballot if:

1) he/she declares that he/she is a registered voter and eligible to vote in the community in which he/she desires to vote but is informed by an election official on election day that

his/her name does not appear on the official list of registered voters for the voting district or the community; or

2) an election official asserts that the individual is not eligible to vote; or

3) he/she registered to vote by mail but fails to provide the requisite identification prior to or at the time of voting.

Notwithstanding the provisions of Subsection 4(A), an individual may be declared eligible or ineligible, as the case may be, to cast a provisional ballot subject to the requirements of Section 9 of these rules and regulations.

Upon the declaration by an individual at a precinct that he/she is a registered voter in the community or, upon an election official asserting that an individual is not eligible to vote or, upon determining that a registrant has registered to vote by mail but failed to provide the requisite identification, the appropriate election official shall notify the individual that he/she may cast a provisional ballot and shall present to the individual a "Notice - Provisional Voting Information."

B. Information

The "Notice - Provisional Voting Information" shall include, among other things:

1) information regarding the possible disposition of the individual's ballot, which shall be as follows:

a) if it is determined that he/she is deemed to be a registered voter in the community and precinct in which he/she casts his/her provisional ballot, all of the races voted for on said ballot will be counted; or

b) if it is determined that he/she is deemed to be a registered voter in the community, but not the precinct, in which he/she casts his/her provisional ballot, only those votes cast for federal offices will be counted; or

c) if it is determined that he/she is not a registered voter in the community in which he/she casts his/her ballot, his/her ballot will be disqualified; and

2) instructions on how the individual may determine the disposition of his/her ballot, including whether or not the vote was counted and, if not, the reason it was not counted.

Subsequent to determining an individual's eligibility and the presentation of the "Notice - Provisional Voting Information," the appropriate election official shall give said individual a provisional ballot application, ballot and provisional ballot envelope along with instructions for completing said application and ballot.

Section 5. Provisional Ballot Application And Instructions

A. Instructions For Casting A Provisional Ballot

An individual who is eligible to cast a provisional ballot shall be given instructions on how to cast a provisional ballot by an election official. Said instructions shall direct the individual to, among other things:

1) read the "Notice - Provisional Voting Information" and to contact an election official with any questions the individual may have;

2) complete the "Provisional Ballot Application"; and

3) instruct the voter how to cast and transmit his/her ballot and 'Provisional Ballot Application" to the appropriate election official, which shall be as follows:

a) "vote" his/her ballot by, using the marking device provided, connecting the head and tail of the arrow on the computer ballot next to the party, candidate, write-in candidate or ballot question, as is applicable, for whom the voter wishes to cast his/her ballot (Note: The voter shall be instructed to notify an election official if he/she makes an error or incorrectly marks his/her ballot.);

b) upon completing the ballot, the individual shall place the ballot in the "Provisional Ballot Envelope" and seal the envelope containing the voted ballot;

c) return the sealed "Provisional Ballot Envelope" and "Provisional Ballot Application" to the appropriate election official who shall:

i) remove and present to the voter his/her "Provisional Ballot Receipt' (Section C of the "Provisional Ballot Application");

ii) remove the self-sealing label from the "Provisional Ballot Application" and, where indicated, affix it to the "Provisional Ballot Envelope";

iii) return the "Provisional Ballot Envelope" with the affixed 'Provisional Ballot Application" (with the Rhode Island Voter Registration Form and Sections A & B attached) to the voter; and

d) the voter shall then:

i) place the "Provisional Ballot Envelope" with the affixed "Provisional Ballot Application" into the receptacle for provisional ballots; and

ii) retain the "Provisional Ballot Receipt" as well as the "Notice - Provisional Voting Information." B. Provisional Ballot Application The 'Provisional Ballot Application" shall include, but not be limited to, the following:

1) Section A:

a) the ballot identification number;

b) space for an election official to include the name of the community and precinct number where the ballot is being cast; and

c) space for the local board to indicate the disposition of the provisional ballot.

2) A Rhode Island Voter Registration Form ("RI Registration Form").

3) Section B:

a) a Voter Attestation, wherein the individual seeking to cast a provisional ballot shall execute an attestation stating that he/she is a registered voter in the community & voting district in which said individual desires to vote and is eligible to vote in the election in which he/she desires to vote;

b) the ballot identification number;

d) space to include the date of the election in which the individual desires to vote;

e) space for an election official to cite the reason an individual has been given a provisional ballot; and

f) space for the local board to indicate the disposition of the provisional ballot.

4) Section C, which shall be the voter's "Provisional Ballot Receipt' ("Receipt") and include:

a) the ballot identification number; and

b) instructions on how the individual may ascertain whether his/her vote was counted and, if the vote was not counted, the reason it was not counted. The Board of Elections may, at its sole discretion, include any additional items on the "Provisional Ballot Application" as it deems appropriate.

Section 6. Processing And Certifying Provisional Ballots

Provisional ballots cast at a precinct shall be transmitted to the board of canvassers in each community pursuant to the manner prescribed by the Board of Elections. Said ballots shall be processed and certified by the board of canvassers in the city or town in which they were cast. Forthwith, upon receipt of the provisional ballots cast at a precinct the local board shall commence certifying said ballots and continue until said certification is complete. The processing and certification of all provisional ballots cast in a community shall be completed pursuant to the schedule established by the Board of Elections.

A. Processing Provisional Ballots

The local board shall process the provisional ballots cast in the community in the following manner.

1) Upon receipt of the provisional ballot receptacles from each precinct the local board shall

separate and secure said ballot receptacles.

2) On a precinct by precinct basis the local board shall proceed to open the provisional ballot receptacles, remove the "Provisional Ballot Envelopes," and proceed to determine the disposition of each provisional ballot within each precinct pursuant to the requirements and procedures set forth in Subsection 6(B).

3) Upon having determined the disposition of all of the provisional ballots cast in a precinct, the local board shall:

a) for each provisional ballot, remove and retain the RI Registration Form and Section B (which shall remain affixed to each other) of the "Provisional Ballot Application" (Note: Section A shall remain affixed to the "Provisional Ballot Envelope"; see Subsections 6(A)(5) and 6(A)(6) of these rules and regulations for instructions on processing the RI Registration Form and Section B of the "Provisional Ballot Application");

b) upon having determined the disposition of each provisional ballot in a precinct and separating the RI Registration Form and Section B from Section A of the "Provisional Ballot Application" the local board shall sort the provisional ballots cast at a precinct by disposition (i.e. All "Full Ballots' on top followed by all ballots for "Federal Offices Only" followed by all 'Disqualified" ballots) and place the provisional ballots into the provisional ballot receptacle from which they were delivered; and

c) place the provisional ballot receptacles for each precinct into the provisional ballot transfer case for transmittal to the Board of Elections in the manner, and pursuant to the schedule, established by the state board.

4) Forthwith, after having determined the disposition of all of the provisional ballots in the community the local board shall, pursuant to the procedures established by the state board, enter the requisite provisional ballot information onto the Board of Elections' website.

5) Subsequent to having entered all of the requisite data onto the Board's website the local board shall place the RI Registration Form and Section B of the "Provisional Ballot Application" into a sealed envelope labeled 'Provisional Ballots - Attestation & Registration" which shall remain sealed until the local board is authorized by the Board of Elections to open said envelope.

6) Upon receiving authorization from the state board the local board may open the envelope labeled "Provisional Ballots - Attestation & Registration' at which time the RI Registration Form shall be separated from Section B and each shall be processed in the following manner:

a) the Rhode Island Voter Registration Form:

i) if, pursuant to the procedures set forth in Subsection 6(B), it is determined that the individual casting a provisional ballot is an eligible voter and the information provided on the RI Registration Form matches the information on the community's official list of registered voters the local board shall affix the RI Registration Form to the individual's voter

registration form on file; or

ii) if, pursuant to the procedures set forth in Subsection 6(B), it is determined that the individual casting a provisional ballot is an eligible voter but the information provided on the RI Registration Form does not match the information on the community's official list of registered voters the local board shall treat and process the RI Registration Form in the same manner as prescribed by the Board of Elections for registrations which are submitted for the purpose of changes of name and/or address, or registrations which are defective or missing information; or

iii) if, pursuant to the procedures set forth in Subsection 6(B), it is determined that the individual casting a provisional ballot is not an eligible voter, the local board shall treat and process the RI Registration Form as a new application for voter registration and proceed accordingly.

b) Section B shall be placed in a sealed envelope labeled "Provisional Ballots - Voter Attestation" and shall be retained by the local board for a period of twenty-two (22) months from the date of the election.

B. Certifying Provisional Ballots

In determining the disposition of a provisional ballot the local board shall compare the information on the RI Registration Form of the "Provisional Ballot Application" with the information on the community's official list of registered voters to determine if a "match" exists. After comparing the information on the "Provisional Ballot Application" with the community's official list of registered voters the provisional ballot shall be processed as follows:

1) If the name, date of birth and community which appears on the RI Registration Form of the "Provisional Ballot Application" can be matched with an individual who appears on the community's official list of registered voters the individual shall be deemed to be an eligible voter in the community and shall be eligible to vote pursuant to a or b below: (Note: If more than one match is found a comparison of the signatures appearing on the 'Provisional Ballot Application" and the community's official list of registered voters shall be undertaken to determine the appropriate match.)

a) if the street address which appears on the "Provisional Ballot Application" matches the street address which appears on the community's official list of registered voters or if the street address which appears on the "Provisional Ballot Application" is in the same voting district as the street address which appears on the community's official list of registered voters the individual shall be deemed eligible to cast a "Full Ballot" and the local board shall so indicate on the "Provisional Ballot Application"; or

b) if the street address which appears on the "Provisional Ballot Application" does not match the street address which appears on the community's official list of registered voters and the street address is located outside of the voting district where the provisional ballot was cast the individual shall be deemed eligible to cast a ballot for "Federal Offices Only" and the local board shall so indicate on the "Provisional Ballot Application"; provided,

however, that in the City of Providence, if the street address which appears on the "Provisional Ballot Application" does not match the street address which appears on the community's official list of registered voters and the street address is located outside of the voting district and Congressional District where the provisional ballot was cast the individual shall be deemed eligible to cast a ballot for the offices of president and vice president only, and the local board shall so indicate on the "Provisional Ballot Application."

2) If the name, date of birth and community which appears on the RI Registration Form of the "Provisional Ballot Application" cannot be matched with an individual who appears on the community's list of registered voters the individual shall be deemed to be ineligible to vote and his/her ballot shall be "Disqualified" and the local board shall so indicate on the 'Provisional Ballot Application."

Notwithstanding the provisions of Subsection 6(B), the Board of Elections reserves the right to establish additional procedures to ascertain an individual's eligibility to cast a ballot and have said ballot counted or disqualified.

Moreover, unless determined otherwise by the state board, the decision by the local board as to the disposition of a provisional ballot, which shall have been ascertained in accordance with these rules and regulations, shall be final.

C. Mail Ballots Submitted By First-Time Registrants By Mail Without The Requisite Identification & Deemed Provisional Ballots

Mail ballots of first-time registrants by mail which are received at the Board of Elections and which are required to include the requisite identification prior to or at the time of voting and for which the requisite identification is not received shall be deemed provisional ballots. The Board of Elections shall, upon receipt of a mail ballot deemed to be a provisional ballot:

1) contact the local board in the community in which the individual casting the mail ballot is registered to vote and determine whether the requisite identification has been submitted and, if said identification has not been submitted, the state board shall obtain a copy of the individual's application for registration; and

2) based on the information provided on the individual's application for registration, the state board shall attempt to verify said information; and

a) if the state board is able to verify the accuracy of the information provided on the application for registration and it is determined that the individual cast his/her ballot in the community in which he/she is registered to vote the state board shall determine whether the individual is eligible to cast a "Full Ballot" or a ballot for "Federal Offices Only" and shall notify the local board of its findings; or

b) if the state board is unable to verify the accuracy of the information provided on the application for registration the ballot shall be 'Disqualified."

Section 7. Tabulation Of Provisional Ballots

All provisional ballots shall be tabulated by the Board of Elections in the manner prescribed by the Board which shall include, but not be limited to, the procedures set forth herein.

A. Provisional Ballots Cast At A Precinct

Provisional ballots cast at a precinct, which have been processed and certified pursuant to Sections 6(A) and 6(B) of these rules and regulations, shall be transmitted by the local board to the state board for tabulation. Upon receipt of all of the provisional ballots cast in a community the state board shall:

1) Separate the "Provisional Ballot Envelopes" into the following categories:

a) "Full Ballots";

b) "Federal Offices Only"; and

c) "Disqualified".

2) Place all of the "Provisional Ballot Envelopes" cast within a community and marked as "Disqualified" ballots into a sealed container. Said 'Disqualified" ballots shall be returned to the local board for storage in accordance with Section 17-19-39.1.

3) Open those "Provisional Ballot Envelopes" cast within a community and marked as "Full Ballots" and proceed to remove and separate each ballot from its "Provisional Ballot Envelope" so as to be unable to determine from which envelope the ballot was removed. The Board shall then:

a) commence tabulating all ballots deemed to be "Full Ballots"; and

b) upon completing the tabulation of said "Full Ballots," the state board shall place said ballots, along with the "Provisional Ballot Envelopes," into a sealed container which shall be returned to the local board for storage in accordance with Section 17-19-39.1.

4) Open those "Provisional Ballot Envelopes" cast within a community and marked as "Federal Offices Only" and proceed to remove and separate each ballot from its "Provisional Ballot Envelope" so as to be unable to determine from which envelope the ballot was removed. The Board shall then:

a) commence tabulating all ballots deemed to be for "Federal Offices Only"; and

b) upon completing the tabulation of said "Federal Offices Only" ballots, the state board shall place said ballots, along with the "Provisional Ballot Envelopes," into a sealed container which shall be returned to the local board for storage in accordance with Section 17-19-39.1.

5) Upon completing the tabulation of all "Full" and "Federal Offices Only' ballots the state board shall add the number of provisional votes cast in a precinct for a candidate or ballot question, as the case may be, to the total number of votes cast in a precinct on election day. Moreover, the Board shall report the total votes cast at a precinct as the sum of all ballots

tabulated at a precinct on election day plus those provisional ballots tabulated at the state board, except as provided in Section 7(B).

B. Mail Ballots Deemed To Be Provisional Ballots

Prior to completing its tabulation of the mail ballots cast in an election the Board of Elections shall, pursuant to Section 6(C), determine whether a mail ballot which is deemed to be a provisional ballot is eligible to be counted as either a "Full Ballot" or a "Federal Offices Only" ballot, or is a 'Disqualified" ballot and ineligible to be counted.

All mail ballots deemed to be provisional ballots which are eligible to be counted shall be tabulated by the state board at the time all other mail ballots are tabulated and the votes cast on said provisional ballots shall be included in the total number of mail ballots cast. Said ballots shall be retained and stored at the state board in accordance with Section 17-19-39.1.

Section 8. Access To Provisional Ballot Information

A. Access System To Determine Disposition Of Ballot

There shall be established on the Board of Elections' internet website a 'link" for provisional voting which an individual who has cast a provisional ballot may access in order to determine the disposition of his/her ballot. Upon "linking" to the appropriate page the individual will be instructed on how to proceed.

To maintain the security, confidentiality and integrity of each individual casting a provisional ballot access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot as well as the appropriate state officials responsible for maintaining the system established by the Board and the local officials entering the data regarding the provisional ballot. Thus, access to any information regarding the disposition of an individual's provisional ballot may only be gained by entering the individual's last name and "Ballot ID No." which appears on the 'Provisional Ballot Receipt" and which was presented to the individual at the time of casting his/her provisional ballot (see Section 5(A)(3)(c)(i).)

Upon accessing the appropriate web page and entering his/her last name and 'Ballot ID No." an individual shall be able to determine:

1) The disposition of his/her ballot, which shall be:

a) "Counted - Full Ballot"; or

b) "Counted - Federal Offices Only"; or

c) "Disqualified - Ballot Not Counted."

2) If the "Full Ballot" was not counted, the reason why the ballot was not counted.

B. Confidentiality Of Provisional Ballots

Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot. Thus, election officials shall, during the casting, transmittal, certification and tabulation of provisional ballots take all necessary precautions to protect the security and confidentiality of each ballot thereby ensuring that information related to said ballot, including its disposition, shall be restricted to the individual having cast said ballot.

Section 9. Exceptions: Individuals Eligible Or Ineligible To Cast A Provisional Ballot

Subject to the provisions of Subsection (A) or (B) of this section, an individual may be declared eligible or ineligible, as the case may be, to cast a provisional ballot and have said ballot counted.

A. Primary Voters - Party Affiliation

An individual who, upon presenting himself/herself to vote in a primary and who is deemed to be an eligible voter, but asserts that he/she is affiliated with a party other than the party which appears on the official list of registered voters for the voting district or community, shall be permitted to cast a provisional ballot. With the following exceptions, said ballot shall be cast, processed, certified and tabulated pursuant to these rules and regulations.

1) At the time of presenting a ballot to the voter, the appropriate election official shall present a ballot of the party with whom the voter asserts he/she is affiliated.

2) Upon receipt of a provisional ballot having been cast by said individual, the local board shall determine which party the voter is affiliated with and proceed pursuant to a or b below.

a) If it is determined that the individual is eligible to cast a ballot in the party primary in which he/she, in fact, cast his/her ballot the ballot shall be counted as a "Full" or '" Federal Offices Only" ballot, pursuant to the requirements set forth herein.

b) If it is determined that the individual is ineligible to cast a ballot in the party primary in which he/she cast his/her ballot, the ballot shall be 'Disqualified."

Notwithstanding any other provision of these rules and regulations, a provisional ballot cast by an individual who is deemed to be ineligible to vote in the party primary in which he/she cast a ballot shall be 'Disqualified."

B. Ineligibility To Cast A Provisional Ballot - Incorrect Congressional District

An individual shall be ineligible to cast a provisional ballot in a congressional district other than that in which said individual is eligible to vote. Moreover, except as provided in Section 6(B)(1)(b) of the within rules and regulations, an individual who casts a provisional ballot shall be declared ineligible to vote and have his/her ballot declared "Disqualified' and not counted if said ballot was cast in a congressional district other than the congressional district in which the individual is deemed eligible to vote.

Section 10. Implementation

The Board of Elections shall promulgate the appropriate policies and procedures as well as institute the requisite forms and systems necessary to effectuate the within rules and regulations. Moreover, the Board may, at its sole discretion, adopt and implement any measures it deems appropriate to facilitate the implementation of provisional voting as required by the Help America Vote Act of 2002 and the Rhode Island General Laws including, but not limited to, the addition or deletion of any provisions to these rules and regulations which it deems necessary to the fulfill the requirements of HAVA.

These rules and regulations are adopted this 6th day of July 2004 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, et seq.).

By Order of

Rhode Island Board of Elections

Roger N. Begin, Chairman

POLICY
ON THE
PERMITTED/PROHIBITED USES OF CAMPAIGN FUNDS

The within policy is hereby adopted by the Board of Elections (the 'Board") for the purpose of clarifying and expounding on the provisions and requirements of Section 17-25-7.2 of the Rhode Island Campaign Finance & Expenditures Reporting Act (the "Act") regarding the permitted and prohibited used of campaign funds.

(Note: The policy adopted by the Board appears in italics beneath the specific expenditure item which the Board is seeking to address with the adoption of said policy.)

17-25.7.2 Personal use of campaign funds prohibited. -

a) The personal use by any elected public office holder or by any candidate for public office, as defined in Section 17-25-3, of campaign funds contributed after April 29, 1992, shall be prohibited. For the purpose of this section, "personal use' is defined as any use other than expenditures related to gaining or holding office and for which the candidate for public office or elected public official would be required to treat the amount of the expenditure as gross income under Section 61 of the Internal Revenue Code of the United States, as from time to time amended.

b) Expenditures that are specifically prohibited under this chapter include:

1) Any residential or household items, supplies or expenditures, including mortgage, rent or utility payments for any part of any personal residence of a candidate or officeholder or a member of the candidate's or officeholder's family;

2) Mortgage, rent or utility payments for any part of any non-residential property that is owned by a candidate or officeholder or a member of a candidate's or officeholder's family

and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage;

3) Funeral, cremation, or burial expenses, including any expenses related to deaths within a candidate's or officeholder's family;

4) Clothing, other than items of de minimis value that are used in the campaign;

a) Expenditures for clothing shall be limited to items of de minimis value which display the candidate's name or message, or which promote the advocacy or defeat of an issue, or ballot question. The cost per unit of said clothing shall not exceed twenty-five dollars ($25.00).

b) Clothing which is rented for a specific campaign or officeholder activity shall be deemed an allowable expense, provided that the campaign making said rental shall be required to report the item rented and the specific campaign or officeholder activity for which it was rented.

5) Tuition payments;

6) Dues, fees or gratuities at a country club, health club, recreational facility or other nonpolitical organization, unless part of a specific fundraising event that takes place on the organization's premises;

7) Salary payments to a member of a candidate's family, unless the family member is providing bona fide services to the campaign. If a family member provides bona fide services to a campaign, any salary payments in excess of the fair market value of the services provided is personal use;

8) Admission to a sporting event, concert, theater, or other form of entertainment, unless part of a specific campaign or officeholder activity.

a) The purchase of "season tickets" is prohibited.

b) Individual tickets for individual events purchased as part of a specific campaign or officeholder activity is a permitted use of campaign funds, provided, that the campaign making said purchase shall be required to report the specific campaign or officeholder activity participated in and its purpose.

9) Payments of any fines, fees or penalties assessed pursuant to this chapter.

c) Any expense that results from campaign or officeholder activity is permitted use of campaign funds. Such expenditures may include:

1) The defrayal or ordinary and necessary expenses of a candidate or officeholder;

2) Office expenses and equipment, provided the expenditures and the use of the equipment can be directly attributable to the campaign or the officeholder's duties and responsibilities;

3) Donations to charitable organizations, provided the candidate or officeholder does not personally benefit from the donation or receive compensation from the recipient organization;

4) Travel expenses for an officeholder, provided that the travel is undertaken as an ordinary and necessary expense of seeking, holding, or maintaining public office, or seeking, holding, or maintaining a position within the legislature or other publicly elected body. If a candidate or officeholder uses campaign funds to pay expenses associated with travel that involves both personal activities and campaign or officeholders activities, the incremental expenses that result from the personal activities are personal use, unless the person(s) benefiting from this use reimburse(s) the campaign account within thirty (30) days for the amount of the incremental expenses.

a) In-State Travel: A candidate or officeholder is permitted to expend campaign funds for travel directly related to a campaign or officeholder activity. A candidate or officeholder expending funds for in-state travel shall be required to file a "Vehicle Travel Accounting Report" (Form CF-101) ("MV Travel Report") (see "Exhibit A"). A candidate or officeholder may seek reimbursement at a rate established by the Internal Revenue Service (IRS) for the year in which the travel is incurred.

b) Vehicle repair costs are prohibited.

c) The rental of a vehicle for a specific campaign or officeholder activity is permitted, provided that said campaign or officeholder activity must be reported.

d) The leasing of vehicles is prohibited, provided that the candidate or officeholder, who contends that the leasing of a vehicle is necessary for a campaign or for the officeholder to execute the duties of his or her office may, prior to using funds from a campaign account, file a request with the Board of Elections seeking authorization to use said funds to lease a vehicle.

5) Gifts of nominal value and donations of a nominal amount made on a special occasion such as a holiday, graduation, marriage, retirement or death, unless made to a member of the candidate's or officeholder's family.

a) "Nominal Value" shall mean a gift that does not exceed one hundred dollars ($100.00) per occasion, unless otherwise authorized by the Board of Elections prior to said expenditure being incurred.

6) Meal expenses which are incurred as part of a campaign activity or as part of a function that is related to the candidate's or officeholder's responsibilities, including meals between and among candidate's and/or officeholders that are incurred as an ordinary and necessary expense of seeking, holding, or maintaining public office, or seeking, holding, or maintaining a position within the legislature or other publicly elected body;

7) Food and beverages that are purchased as part of a campaign or officeholder activity.

Other:

a) The use of funds from a campaign account for the purpose of grooming or enhancing one's personal appearance is prohibited. Such prohibited expenditures include, but are not limited to: cosmetic surgery, haircuts, hairpieces, make-up, etc., provided that if said expenditure is incurred for the purpose of a specific candidate or officeholder activity, i.e., a debate, or the appearance on television or other public forum, and, provided further, that the candidate or officeholder can demonstrate that said expenditure was a necessary expenditure for said activity. Moreover, a candidate or officeholder seeking to expend funds for said purpose shall be required to report the specific candidate or officeholder activity for which said expenditure was required.

d) Any campaign funds not used to pay for the expenses of gaining or holding public office may:

1) Be maintained in a campaign account(s);

2) Be donated to a candidate for public office, to a political organization, or to a political action committee, subject to the limitation on contributions in Section 17-25-10.1;

3) Be transferred in whole or in part into a newly established political action committee;

4) Be donated to a tax exempt charitable organization as that term is used in Section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. Section 501, or any subsequent corresponding internal revenue code of the United States as from time to time amended;

5) Be donated to the state of Rhode Island; or

6) Be returned to the donor.

The within policy is hereby adopted by the Board of Elections this 1st day of June 2004.

_____

Roger N. Begin

Chairman

"Exhibit A'

'NOTE: THIS SECTION CONTAINS A FORM. THE STATE IS NOT MAKING IT AVAILABLE IN A FORMAT THAT IS REPRODUCIBLE ELECTRONICALLY. FOR A COPY OF THE MISSING FORM PLEASE CALL HELPDESK AT 800-726-4566 or 916-444-0840."

POLICY ON
FINES & PENALTIES
FOR CONTRIBUTIONS MADE & RECEIVED
IN EXCESS OF THE

ALLOWABLE ANNUAL CONTRIBUTION LIMITS

The within policy is for the purpose of establishing a schedule of fines and penalties for those contributions made and received by individuals, candidates/officeholders and entities in accordance with the Rhode Island Campaign Contributions & Expenditures Reporting Act ("Act") and which exceed the allowable annual contribution limits permitted by the Act.

Section 1. Definitions

For the purpose of this policy, the following definitions shall be in effect:

"Candidate/Officeholder" shall mean a candidate as defined pursuant to Section 17-25-3(2); an individual elected to and/or holding public office; and, an individual accepting contributions and/or incurring expenditures or maintaining an "open" campaign account are required to file reports with the Board of Elections pursuant to the requirements of Section 17-25.

"Entity" shall mean a political party committee and political action committee (PAC).

Section 2. Fines & Penalties

A. Contributions Made In Excess Of Allowable Limits

An individual, candidate/officeholder or entity which makes a contribution to a candidate/officeholder or entity which is in excess of the allowable annual contribution limits shall be subject to the following:

1) Upon determining that an individual, candidate/officeholder or entity has made a contribution (or contributions) to a candidate/officeholder or entity which, in the aggregate, exceeds the allowable annual contribution limits, the individual, candidate/officeholder or entity, as the case may be, shall be issued a warning against making any further contributions which exceed the allowable annual limits, including those contributions which may be made in excess of the allowable annual limits to other candidates/officeholders or entities.

2) Upon determining that an individual, candidate/officeholder or entity, who has previously received a warning from the Board pursuant to Subsection 2(A)(1), has made a contribution (or contributions) to a candidate/officeholder or entity which, in the aggregate, exceeds the allowable annual contribution limits, the individual, candidate/officeholder or entity, as the case may be, shall be issued a second warning against making any further contributions which exceed the allowable annual limits, including those contributions which may be made in excess of the allowable annual limits to other candidates/officeholders or entities.

3) Upon determining that an individual, candidate/officeholder or entity, who has received a second warning from the Board pursuant to Subsection 2(A)(2), has made a contribution (or contributions) to a candidate/officeholder or entity which, in the aggregate, exceeds the allowable annual contribution limits, the individual, candidate/officeholder or entity, as the case may be, shall be fined one hundred dollars ($100.00) for each contribution(s) made to any candidate/officeholder or entity which exceeds the allowable annual contribution limits.

B. Contributions Received In Excess Of Allowable Limits

A candidate/officeholder or entity which accepts contributions in excess of the allowable annual contribution limits shall be subject to the following:

1) Upon determining that a candidate/officeholder or entity has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be issued a warning by the Board of Elections against accepting contributions which exceed the allowable annual limits.

2) Upon determining that a candidate/officeholder or entity, who has previously received a warning from the Board of Elections pursuant to Subsection 2(B)(1), has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be issued a second warning against accepting contributions which exceed the allowable annual limits.

3) Upon determining that a candidate/officeholder or entity, who has received a second warning the from the Board pursuant to Subsection 2(B)(2), has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be fined twenty- five dollars ($25.00) for each contribution received which exceeds the allowable annual contribution limits.

4) Upon determining that a candidate/officeholder or entity, who has been fined pursuant to Subsection 2(B)(3), has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be fined fifty dollars ($50.00) for each contribution received which exceeds the allowable annual contribution limits.

5) Upon determining that a candidate/officeholder or entity, who has been fined pursuant to Subsection 2(B)(4), has received contributions which, in the aggregate, exceed the allowable annual contribution limits, the candidate/officeholder or entity, as the case may be, shall be fined one hundred dollars ($100.00) for each contribution received which exceeds the allowable annual contribution limits.

The fines and penalties established in this section may be issued by the Board or its designee; provided, however, that the Board or its designee may reduce or waive any fines which may be assessed pursuant to this section.

Notwithstanding any other provision or requirement of this section, the Board of Elections may, at its sole discretion, take any further action against an individual, candidate/officeholder or entity which it deems appropriate and which may be permitted pursuant to the Rhode Island Campaign Contributions And Expenditures Reporting Act.

Section 3. Applicability

This policy shall be effective upon adoption and shall apply to all contributions made or

received commencing on January 1, 2004; provided, however, that any individual, candidate/officeholder or entity who shall have made or accepted contributions in excess of the allowable annual limits prior to adoption of these policies shall not be penalized or fined beyond the issuance of a warning as provided for in Subsection 2(A)(1) or 2(B)(1), as the case may be, for the contributions made or accepted during this period which exceeded the allowable limits.

The within policy is hereby adopted by the Board of Elections this 1st day of June 2004.

_____

Roger N. Begin

Chairman

RULES & REGULATIONS
ADOPTED BY THE
RHODE ISLAND BOARD OF ELECTIONS
RELATING TO RECOUNTS

The Rhode Island Board of Elections hereby adopts the within rules and regulations ("rules') relating to election recounts pursuant to, and in accordance with, the provisions of sections 17-7 et seq., 17-19-37.1, 17-19- 37.2, 17-19-37.3 and 17-12.1-14 of the Rhode Island General Laws of 1956, as amended.

Said rules and regulations are adopted pursuant to the Administrative Procedures Act (R.I.G.L. 42-35 et seq.) and are available for public inspection at the offices of the Rhode Island Board of Elections, 50 Branch Avenue, Providence, Rhode Island.

Section 1. Purpose

The following rules and regulations are adopted by the Board of Elections for the purpose of facilitating the accurate and efficient administration of election recounts which may be required to be conducted pursuant to the Rhode Island General Laws.

Section 2.

Application

A. Candidates & Write-In Candidates

A candidate or write-in candidate seeking a recount of the votes cast in his or her race and meeting the eligibility requirements set forth in the Rhode Island General Laws must make a written application to the Board of Elections to request said recount. Said application shall include the following:

-the name, address and daytime & evening telephone numbers of the candidate (if applicable, the application should also include the name, address and telephone numbers of an attorney or person who the candidate designates to represent him or her);

-the office for which the recount is being sought (including district number, if applicable);

-the date on which the application is made; and

-the signature of the candidate which shall be attested to by a notary public.

Applications will be considered to have been filed only when the signed original application is received at the Board of Elections, 50 Branch Avenue, Providence, Rhode Island and must be received by the appropriate deadline as stated below. Applications not received by the appropriate deadline or not executed pursuant to the requirements stated herein shall be rejected.

As soon as possible after the filing of an application submitted in conformance with the requirements of this section the Executive Director of the Board shall review and examine the results of the race for which the recount is sought and determine whether the applicant meets the eligibility requirements for a recount. Upon making said determination the Director shall proceed to notify the applicant of the disposition of his or her application and, if required, schedule said recount.

Deadlines for filing applications:

For a primary	By 4:00 p.m. the day after the primary
For an election	By 4:00 p.m. on the seventh (7th) day following the election

B. Ballot Questions - Person, Group Or Organization Of "Recognized Standing'

A person, group or organization of "recognized standing" seeking a recount of the votes cast for a ballot question shall be required to adhere to the application requirements and deadlines set forth in Section 2A of these rules. Moreover, the party seeking said recount shall identify in the recount application the ballot question for which the recount is being sought as well as provide evidence as to the party's assertion of "recognized standing' relative to the ballot question.

At the time of reviewing the application for a recount, it shall be determined whether the

person, group or organization is of "recognized standing" and deemed eligible to request said recount.

Section 3. Procedures For The Recounting Of Ballots

The Board of Elections shall establish the policies and procedures to be used in conducting election recounts. The Board shall implement the measures necessary to secure the ballots to be recounted and to protect and ensure the integrity of the election and recount process. Moreover, the Board shall take the steps necessary to conduct an efficient, orderly and accurate recounting of the ballots cast in elections qualifying for recounts pursuant to the Rhode Island General Laws, including the publication of a "Guide To Election Recounts" (see attached Exhibit A) which is made a part of these rules and shall generally serve to direct and inform persons as to the requirements and manner in which election recounts shall be conducted.

Notwithstanding any other provision of these rules, the Board of Elections may, acting upon its own motion and at its sole discretion, adopt and implement the measures it deems appropriate to facilitate the accurate and orderly conduct of election recounts.

These rules and regulations are adopted this 20th day of August 2004 pursuant to the Administrative Procedures Act (R.I.G.L. 42-35-1, et seq.).

By Order of the

Rhode Island Board of Elections

_____

Roger N. Begin

Chairman

"Exhibit A'

GUIDE
TO
ELECTION RECOUNTS
STATE OF RHODE ISLAND
BOARD OF ELECTIONS
50 Branch Avenue
Providence, Rhode Island 02904

GUIDE TO
ELECTION RECOUNTS

The Board of Elections is responsible for conducting recounts in all local, state and federal elections held in Rhode Island. This guide reflects the laws of the State of Rhode Island as well as the rules, regulations, policies and procedures established by the Board for the purpose of conducting election recounts in a timely, orderly and accurate manner. Included

herein are the eligibility requirements for a recount and the steps to be followed by a person seeking a recount. A person seeking a recount of the votes cast in a race must do so in the manner prescribed herein.

##########################

Section 1. Deadline For Submittine An Application For A Recount

The deadline for filing an application for a recount is as follows:

For a primary	By 4:00 p.m. on the day after the primary
For an election	By 4:00 p.m. on the seventh (7th) day following the election

Section 2. Application For A Recount

A candidate or write-in candidate seeking a recount of the votes cast in his or her race must make a written application to the Board of Elections requesting said recount. The application shall include the following:

-the name, address and daytime & evening telephone number of the candidate (if applicable, the application should also include the name, address and telephone numbers of an attorney or person who the candidate designates to represent him or her);

-the office for which the recount is being sought (including district number, if applicable);

-the date on which the application is made; and

-the signature of the candidate which shall be attested to by a notary public.

Applications will be considered to have been filed only when the signed original application is received at the Board of Elections, 50 Branch Avenue, Providence, Rhode Island. Applications not received by the deadline stated above or not executed pursuant to the requirements stated herein shall be rejected.

Section 3. Eligibility Requirements - Candidates For Public Office

A candidate for public office is defined as a person who has qualified under law to have his or her name appear on the ballot for nomination for election or election to any federal, state, municipal, school, or district office that is filled by popular election; except it shall not include political party offices which shall mean any state, city, town, ward, or representative or senatorial district committee office of a political party or delegate to a political party convention, or any similar office.

A candidate for public office shall be eligible to request a manual re-feeding of the computer ballots cast at each precinct in his or her race pursuant to the eligibility requirements listed in a or b below, as may be applicable; provided, however, that a candidate who does not qualify for a manual re-feeding of the ballots, but who trails the winning candidate by 5% or less, shall be eligible to request a recount pursuant to the recount procedure outlined in Section 6.

a) When One Candidate Is Elected:

If the Total Votes*

cast in a race is:	A candidate must trail the winning candidate by:
Less than or equal to 20,000	
20,001 - 100,000	
Greater than 100,000	2% or 200 votes; whichever is less
	1% or 500 votes; whichever is less
	.5% or 1,500 votes; whichever is less

* Total Votes shall include the total votes not include over/undervoted ballots.

b) When More Than One Candidate Is Elected: (A race in which voters are permitted to vote for more than one candidate.)

If the Total Votes*

cast in a race is:	A candidate must trail the winning candidate by:
Less than or equal to 5,000	
5,001 - 20,000	
Greater than 20,000	2% or 50 votes; whichever is less
	1% or 100 votes; whichever is less
	.5% or 150 votes; whichever is less

* Total Votes shall include the total votes eligible to be cast divided by the number of candidates for whom each voter may cast votes.

The results of a recount conducted pursuant to Section 3 shall be final.

Section 4. Eligibility Requirements - Write-In Candidates

A write-in candidate for public office is defined as a person receiving votes or seeking election to public office by virtue of having irregular ("write-in") ballots cast for him or her pursuant to Section 17-19-31.

A write-in candidate for public office shall be eligible to request a manual recounting of the irregular ballots cast at each precinct in his or her race pursuant to the following:

a) if, following the initial manual count of all irregular ballots, the write-in candidate shall have received a minimum of ten (10) votes or one percent (1%) of the votes cast in the race, whichever is greater; provided, however, that if no candidates appear on the ballot in said race and only write-in candidates receive votes a "write-in candidate" shall be required to receive at least 10 votes in the race; and

b) the write-in candidate shall trail the winning candidate by less than the number of votes required to qualify for a recount pursuant to Section 3(a) or 3(b) above, as the case may be.

The results of a recount conducted pursuant to Section 4 shall be final.

Section 5. Eligibility Requirements - Ballot Ouestions & Candidates For Other Offices

a) Ballot Questions

In the case of a ballot question, a person, group or organization of 'recognized standing," as determined by the Board of Elections, may request a manual re-feeding of the computer ballots cast at each precinct if the difference between "Approve" and "Reject" is less than one-half of one percent (1/2%) or 500 votes, whichever is less; provided, however, that if a ballot question does not qualify for a manual re-feeding of the ballots cast, a person, group or organization of "recognized standing" may request a re-reading of the memory packs and having the results compared to those obtained on election night if the difference between "Approve" and "Reject" is as follows:

-If less than 100,000 total votes* were cast the difference is 2% or less;

-If 100,000 or more total votes* were cast the difference is 1 % or less.

The party seeking a recount of a ballot question shall be required to adhere to the deadlines and application requirements set forth in Sections 1 & 2 of this publication. As part of the recount application, the party shall identify the ballot question for which the recount is being sought as well as provide evidence as to the party's assertion of "recognized standing' vis-a-vis the ballot question.

* Total Votes cast shall be determined by adding the total number of votes cast for "Approve" and 'Reject;" it shall not include over/undervoted ballots.

b) Candidates For Other Offices (Non-Public Offices)

A candidate for any office other than a public office shall be eligible to request a re-reading of the memory packs and having the results compared to those obtained on election night pursuant to the following eligibility requirements:

Number Of Candidates Elected	A candidate must trail the winning candidate by:
1	Less than 2% or 100 votes; whichever is less
2-7	Less than 1 % or 25 votes: whichever is less
> 8	Less than .5% or 25 votes; whichever is less

* Total Votes cast in a race for a Non-Public Office shall be determined in the same manner as that of races for Candidates for Public Office.

The results of a recount conducted pursuant to Section 5 shall be final.

Section 6. Recounts:

-Candidates For Public Office Who Fail To Meet The Eligibility Requirements Prescribed In Section 3 But Who Trail The "Winning" Candidate By 5% Or Less

A candidate in a race for public office who fails to qualify for a manual re-feeding of the computer ballots pursuant to the eligibility requirements in Section 3, but who trails the winning candidate in said race by 5% or less, may request a recount in his or her race as follows:

(1) The candidate may seek a recount of the votes cast by having the memory packs re-read and comparing the results and totals obtained at such recount with the results and totals obtained on election night. IF THERE IS NO CHANGE IN THE TOTALS, THE ELECTION NIGHT TOTALS SHALL STAND AS REPORTED.

(2) If the recount conducted in (1) above results in a discrepancy between the results obtained on election night and the results produced as a result of the recount AND, subsequent to said recount, the candidate shall meet the eligibility requirements as prescribed in Section 3, the candidate shall be eligible to request a manual re-feeding of the computer ballots cast at each precinct in said race into the optical scan voting equipment.

A candidate who wishes to have a recount conducted as defined in (2) above must notify the Board, in writing, within 24 hours of the conclusion of the recount conducted pursuant to (1) above.

A write-in candidate is not eligible for a recount pursuant to Section 6.

The results of a recount conducted pursuant to Section 6 shall be final.

Section 7. Mail Ballots & Provisional Ballots

Mail ballots and provisional ballots are tabulated in open session by the Board of Elections. This process takes place in full view of the public and all candidates are afforded the opportunity to witness and observe the tabulation process. Thus, as the task of tabulating mail ballots and provisional ballots is executed by the Board and ample opportunity is available for candidates to witness and observe the process, said ballots shall not be recounted by the Board.

Note: For the dates and times of ballot tabulation contact the Board of Elections at 222-2345.

Section 8. Scheduling & Notification Of Recount

Upon receipt of a recount application the Board of Education shall review said application and determine the eligibility of the candidate for the recount requested. Shortly thereafter, the Board will notify the candidate (or the representative designated by the candidate in the application) of the disposition of his or her application and, if the candidate qualifies, schedule the recount. The Board will then contact other parties who may have an interest in the recount.

Note: Recounts will be scheduled and conducted as soon as practicable after it has been determined that the candidate is eligible for a recount. It is the responsibility of the candidate to provide the Board with the contact information necessary to ease and facilitate swift communication between the Board of Elections and the candidate. Nothwithstanding any other recount or notice provisions, the Board of Elections shall not be responsible or held liable for its inability to give notice to a candidate who fails to provide the necessary contact information.

Section 9. Conduct Of Recount

All recounts are held at the Board of Elections, 50 Branch Avenue, Providence, Rhode Island. Candidates and/or their representatives are welcome to be present during recounts. In addition, the public and members of the media are invited to observe the proceedings. For information regarding the manner in which election recounts are conducted, including the role of the candidate during the recounting of his or her race, contact the Board of Elections.

South Carolina Voting Statutes

S.C. Code Ann. § 7-5-440 – Failure to notify county board of voter registration of change in address

S.C. Code Ann. § 7-13-810 - Prevention of illegal voting or taking too much time; challenging voters

S.C. Code Ann. § 7-13-820 – Voting by person whose name is not on registration book

S.C. Code Ann. § 7-13-830 – Procedure when voter challenged

S.C. Code Ann. § 7-17-10 – Meeting and organization of county board of canvassers

S.C. Code Ann. § 7-5-155 - Registration of voters by mail

S.C. Code Ann. § 7-17-20 – Canvass of votes

S.C. Code Ann. § 7-5-440 – Failure to notify county board of voter registration of change in address

(A) A qualified elector who has moved from an address in a precinct to an address in the same precinct shall, notwithstanding failure to notify the county board of voter registration of the change of address prior to the date of an election, be permitted to vote at that precinct's polling place upon oral or written affirmation by the qualified elector of the change of address before an election official at that polling place.

(B) A qualified elector who has moved from an address in one precinct to an address in another precinct within the same county, or has moved to another county within the thirty-day period before an election, and who has failed to notify the county board of voter registration of the change of address before the date of an election, at the option of the elector:

(1) must be permitted to correct the voting records and vote provisional ballots containing only the races for federal, statewide, countywide, and municipalwide offices pursuant to the provisions of Section 7-13-830 at the elector's former polling place, upon oral or written affirmation by the elector of the new address before an election official at that polling place; or

(2) must be permitted to correct the voting records and vote at a central location located at the main office of the county board of voter registration in his new county of residence where a list of eligible voters is maintained, upon written affirmation by the elector of the new address on a standard form provided at the central location.

(C) If the registration records indicate inaccurately that a qualified elector has moved from an address in the precinct, the elector shall be permitted to vote at that polling place, upon oral or written affirmation by the elector before an election official at that polling place that the qualified elector continues to reside at his address.

(D) For voting purposes, in the case of a change of address of a qualified elector to another address within the same county, the county board of voter registration shall correct the voting registration list accordingly, and the elector's name may not be removed from the official list of eligible voters except as provided in Section 7-5-330(F).

(E) At least one member of the county board of voter registration, the clerk, or deputy registrar must be present in the registration board's office at all hours during which the polls are open on every election day for the purpose of carrying out the provisions of this section.

(eff. 2000)

S.C. Code Ann. § 7-13-810 - Prevention of illegal voting or taking too much time; challenging voters

The managers of election shall prevent any person from voting when they have good reason to believe the person has already voted. They shall refuse to allow a person to vote who is not a registered elector or who has become disqualified for any cause to vote in the voting precinct. They may also prevent any voter from consuming more than five minutes in voting, but no manager may examine, read, or handle the ballot being voted or about to be voted by a voter or interfere in any way with the voting of a voter otherwise than provided in this section. It is the duty of the managers

of election to, and any elector or qualified watcher may, challenge the vote of a person who may be known or suspected not to be a qualified voter. However, the challenges by persons other than a manager must be addressed to the manager and not directly to the voter. The manager shall then present the challenge to the voter and act in accordance with the provisions provided for in this section. All challenges must be made before the time a voter deposits a paper ballot in a ballot box or casts his vote in a voting machine, and no challenge may be considered after that time. However, challenges may be made at any time before the opening of return-addressed envelopes and the removal of "Ballot Herein" envelopes from them as to absentee voters. Nothing contained from them affects the right of an elector or qualified watcher to challenge the vote of a person which is fraudulent or when the challenge is based on evidence discovered after the vote is cast. A candidate may protest an election in which he is a candidate pursuant to § 7-17-30 when the protest is based in whole or in part on evidence discovered after the election. This evidence may include, but is not limited to, after-discovered evidence of voters who have voted in a precinct or for a district office other than the one in which they are entitled by law to vote.

(last amended 1996)

S.C. Code Ann. § 7-13-820 – Voting by person whose name is not on registration book

When any person presents himself with a valid South Carolina driver's license or other form of identification required by § 7-13-710, if he is not licensed to drive, at the polling precinct and his name does not appear on the registration book a manager must call the county registration office from any phone available at or away from the polling precinct. The manager shall give only the name of the elector as it appears on the driver's license or other form of identification. The member of the registration board taking the call must check the records of the board and if the name of the person is found and he is eligible to vote in the precinct the date of birth of the person must be read to the manager who must then ask the person for such date. Upon answering correctly, the person may vote. When a manager is to make a call for such purpose, he must notify the poll watchers who may accompany the manager and have the information repeated to each of them. The manager must fill in the information on the driver's license or other form of identification on a form provided for that purpose before permitting such person to vote. In the event such call is a toll call it may be made collect and the registration office must accept the call.

If the name cannot be verified by the registration board, or if a phone is not available, the poll manager or his designee may permit the person to vote after following the procedures set forth in § 7-13-830, and the vote must be processed as a provisional vote. The poll manager must be listed as the challenger.

The provisions of this section are in addition to the procedure provided in § 7-5-440.

(last amended 1996).

S.C. Code Ann. § 7-13-830 – Procedure when voter challenged

When any person is so challenged, the manager must explain to him the qualifications of an elector and may examine his as to the same. If the person insists that he is qualified and the challenge is not

withdrawn, his provisional vote must be received and placed in an envelope on which must be written the name of the voter and that of the challenger. The provisional votes must be kept separate and apart and not counted but turned over to the commissioners of election or other authority having supervision of the election. At the meeting specified in either § 7-17-10 or 7-17-510, whichever is applicable, this authority must hear all objections to these votes, and when no person appears or offers evidence before the meeting to sustain an objection made at the polls, the ballot is no longer a provisional ballot. When the challenger appears or produces witnesses or evidence in support of the challenge, the authority in charge must proceed to hear and determine the question. Its decision is final. Each provisional ballot which is no longer challenged and each ballot whose challenge was decided in favor of the voter must be removed from the envelope, mingled, and counted and the totals added to the previously counted regular ballot total of all precincts without attribution to a particular precinct. If the voting at the voting place is being done upon a voting machine, the managers must provide a paper ballot which must be placed in an envelope and treated as provided in this section.

Where, pursuant to § 7-13-820, a person's name could not be verified by the registration board or where a telephone was not available and the person was allowed to vote a provisional ballot, the Board of Voter Registration, before the meeting, must certify to the authority in charge whether or not the voter is a qualified elector of the precinct in which he voted his provisional ballot. If the board certifies the person challenged is not a qualified elector of the precinct, this certification is considered an administrative challenge and is clear and convincing evidence for the meeting authority to disallow the ballot. Nothing in this section prohibits the county election commission from continuing any challenge administratively as long as it has evidence to sustain the challenge.

(last amended 1996).

S.C. Code Ann. § 7-17-10 – Meeting and organization of county board of canvassers

The commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the Friday next following the election, before one o'clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers shall likewise meet at the same time at the county seat and shall in the same manner proceed to organize as the county board of canvassers for the election of the federal officers.

(last amended 2002)

S.C. Code Ann. § 7-5-155 - Registration of voters by mail

(a) Notwithstanding any other provision of law, the following procedures may be used in the registration of electors in addition to the procedure otherwise provided by law.

(1) Subject to the provision of § 7-5-150, any qualified citizen may register to vote by mailing or having delivered a completed state registration by mail application form or a completed national registration by mail application form prescribed by the Federal Election Commission not later than thirty days before any election to his registration board. The postmark date of a mailed application is considered the date of mailing. If the postmark date is missing or illegible, the county board of voter registration must accept the application if it is received by mail no later than five days after the close of the registration books before any election.

(2) If the registration board determines that the applicant is qualified and his application is legible and complete, the registration board shall mail the voter written notification of approval on a form to be prescribed and provided by the State Election Commission pursuant to § 7-5-180. When the county board of registration mails the written notification of approval, it must do so without requiring the elector to sign anything in the presence of a member of the board, a deputy member, or a registration clerk, and the attestation of the elector's signature is not required so long as the conditions set forth above are met.

(3) Any application must be rejected for any of the following reasons:

(i) any portion of the application is not complete;

(ii) any portion of the application is illegible in the opinion of a member and the clerk of the board;

(iii) the board is unable to determine, from the address stated on the application, the precinct in which the voter should be assigned or the election districts in which he is entitled to vote.

(4) Any person whose application is rejected must be notified of the rejection together with the reason for rejection. The applicant must further be informed that he still has a right to register by appearing in person before the board of registration or by submitting the information by mail necessary to correct his rejected application. The form for notifying applicants of rejection must be prescribed and provided by the State Election Commission pursuant to § 7- 5-180.

(b) Every application for registration by mail shall contain spaces for the home and work telephone numbers of the applicant and the applicant shall enter the numbers on the application where applicable.

(c) The State Election Commission shall furnish a sufficient number of application forms to the county boards of voter registration and voter registration agencies specified in § 7-5-310(B) so that distribution of the application forms may be made to various locations throughout the counties and mailed to persons requesting them.

County boards of registration shall distribute application forms to various locations in their respective counties, including city halls and public libraries, where they must be readily available to the public.

(d) The original applications must remain on file in the office of the county board of registration.

(e) The State Election Commission may promulgate regulations to implement the provisions of this section.

(last amended 1996)

S.C. Code Ann. § 7-17-20 – Canvass of votes

The county board of canvassers, respectively, shall then proceed to canvass the votes of the county and make such statements of such votes as the nature of the election shall require no later than noon on the Saturday next following the election and at such time shall transmit to the State Board of Canvassers the results of their findings.

(last amended 1968).

South Dakota Voting Statutes

S.D. Codified Laws § 12-1-3

S.D. Codified Laws § 12-4-3.2

S.D. Codified Laws § 12-4-19.1

S.D. Codified Laws § 12-18-10

S.D. Codified Laws § 12-18-39

S.D. Codified Laws § 12-18-40

S.D. Codified Laws § 12-18-6.1

S.D. Codified Laws § 12-18-6.3

S.D. Codified Laws § 12-18-7.2

S.D. Codified Laws § 12-18-7.9

S.D. Codified Laws § 12-20-5.1

S.D. Codified Laws § 12-20-3.1

S.D. Codified Laws § 12-20-3.2

S.D. Codified Laws § 12-20-3.3

S.D. Codified Laws § 12-20-3.4

South Dakota

S.D. Codified Laws § 12-1-3 Definition of terms

Terms used in this title mean:

(1) "Candidate," a person whose name is on the ballot or who is entitled to be on the ballot to be voted upon for nomination or election at any election;

(2) "Election," any election held under the laws of this state;

(3) "Election officials," state and local officials charged with the duty of conducting elections and the canvass of returns;

(4) "Elector," a person qualified to register as a voter, whether or not the person is registered;

(5) "General election," the vote required to be taken in each voting precinct of the state on the first Tuesday after the first Monday in November of each even-numbered year;

(6) "Party office," an office of a political party organization as distinct from a public office;

(7) "Person in charge of an election," or "person charged with the conduct of an election," the county auditor in all cases except local elections for a municipality, school district, township, or other political subdivision, in which case it is the officer having the position comparable to the auditor in that unit of government if not specifically designated by law;

(8) "Petition," a form prescribed by the State Board of Elections, which contains the question or candidacy being petitioned, the declaration of candidacy if required and the verification of the circulator. If multiple sheets of paper are necessary to obtain the required number of signatures, each sheet shall be self-contained and separately verified by the circulator;

(9) "Petition circulator," a person of at least eighteen years of age who circulates nominating petitions or other petitions for the purpose of placing candidates or issues on any election ballot;

(10) "Political party," a party whose candidate for Governor at the last preceding general election at which a Governor was elected received at least two and one-half percent of the total votes cast for Governor;

(10.1) "Polling place," a designated place voters may go to vote;

(11) "Primary" or "primary election," an election held at which candidates are nominated for public office;

(12) "Public office," an elected position in government;

(13) "Registered mail, " does not include certified mail;

(14) "Registration officials," the county auditor and deputies and other persons authorized to assist in registration pursuant to chapter 12-4;

(15) "Voter," a person duly registered to vote or one who is performing the act of voting.

S.D. Codified Laws § 12-4-3.2. Private entity or individual registering a person to vote -- Deadline -- Penalty for violation

Any private entity or individual registering a person to vote shall file the completed registration form with the county auditor within ten days or by the voter registration deadline, whichever occurs first. A violation of this section is a Class 2 misdemeanor.

S.D. Codified Laws § 12-4-19.1 Notice of possible voter registration cancellation -- Corrected information -- Information on reregistering

The confirmation mailing notice shall be a double postcard stating that the voter's registration may be canceled if the card is not returned. In addition, the card shall state that if the information on the return card is correct, the voter must sign and return the card within thirty days or the voter's registration will become inactive. The card shall also state that if the information on the return card is not correct, the voter shall send the correct information to update the voter's registration or the voter's registration will become inactive. If the card is returned indicating a new address in another county in South Dakota or another state, the card shall serve as a cancellation authorization. The card shall also give information on reregistering if the voter has moved to another county or state. The card shall give the information about the voter as it appears in the registration records.

S.D. Codified Laws § 12-18-10

If a person makes an application for ballots, or if an absentee ballot has been cast, the person's right to vote at that poll and election may be challenged only as to the person's identity as the person registered whom the person claims to be or on grounds that within fifteen days preceding the election the person has been convicted of a felony or declared by proper authority to be mentally incompetent. The proceedings shall be conducted before the precinct superintendent and precinct deputies who shall determine from the evidence presented whether or not the person is permitted to vote and the members of the precinct election board shall indicate beside the name on the registration list the ground stated and the result of the precinct election board's decision.

S.D. Codified Laws § 12-18-39

If any person is not authorized to vote pursuant to § 12-18-7.2, is successfully challenged under § 12-18-10, or is otherwise denied the ability to vote and the person maintains that he or she is currently registered to vote in that precinct, the person may cast a ballot which shall be called a provisional ballot. A member of the precinct election board shall notify any person who is denied the ability to vote that the person may cast a provisional ballot.

S.D. Codified Laws § 12-18-40

Before giving a person a provisional ballot, the person shall complete an affirmation. The person's name shall be written in the pollbook along with a designation that the person has cast a provisional ballot. The person shall be given the ballot appropriate to the precinct in which the person is claiming to be registered, along with a provisional ballot envelope. After the person votes, the person shall seal the ballot in the provisional ballot envelope and complete the statement on the envelope. The envelope shall then be placed in the ballot box. The provisional ballot and provisional ballot envelope shall be prescribed by the State Board of Elections.

S.D. Codified Laws § 12-18-6.1

When a voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:

(1) A South Dakota driver's license or nondriver identification card;

(2) A passport or an identification card, including a picture, issued by an agency of the United States government;

(3) A tribal identification card, including a picture; or

(4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or technical school, located within the State of South Dakota.

S.D. Codified Laws § 12-18-6.3

The person making an application for ballots shall announce his or her name and present his or her personal identification. A member of the precinct election board shall then verify that the picture on the personal identification presented under § 12-18-6.1 matches such person and that the name on the personal identification appears on the voter registration list pursuant to § 12-18-7.1. If the member cannot determine from the personal identification presented that the person making an application for ballots is the person listed on the voter registration list, the member may consider other forms of identification, personal knowledge and an explanation from the person making an application for ballots to match that person's name to a name on the registration list. If identity cannot be proven to the satisfaction of the member of the precinct election board or if the person making an application for ballots is challenged on the basis of identity by a member or a poll watcher, the person may vote a provisional ballot.
(enacted in 2003).

S.D. Codified Laws § 12-18-7.2

If any person attempting to vote in any election claims to be registered or any person attempting to vote in any election claims to be in the inactive registration file but does not possess an acknowledgment notice and the person's name does not appear in the registration list of the precinct, the person may vote if one of the members of the precinct election board first confirms by telephone or other means with the county auditor or a deputy auditor that the name was erroneously omitted from the list, and an emergency voting card, in duplicate, in the form prescribed by the State Board of Elections is signed by the applicant and each member of the precinct election board. The original emergency voting card shall be retained by the precinct superintendent as part of the precinct superintendent's permanent records, and the duplicate shall be given to the voter. In a primary election, the party affiliation of any voter using the emergency voting procedure of this section shall be designated on the emergency voting card.

S.D. Codified Laws § 12-18-7.1

Any person whose name appears on the precinct registration list may vote at that election. However, if a person's name does not appear on the registration list, but the person does present an acknowledgment notice, the person shall be permitted to vote if one of the members of the precinct election board communicates with the office of the county auditor and confirms that the person's name was erroneously omitted from the list. If it is not possible to communicate with the office of county auditor, the person may vote after executing an emergency voting card pursuant to § 12-18-7.2.

S.D. Codified Laws § 12-20-5.1

Prior to the official canvass, the person in charge of the election shall determine if the person voting by provisional ballot was legally qualified to vote in the precinct in which the provisional

ballot was cast. In making this determination, the person in charge of the election shall consider the information provided on the affirmation and diligently investigate the voter registration status of the person. If there is no evidence that a voter registration form had been completed by the person showing a residence address in that precinct and returned to an official voter registration site prior to the deadline to register to vote for the election, the provisional ballot is invalid.

S.D. Codified Laws § 12-20-13.1

Each county auditor shall decide if the provisional ballots are to be counted by hand or by automated tabulating equipment. If a decision is made to count the ballots by hand, a provisional ballot counting board shall be appointed as provided in § 12-15-1. If the provisional ballots are to be counted by automated tabulating equipment, a resolution board and tabulation machine operators shall be appointed as provided in chapter 12-17B.

S.D. Codified Laws § 12-20-13.2

The provisional ballot counting board or resolution board and tabulation machine operators shall convene one hour prior to the convening of the canvassing board. The provisional ballots, which the person in charge of the election has determined are not invalid according to § 12-20-36.1, shall be counted. Upon completion of the count, the provisional ballot counting board or resolution board shall complete a certification of provisional ballot count and give the certification to the canvassing board. The certification form shall be prescribed by the State Board of Elections.

S.D. Codified Laws § 12-20-13.3

The county auditor may establish an alternative time prior to the official canvass for provisional ballot counting provided that notice of the time and location is given to the county party chairperson of each political party.

S.D. Codified Laws § 12-20-13.4

Within ten days after the official county canvass each person voting by provisional ballot shall be sent by the person in charge of the election a notice advising whether the provisional ballot was counted. The notice shall be prescribed by the State Board of Elections.

Tennessee Provisional Voting Statutes

T.C.A. § 2-1-102. Purpose

T.C.A. § 2-2-103. Change of residence

T.C.A. § 2-2-109. Registration periods

T.C.A. § 2-2-115. Mail; forms

T.C.A. § 2-2-120. Registrar's determination

T.C.A. § 2-2-124. Cards

T.C.A. § 2-2-125. Rejected registration

T.C.A. § 2-2-129. Transfer; procedure

T.C.A. § 2-2-201. Registration procedures; driver's license or state photo identification application

T.C.A. § 2-4-104. Judges; political parties

T.C.A. § 2-5-216. Supplies

T.C.A. § 2-6-204. Rejected applications

T.C.A. § 2-6-302. Counting board

T.C.A. § 2-6-401. Emergency ballots

T.C.A. § 2-7-112. Identification of eligible voters

T.C.A. § 2-7-114. Voting by paper ballot

T.C.A. § 2-7-115. Eligibility to vote

T.C.A. § 2-7-116. Disabled, illiterate, blind voters; assistance; certified record

T.C.A. § 2-7-117. Write-in ballots; where voting machines are used

T.C.A. § 2-7-123. Challenged voters; oath

T.C.A. § 2-7-124. Challenged voters; grounds

T.C.A. § 2-7-125. Challenged voters; procedure

T.C.A. § 2-7-140. Voting procedures; inactive registration status

T.C.A. § 2-11-201. Appointment; rules and regulations; powers

T.C.A. § 2-12-101. Commissioners; generally

T.C.A. § 2-1-102. Purpose

The purpose of this title is to regulate the conduct of all elections by the people so that:
(1) The freedom and purity of the ballot are secured;
(2) Voters are required to vote in the election precincts in which they reside except as otherwise expressly permitted;
(3) Internal improvement is promoted by providing a comprehensive and uniform procedure for elections; and
(4) Maximum participation by all citizens in the electoral process is encouraged.

T.C.A. § 2-2-103. Change of residence

If a registered voter moves such voter's residence from this state after the thirtieth day before an election for electors for president and vice president and for that reason does not satisfy the registration requirements of such voter's new residence for that election, the voter continues to be a registered voter but only for electors for president and vice president in that election in the voting precinct in which the voter was last registered. The voter may vote either in person or by absentee ballot.

T.C.A. § 2-2-109. Registration periods

(a) A qualified voter may register or have the voter's registration altered at the commission office at any time the office is open, except that applications for registration shall not be processed for twenty-nine (29) days before an election; provided, that a qualified voter may file a mail registration form by postmarking the registration form or submitting the registration form thirty (30) days before an election. A mail registration form lacking a postmark, but signed and dated at least thirty (30) days before an election, shall be timely filed if it is received by the county election commission no later than the twenty-seventh day prior to the election. A qualified voter may correct a deficient but timely filed mail registration form if the voter comes to the commission office no later than five (5) days before the election and presents the rejection of registration notice to the administrator of elections. The administrator shall register the person to vote if the person is otherwise eligible to register. The administrator shall be empowered to update an existing registration until no later than five (5) days before an election to place it within the correct precinct in the county when a voter changes the voter's address through the process described in § 2-7-140.
(b) When elections are being held in two (2) or more voting districts within any county, the time period for such registration or alteration of permanent registration records shall be calculated for each election separately, and such registration or alteration of permanent registration records is not prohibited in one (1) election because it is twenty-nine (29) days prior to another within the same county.

Pending Legislation: SB 1000, SB 1002, SB 407

T.C.A. § 2-2-115. Mail; forms
(a) Qualified voters may register by mail by use of postal card forms in such a manner as provided for in this section.
(b)(1) The coordinator of elections shall prepare voter registration forms in accordance with the provisions of this section and shall provide for the printing of an ample quantity of such registration forms to be distributed under the provisions of this section.
(2) Printed registration forms shall be designed to provide a simple method of registering by mail to vote. Registration forms shall include such matter as the coordinator of elections requires to ascertain the qualifications of an individual applying to register under the provisions of this section and to prevent fraudulent registration.
(3) Registration notification forms advising the applicant of the acceptance or rejection of the applicant's registration shall be completed and mailed by the county election commission to the applicant. If any registration notification form is undeliverable, it shall not be forwarded to another address but shall be returned to the county election commission mailing the form. If any registration notification form is returned as undeliverable and indicates an acceptance of a voter's registration, the county election commission shall make a good faith effort to determine the proper address of the registrant and mail the form a second time. The second notice on registration notification forms shall be mailed a second time within ten (10) days from the date it was returned as undeliverable to the county election commission. Additionally, each county election commission shall keep a list of those forms which were returned to it as undeliverable both the first and second time. If the form is returned as undeliverable a second time, the voter's registration shall, upon receipt by the county election commission, be void.
(4) The coordinator of elections or any county election commission is authorized to enter into agreements with the postal service and with departments and agencies of the federal government or appropriate state or local agencies, for the distribution of the registration forms, or to arrange for the distribution of such forms so as to effectuate the purpose of this section.
(5) Whenever a state or county official has reason to believe that individuals who are not qualified voters are attempting to register to vote under the provisions of this chapter, such official shall notify the coordinator of elections and request the assistance of the coordinator of elections to prevent the fraudulent registration. The coordinator of elections shall give such reasonable and expeditious assistance as the coordinator deems appropriate in such cases.
(6) If a state or county official determines that there is a pattern of fraudulent registration, or any activities on the part of any individuals to vote who are not qualified voters, the coordinator of elections shall request the district attorney general within whose district these actions may occur, to bring action under this section. The district attorney general shall bring civil action in any appropriate court in Tennessee to secure an order to prevent fraudulent registration.
(7) Each person who registers by mail shall appear in person to vote in the first election the person votes in after such registration becomes effective; before voting at the appropriate polling place or election commission office, such person shall present satisfactory proof of identity. This subdivision (b)(7) does not apply to a person who is on the permanent absentee voting register.

Pending Legislation: HB 2032, SB 2132, SB 1000, SB 1595, SB 407, HB 196

T.C.A. § 2-2-120. Registrar's determination
The administrator of elections shall determine, from the registrant's answers to the questions on the permanent registration record and other questions, if necessary, whether the registrant is entitled to

register. If the administrator determines that the registrant is entitled to register, the administrator shall declare the registrant a registered voter.

T.C.A. § 2-2-124. Cards

(a) After determining that the registrant is entitled to register, the administrator of elections shall give or mail to each voter who is registered permanently a registration card which shall certify that the voter is registered. The voter shall sign the card in the presence of the administrator except for mail registrants or transferors.

(b) The card shall be in substantially the following form on material on which any alteration of the card or of the voter's signature will be readily apparent:

"REGISTRATION CARD

This is to certify that Mr. / Mrs. / Miss _____

of _____ voting precinct _____ ward _____ City _____ County Tennessee, was duly registered on the ___ day of _____, 20___. Residence _____ and is entitled to vote on and after _____.

_____

Administrator of Elections

_____

Voter's Signature"

(c) On the reverse side of the card shall be printed the reasons for which the registration will be purged and how registration may be transferred to prevent purging.

(d) Registered voters determined by the administrator of elections to be blind so as to qualify for assistance in voting as provided by § 2-7-116(b) shall be provided a permanent registration card, on the reverse side of which shall be printed the provisions for assistance available to such voters under § 2- 7-116(b).

Pending Legislation: SB 1000, SB 407

T.C.A. § 2-2-125. Rejected registration

(a) If the administrator of elections determines that the registrant is not entitled to be registered, the administrator shall tell the registrant the reason, write the reason on the back of the original permanent registration record, and file the original and the duplicate alphabetically in a binder of rejected registrations.

(b) The administrator shall tell the registrant that the registrant has a right to appeal the decision to the commission within ten (10) days and offer the registrant an appeal form.

(c) The action of the commission on the registrant's application for registration on appeal shall be a final administrative action.

(d) If the commission determines, after notice and hearing for the appellant, that the appellant was not entitled to register, the commission shall give the appellant a written statement of its reasons for so holding.

(e) If the commission believes that the appellant has violated the law in registering, it shall report the matter to the grand jury and the district attorney general.

T.C.A. § 2-2-129. Transfer; procedure

(a) A voter may transfer registration when such voter moves outside the precinct in which such voter is registered as follows:

(1) If a voter has moved within the same county, the voter may transfer the registration either in person or by mail. The voter may request a form which reads substantially as follows:

"I, _____, request that you change Print name
my address on permanent registration records, shown on the enclosed registration card as
_____ (Old Address)
to _____ (New Address)
_____ (Signature)
Date _____."

If a voter does not use the form, the voter shall include in the request for transfer all of the information required by this subdivision (a)(1);

(2) If the voter moves outside the county, the voter may transfer by registering in the county of the voter's new residence; and

(3) To provide an additional means of initiating and effecting transfers of voter registration within the county of current registration, the commission shall provide the officer of elections at each polling place and the officials at each early voting site with the proper affidavits. Voters who have moved within the county of registration may vote under the provisions described in § 2-7-140 and simultaneously transfer their registration. The written affidavit completed by the voter shall serve as a transfer of registration form for the voter. The election commission shall also make available transfer of address forms for voters who may anticipate a move in the future.

(b) A county election commission may transfer registration when a voter moves outside the precinct in which such voter is registered as follows:

(1) If the county election commission uses change of address information supplied by the postal service to identify registered voters whose addresses may have changed; and

(2) If it appears from information provided by the postal service that:

(A) A registered voter has moved to a different address of residence within the same county, the administrator may change the registration records to show the new address and send the registered voter a forwardable audit notice of the change using the new address and a postage prepaid pre-addressed return form by which the voter may verify or correct the address information; or

(B) A registered voter has moved to an address of residence in a different county or moved without filing a change of address with the postal service, the administrator of elections may mail a forwardable confirmation notice to the registered voter pursuant to the procedures provided in § 2-2-106(c) and (d).

(c) If the voter returns the form or otherwise notifies the election commission in writing and indicates the address information provided by the postal service is incorrect, the voter's registration shall be updated to reflect the correct address of residence.

Pending Legislation: SB 1000, SB 407

T.C.A. § 2-2-201. Registration procedures; driver's license or state photo identification application

In addition to any other voter registration procedure provided for by law, the department of safety and each county election commission shall provide for voter registration procedures as follows:
(1) The department of safety shall include a voter registration application as part of any motor vehicle driver license application or photo identification license used in Tennessee. Except as provided in subdivision (2)(B), an individual who completes the application and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual;
(2) The voter registration section of the application:
(A) May require a second signature or other information that duplicates, or is in addition to, information in the license section of the application only if the duplicate or additional information is necessary for prevention of multiple registration of the same individual, for determination of eligibility to vote, or for administration of voter registration or other aspects of the election process;
(B) Shall include a box or other device to permit an applicant for a motor vehicle driver license or photo identification license to decline to register to vote;
(C) Shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury;
(D) Shall be made available by the department to the appropriate county election commission office; and
(E) Shall be processed as a voter registration-by-mail form, in accordance with § 2-2-115;
(3) No information relating to a declination under subsection (2)(B) may be used for other than official election-related purposes;
(4) Any motor vehicle driver license or photo identification license form used for change of address of residence shall also serve as a notification of change of address of residence for voter registration;
(5) The motor vehicle driver license or photo identification license application and change of address forms used in this state shall be subject to approval by the secretary of state for purposes of voter registration under this section; and
(6) A completed voter registration or change of address of voter registration accepted at a motor vehicle office shall be transmitted to the appropriate county election office not later than ten (10) days after the date of acceptance; provided, that if the document is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate county election commission office not later than five (5) days after the date of acceptance.

T.C.A. § 2-4-104. Judges; political parties

Not more than two (2) of the judges at a polling place may be of the same political party, if persons from different political parties are willing to serve. When primary elections are being held, at least one (1) judge shall be appointed from each party having a primary at the polling place for which the judges are being appointed.

T.C.A. § 2-5-216. Supplies

(a) The county election commission shall provide for each polling place:
(1) Duplicate poll list forms on which to list the names of voters made so that writing on one (1) sheet makes an exact copy on the second sheet, and duplicate poll books;
(2) The application for ballot forms shall contain a certification by the applicant that the applicant is

a registered and qualified voter in the precinct in which the applicant is offering to vote and requests a ballot to vote in the election. The application shall contain a space for the initials of the precinct registrar approving the application and for ballot numbers and shall contain a printed application number. If a primary election is being held, the application shall include a place for the voter to indicate the voter's party;
(3) Duplicate tally sheets which shall include the name of each candidate and question to be voted on at the polling place in the order in which they appear on the ballot and blanks for the names of write-in candidates. There shall be a space with each name or question for recording votes by paper ballot and, where voting machines are used, by voting machine and the total vote; and
(4) Duplicate record sheets for counting paper ballots.
(b) If a county is using a computerized voter registration system which has been approved by the coordinator of elections and the state election commission, and if the county legislative body approves by resolution the use of a computer printout instead of the duplicate registration records, the county election commission shall provide for each polling place the following:
(1)(A) A printout containing the names and addresses of all eligible voters at the polling place and a space for the signature of each voter;
(B) Notwithstanding the provisions of subdivision (b)(1)(A), in any county having a population of not less than seventy-seven thousand nine hundred (77,900) nor more than seventy-eight thousand (78,000) according to the 1990 federal census or any subsequent federal census in which a computerized voter registration system which has been approved by the coordinator of elections and the state election commission is in use, the county election commission shall provide for each polling place a printout containing the names and addresses of all eligible voters at the polling place and a space for the signature of each voter. This use of the computerized printout at each polling place instead of both the printout and the duplicate registration records requires an authorizing resolution approved by the county legislative body by a two-thirds (2/3) vote;
(2) The application for ballot forms containing the certification required in subdivision (a)(2); provided, that ballot applications need not be provided in any county which uses Votomatic or a comparable punch card voting system;
(3) Duplicate tally sheets containing the information required in subdivision (a)(3); and
(4) Duplicate record sheets for counting paper ballots.

T.C.A. § 2-6-204. Rejected applications
(a)(1) If a voter fails to provide required information on an absentee voting by mail application, the registrar shall mark the application "Rejected" and return it to the voter immediately by mail with a red circle marked around the space provided for the required information. The voter may then return the same application after supplying the required information.
(2) If a voter refuses to provide required information on any absentee voting application, the registrar shall mark the application "Rejected" and write the reason for rejection on the application. Notice of rejection shall immediately be given in writing to the applicant.
(3) If the registrar determines that an applicant is ineligible to vote absentee, the registrar shall mark the application "Rejected" and write the reason for rejection on the application. Notice of rejection shall immediately be given in writing to the applicant.
(b) If upon receipt of any absentee ballot the registrar determines that the ballot is not entitled to be cast under this title, the registrar shall mark the absentee ballot envelope "Rejected," write the reason for the rejection on the envelope, and sign it. The absentee ballot envelope, unopened, shall be placed in a container of rejected absentee ballots for the election. Notice of the rejection shall

immediately be given in writing to the voter.

T.C.A. § 2-6-302. Counting board
(a)(1) The county election commission shall appoint registered voters of the county to constitute a central absentee ballot counting board to count the ballots cast under this chapter.
(2) The board shall consist of one (1) officer of elections and three (3) judges appointed subject to § 2-4-104. To count the ballots properly and with reasonable speed the commission may, if necessary, appoint additional judges subject to § 2-4-105.
(3) The board shall be assisted by the administrator of elections or other personnel of the county election commission.
(4) The officer and judges shall be compensated at the same rate as other election officials.
(5) The counting board shall be located at a location designated by the county election commission. Notice of the location shall be published in conjunction with the notice of election required by § 2-12-111(c) and shall not be changed except in the event of an emergency.
(b) If the county election commission determines that there are fewer than one hundred (100) absentee and provisional ballots to be counted, the county election commission may act as the central absentee ballot counting board without additional compensation.

T.C.A. § 2-6-401. Emergency ballots
(a)(1) The county election commission may designate emergency registrars who shall have the responsibility of supplying ballots to and receiving ballots from persons who have been hospitalized in their county of residence within twenty (20) days of an election when such persons will be unable to vote in person on election day.
(2) The county election commission may appoint the hospital administrator to act as an emergency registrar for any person who is a patient in that hospital due to an emergency; provided, that no such appointment shall be made more than fifteen (15) days before the election.
(3) Any ballots cast in accordance with this section shall be witnessed by a voter registered in the county and by a notary public.
(b) A registered voter eligible to request the services of an emergency registrar shall make such a request not more than twenty (20) days before the election and no later than the opening of the polls on election day. Upon receiving a bona fide request for the services of an emergency registrar, the county election commission shall direct an emergency registrar to provide the following materials to such person:
(1) An application;
(2) A paper ballot or ballots;
(3) A duplicate of the person's permanent voter registration; and
(4) An envelope in which to seal the ballot.
(c) In addition to those persons or that category of persons otherwise authorized to vote absentee under this chapter, a voter shall upon a showing of reasonable proof to the administrator of elections or the administrator's deputy be eligible to vote absentee by personal appearance at the commission office, not more than five (5) days nor later than the day prior to the election if:
(1) Due to the death of a relative of a voter which would result in the voter's absence from the state or county on election day; or
(2) If the voter receives a subpoena or service of process requiring the voter's presence on election day.
(d) The procedure for voting shall substantially follow the provisions for voting absentee by

personal appearance set out in §§ 2-6-102 and 2-6-109.

T.C.A. § 2-7-112. Identification of eligible voters

(a)(1) A voter shall sign an application for ballot, indicate the primary in which the voter desires to vote, if any, and present it to a registrar. The application for ballot shall include thereon a space for the address of the voter's current residence, and the voter shall write or print such address on the application when the voter signs it. The registrar shall compare the signature and information on the application with the signature and information on the duplicate permanent registration record. The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to § 2-7-140. If, upon comparison of the signature and other identification, it is found that the applicant is entitled to vote, the registrar shall initial the application and shall note on the reverse side of the voter's duplicate permanent registration record the date of the election, the number of the voter's ballot application, and the elections in which the voter votes. If the applicant's signature is illegible, the registrar shall print the name on the application. The registrar shall give the voter the ballot application which is the voter's identification for a paper ballot or ballots or for admission to a voting machine. The voter shall then sign the duplicate poll lists without leaving any lines blank on any poll list sheet.

(2) In any computerized county, the county election commission shall have the option of using an application for a ballot as provided in this section, or using the computerized voter signature list. A computerized voter signature list shall include the voter's name, current address of residence, social security number or registration number, birth date and spaces for the voter's signature, elections voted, ballot number and precinct registrar's initials. The following procedures shall be followed in the case of computerized voter signature lists:

(A) The voter shall sign the signature list and indicate the election or elections the voter desires to vote in and verify the voter's address in the presence of the precinct registrar;

(B) The registrar shall compare the voter's signature and information on the signature list with other evidence of identification supplied by the voter. If, upon comparison of the signature and other evidence of identification, it is found that the applicant is entitled to vote, the registrar shall initial the signature list;

(C) If the applicant's signature is illegible, the registrar shall print the name of the applicant on the voter list; and

(D) If a voter is unable to present any evidence of identification specified in subsection (c), the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.

(3)(A) A person shall be entitled to vote a provisional ballot under the procedures of this section if the voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission.

(i) If the election official cannot determine that the voter's name should have been placed on the precinct's computer signature list, then the voter shall complete an original voter registration application. At the time of registration and pursuant to subsection (d), the voter shall present verification of the residential address under which the person desires to vote.

(ii) After the voter has completed the voter registration application and supplied verification of the voter's residential address, the voter shall complete an application for ballot pursuant to this section.

(iii) Upon completion of the application for ballot, the voter shall be given a provisional ballot and provisional ballot envelope. The provisional ballot envelope shall be of a different color from absentee ballot envelopes and shall bear a detachable slip that contains the provisional ballot affidavit. The provisional ballot affidavit shall contain the voter's printed name, social security number, date of birth, signature and any other identifying information deemed necessary by the coordinator of elections to satisfy the requirements of this section and to prevent fraudulent registration and voting.
(iv) Both the voter registration application and the application for ballot shall be deposited in the provisional ballot box. Nothing in this section shall be construed to allow election day voter registration.
(v) Pursuant to § 2-7-114(b) and (c), the voter shall vote the provisional ballot. Any county utilizing punchcard or optiscan technology shall process their ballots pursuant to rules promulgated by the state coordinator of elections. The provisions of § 2-7-116 shall govern any voter needing assistance.
(vi) Along with the voter registration applications and the applications for ballot completed by provisional voters, all provisional ballots that have been cast shall remain sealed and locked in the absentee ballot box for return to the county election commission at the close of polls.
(B)(i) All provisional ballots shall be counted at the county election commission office by a separate central absentee ballot counting board that has been appointed in like manner to the central absentee ballot counting board established under § 2-6-302 and known as the central provisional ballot counting board. Upon completion of the counting of the absentee ballots, the county election commission may designate the central absentee ballot counting board established under § 2-6-302 as the central provisional ballot counting board. If the county election commission determines that there are fewer than one hundred (100) absentee and provisional ballots to be counted, the county election commission may act as the central provisional ballot counting board without additional compensation. When provisional ballots have been cast utilizing punchcard or optiscan technology, the counting of the provisional ballots shall be pursuant to rules promulgated by the state coordinator of elections.
(ii) After the delivery of the absentee ballot boxes containing provisional ballots to the county election commission, the central provisional ballot counting board shall unlock and open each absentee ballot box from the polling places in the presence of a majority of the judges.
(iii) The central provisional ballot counting board shall examine the records of the county election commission and the records of the Tennessee departments of health, human services, mental health and developmental disabilities, safety and veterans affairs with respect to all provisional ballots. The central provisional ballot counting board shall then determine if the person voting that ballot was entitled to vote and met the statutory requirements for registration at the precinct where the person cast a vote in the election. The central provisional ballot counting board shall also determine that the person has not already cast a ballot in the election.
(iv) If the central provisional ballot counting board determines that the person should have been registered to vote and met the statutory requirements for registration in the precinct where the voter cast the ballot and the voter has not cast a ballot in the election in a different precinct, then the central provisional ballot counting board shall remove the provision ballot affidavit from the provisional ballot envelope and place the sealed ballot with all other provisional ballots that have been determined to be countable.
(v) If the central provisional ballot counting board determines that the person should not have been registered to vote in the precinct where the voter cast the ballot or that the voter has previously cast a ballot in the election in a different precinct, the provisional ballot envelope shall not be opened nor its provisional ballot affidavit removed, but it shall be marked "Rejected" across its face with the reason for rejection written on it and signed by at least two (2) members of the central provisional

ballot counting board. It shall then be placed in the container of rejected absentee ballots. A list shall be made of such rejected ballots, and the administrator shall notify the voters by mail of the rejection and the reason for such rejection.
(C)(i) The counting of all provisional ballots must be completed within forty-eight (48) hours of the close of polls on election day. If the county election commission determines that the counting of provisional ballots cannot be completed by the designated time, the state coordinator of elections may grant the county an extension of time and designate a time that shall be no later than the second Monday after the election.
(ii) If the county election commission determines that the counting of provisional ballots cannot be completed during the night of election day and upon the close of each counting session, the absentee ballot boxes containing the provisional ballots must be locked and sealed in the same manner established in § 2-6-311. The ballot boxes may not be unlocked except when the central provisional ballot counting board is performing its duties in compliance with this section.
(b) If a voter is disabled so as to be unable to write a signature or make a mark, the registrar shall write the voter's name where needed and shall indicate that this has been done by putting the registrar's initials immediately after the name.
(c) For purposes of comparing the person's signature on the application for ballot, "evidence of identification" shall be a valid voter's registration certificate, Tennessee driver license, social security card, credit card bearing the applicant's signature or other document bearing the applicant's signature.
(d) For purposes of registering a person to vote pursuant to subdivision (a)(3), "verification of residential address" shall include, but is not limited to, a Tennessee driver license, a residential lease agreement, a utility bill or other document bearing the applicant's residential address. Such verification may be on the same or different document from those listed in subsection (c).

Pending Legislation: SB 1595, HB 196

T.C.A. § 2-7-114. Voting by paper ballot
(a) When the voter is to vote by paper ballot, the voter shall then present the ballot application to the judge who is in charge of paper ballots. The judge shall write the ballot number of each ballot the voter is entitled to on the ballot application, give the ballot or ballots to the voter, and give the ballot application to the judge who is assigned to deposit ballots in the ballot box. The judge shall, upon demand of any voter at the time the voter receives the ballot, tell the voter the order of the offices on the ballot.
(b)(1) The voter shall then go to a place where the voter may mark the ballot in complete secrecy and privacy and shall prepare the ballot by making in the appropriate place a cross (X) or other mark opposite the name of the candidate of the voter's choice for each office to be filled, or by filling in the name of the candidate of the voter's choice in the blank space provided, and by making a cross (X) or other mark opposite the answer the voter desires to give on each question. Before leaving the place of secrecy and privacy, the voter shall fold the ballot so that the votes cannot be seen but so that the information printed on the back of the ballot and the numbered stub are plainly visible.
(2) Any voter who fills in or writes in the name of a candidate whose name is not printed on the ballot shall not be required to make a cross (X) or other mark next to such person's name in order for the vote to be counted.
(c)(1) The voter shall state the voter's name and present the folded ballot to the judge assigned to receive and deposit the ballots. The judge shall compare the ballot number on the stub with the ballot number on the voter's ballot application. If the ballot numbers are the same, the judge shall

tear off and destroy the stub and deposit the ballot in the ballot box unless the voter is successfully challenged. The judge shall file all ballot applications in the order in which they are received.
(2) If the voter is voting pursuant to § 2-7-112(a)(3), the voter shall state the voter's name and present the folded ballot to the judge assigned to receive and deposit the provisional ballots. The judge shall compare the provisional ballot number on the stub with the provisional ballot number on the voter's ballot application. The judge shall file all ballot applications in the order in which they are received. If the provisional ballot numbers are the same, the judge shall tear off and destroy the provisional ballot stub and deposit the provisional ballot in the provisional ballot envelope which contains the provisional ballot affidavit. The judge shall assure that the provisional ballot affidavit has been completed and signed by the voter. The provisional ballot, in its envelope, shall be deposited in an absentee ballot box that satisfies the requirements of the absentee ballot boxes and has been locked pursuant to § 2-6-311.

T.C.A. § 2-7-115. Eligibility to vote
(a) A voter may vote only in the precinct where the voter resides and is registered, but if a registered voter has, at any time prior to voting, changed residence to another place inside the county, the voter must vote pursuant to the provisions of § 2-7-140. If a registered voter has, within ninety (90) days before a state primary or general election or federal primary or general election, changed residence to another place inside Tennessee but outside the county where the voter is registered, the voter may vote in the polling place where the voter is registered. If the voter has, within ninety (90) days before an election, changed name by marriage or otherwise, the voter may vote in the polling place where the voter is registered or is entitled to vote under § 2-7-140.
(b) A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered if:
(1) The voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or
(2) At the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party.

T.C.A. § 2-7-116. Disabled, illiterate, blind voters; assistance; certified record
(a)(1) A voter who claims, by reason of illiteracy or physical disability other than blindness, to be unable to mark the ballot to vote as the voter wishes and who, in the judgment of the officer of elections, is so disabled or illiterate, may:
(A) Where voting machines are used, have the ballot marked on a voting machine or on a paper ballot subject to the provisions of § 2-7-117 by any person of the voter's selection, or by one of the judges of the voter's choice in the presence of either a judge of a different political party or, if such judge is not available, an election official of a different political party; or
(B) Where voting machines are not used, have the ballot marked by any person of the voter's selection or by one of the judges of the voter's choice in the presence of either a judge of a different political party or, if such judge is not available, an election official of a different political party.
(2) The officer of elections shall keep a record of each such declaration, including the name of the voter and of the person marking the ballot and, if marked by a judge, the name of the judge or other official in whose presence the ballot was marked. The record shall be certified and kept with the poll books on forms to be provided by the coordinator of elections.
(b)(1) A voter who claims, by reason of blindness, to be unable to mark the ballot to vote as the voter wishes and who, in the judgment of the officer of elections, is blind, may:

(A) Where voting machines are used, have the ballot marked on a voting machine or on a paper ballot subject to the provisions of § 2-7-117 by any person of the voter's selection or by one of the judges of the voter's choice in the presence of either a judge of a different political party or, if such judge is not available, an election official of a different political party; or
(B) Where voting machines are not used, have the ballot marked by any person of the voter's selection or by one of the judges of the voter's choice in the presence of either a judge of a different political party or, if such judge is not available, an election official of a different political party.
(2) The officer of elections shall keep a record of each such declaration, including the name of the voter and of the person marking the ballot and, if marked by a judge, the name of the judge or other official in whose presence the ballot was marked. The record shall be certified and kept with the poll books on forms to be provided by the coordinator of elections.
(c) A physically disabled voter may, at the discretion of the officer of elections, be moved to the front of any line at the polling place.

Amended by HB 1217:

<< TN ST § **2-7-116 >>**

(c)
(1) A voter, who is physically disabled or who is visibly pregnant or frail, may request the officer of elections at the polling place for permission to be moved to the front of any line. In accordance with policies and procedures promulgated by the state coordinator of elections and at the discretion of the officer of elections, the requesting voter may be moved to the front of any line at the polling place.
(2) A temporary sign, restating the language of subdivision (1), shall be prominently and strategically posted at the polling place whenever voting is underway at the polling place.
SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

T.C.A. § 2-7-117. Write-in ballots; where voting machines are used
(a) Where voting machines are used, any voter desiring to cast a ballot for a candidate whose name is not on the voting machine ballot may request a paper ballot to be furnished by the ballot judge. This request must be made before operating a voting machine, and a voter after receiving a paper ballot may not enter a voting machine.
(b) The procedure for casting a write-in ballot in counties which use or have a C.E.S., Inc., Votomatic or other comparable punch card voting system shall be governed by rules and regulations promulgated by the coordinator of elections and the state election commission relative to the use of punch card voting systems.

T.C.A. § 2-7-123. Challenged voters; oath
If any person's right to vote is challenged by any other person present at the polling place, the judges shall present the challenge to the person and decide the challenge after administering the following oath to the challenged voter: "I swear (affirm) that I will give true answers to questions asked about my right to vote in the election I have applied to vote in." A person who refuses to take the oath may not vote.

T.C.A. § 2-7-124. Challenged voters; grounds
(a) A person offering to vote may be challenged only on the grounds that the person:
(1) Is not a registered voter in Tennessee and did not vote a provisional ballot;
(2) Is not a resident of the precinct where the person seeks to vote;
(3) Is not the registered voter under whose name the person has applied to vote;
(4) Has already voted in the election; or
(5) Has become ineligible to vote in the election being conducted at the polling place since the person registered.
(b) The judges may ask any question which is material to deciding the challenge and may put under oath and ask questions of such persons as they deem necessary to their decision. The judges shall ask the administrator of elections to check the original permanent registration records if the voter claims to be registered but has no duplicate permanent registration record.

T.C.A. § 2-7-125. Challenged voters; procedure
(a) If the judges determine unanimously that the person is not entitled to vote, the person shall vote by paper ballot and the person's ballot shall be deposited in a sealed envelope marked "Rejected" with the person's name, the reason for rejection, and the signatures of the judges written on it.
(b) If the judges do not agree unanimously to rejection, the person shall be permitted to vote as if unchallenged.
(c) In either case the challenge and outcome shall be noted on the back of the voter's duplicate permanent registration record and on the poll lists.

T.C.A. § 2-7-140. Voting procedures; inactive registration status
(a) Voters whose registration is in inactive status because of a failure to respond to a confirmation notice described in § 2-2-106(c) and voters who have changed their address of residence to a new address within the county of registration shall be required to vote under the procedures of this section.
(b) An inactive voter who has not moved or any registered voter of the county who has changed residence to a new address within the same voting precinct shall be required to make a written affirmation of such voter's current address and that the voter is entitled to vote before voting. This affirmation shall be made on a standard form provided by the county election commission and shall be made before the officer of elections at the voter's polling place or the appropriate election official at an early voting site. The voter may then vote using the same method as any other voter at the polling place.
(c) A registered voter of the county who has changed residence to a new address within the county of registration but outside such voter's former voting precinct shall be required to make a written affirmation of the voter's current address and that the voter is entitled to vote before voting;
(1) If a voter under this subsection (c) appears at an early voting location and makes the proper affirmation, the election official shall allow the voter to vote the ballot for the voter's new precinct of residence using the same method as any other voter at the polling place;
(2)(A) If a voter under this subsection (c) appears at such voter's former polling place, the voter cannot cast any ballot at that location. An election official shall make a determination of the voter's new polling place and inform the voter of the appropriate place to vote. The voter shall be required to make a written affirmation of the voter's current address and that the voter is entitled to vote. The official at the voter's former polling location shall indicate on the affirmation that the person has not been allowed to vote at that location and shall give the voter a copy of the form to take to

such voter's new polling location. Upon presenting that affirmation at the new polling location and verification that the new address is within that precinct, the voter shall be allowed to vote using the same method as any other voter at the polling place;
(B) A county election commission may establish a centrally located site or sites to be designated by such commission for voters voting under this subdivision (c)(2);
(C) If a county election commission elects to establish a centrally located site or sites, then the official at such former polling location shall notify the voter that the voter has the option to vote either at the new polling place or at the centrally located site or sites. If a central location is other than the county election commission office, then such centrally located site shall be equipped with computer capabilities linked to the county election commission office to allow the voter's records to be changed or corrected in the same manner as if the voter were to appear at the county election commission office on election day in order that the voter may cast the appropriate ballot;
(3) If a voter under this subsection (c) appears at a polling location where the voter is not currently registered, and does not have a copy of the form described in subdivision (c)(2), the election official shall make a determination as to whether that voter's new address is within the voting precinct for that polling location. If the voter now resides in that precinct, the voter shall be required to make a written affirmation of the voter's current address and that the voter is entitled to vote. The fact that this person is a registered voter must be confirmed by the county election commission before this person's vote is counted.
(d) If a voter described in subsection (a) applies for an absentee ballot, the voter shall fill out the appropriate portion of the absentee application to affirm the voter's address and that the voter is entitled to vote. This affirmation would not have to be made in front of an election official. Upon receiving a proper application, the administrator of elections shall send the voter a ballot for the precinct where the voter now resides and update the registration based upon the affirmation as necessary.

T.C.A. § 2-11-201. Appointment; rules and regulations; powers
(a) The secretary of state shall appoint the coordinator of elections, who shall serve at the pleasure of the secretary of state and for such compensation as the secretary of state determines.
(b) The coordinator of elections is the chief administrative election officer of the state and shall obtain and maintain uniformity in the application, operation and interpretation of the election code.
(c) Subject to the concurrence of the secretary of state, the coordinator of elections may make rules and regulations as necessary to carry out the provisions of the election code. Copies of such rules and regulations shall be furnished to the state and county election commissions and to the state and county primary boards.
(d) Subject to the prior approval of the secretary of state, the coordinator of elections may within budgetary limits employ such personnel and enter into such contracts for equipment as may be appropriate for the efficient discharge of the duties of the office.

T.C.A. § 2-12-101. Commissioners; generally
(a) The state election commission shall appoint, on the first Monday in April of each odd-numbered year, five (5) election commissioners for each county, for terms of two (2) years and until their successors are appointed and qualified. The five (5) commissioners shall be the county election commission.
(b) The state election commission shall remove a commissioner who becomes unqualified and may remove or otherwise discipline a commissioner for cause.

(c) County election commissions shall be represented in legal proceedings as follows:
(1) If the legal proceeding names the county election commissioners as defendants and the lawsuit involves a municipal election, the municipality concerned shall furnish counsel to represent the commissioners;
(2) If the election involved in the legal proceedings is that of a county election, the county shall furnish counsel for the commissioners and if the election involved in the legal proceedings attacks a state law or presents a question concerning a state or federal election, the attorney general and reporter shall represent the commissioners either by the attorney general and reporter's own staff or by such counsel as the attorney general and reporter may designate;
(3) The counsel furnished, whether by municipality or county, shall be that chosen by the election commission; and
(4) If, in order to properly discharge its duties, the county election commission has to bring legal action against a county or municipality, the compensation for the commission's legal representation shall be borne by the county or municipality as the case may be.
(d) The county election commission created by this section is the immediate successor to the commissioners of elections for each county. Wherever in the Tennessee Code the commissioners of elections for counties are referred to, the term "county election commission" shall be substituted.

Texas Provisional Voting Statutes

V.T.C.A. § 11.004. Voting in Precinct of Former Residence

V.T.C.A. § 11.005. Effect of Vote by Voter Registered in Wrong Precinct

V.T.C.A. § 12.001. Designation of Voter Registrar

V.T.C.A. § 12.031. Designation of County Clerk as Voter Registrar

V.T.C.A. § 31.001. Chief Election Officer

V.T.C.A. § 31.010. Implementation of Federal Help America Vote Act

V.T.C.A. § 31.032. Appointment of Administrator; County Election Commission

V.T.C.A. § 31.043. Duties of Administrator Generally

V.T.C.A. § 32.071. General Responsibility of Presiding Judge

V.T.C.A. § 61.005. Security of Ballots, Ballot Boxes, and Envelopes

V.T.C.A. § 62.011. Instruction Poster

V.T.C.A. § 63.001. Regular Procedure for Accepting Voter

V.T.C.A. § 63.0011. Statement of Residence Required

V.T.C.A. § 63.006. Voter With Correct Certificate Who is Not on List

V.T.C.A. § 63.007. Voter With Incorrect Certificate Who is Not on List

V.T.C.A. § 63.008. Voter Without Certificate Who is on List

V.T.C.A. § 63.009. Voter Without Certificate Who is Not on List

V.T.C.A. § 63.0101. Documentation of Proof of Identification

V.T.C.A. § 63.011. Provisional voting

V.T.C.A. § 64.008. Depositing Ballot

V.T.C.A. § 65.051. Duty of Early Voting Ballot Board

V.T.C.A. § 65.052. Duty of Voter Registrar

V.T.C.A. § 65.053. Delivery of Provisional Ballots

V.T.C.A. § 65.054. Accepting Provisional Ballot

V.T.C.A. § 65.055. Disposition of Accepted Provisional Ballot and Affidavit

V.T.C.A. § 65.056. Disposition of Rejected Provisional Ballot

V.T.C.A. § 65.057. Processing Accepted Provisional Ballots

V.T.C.A. § 65.058. Preservation of Provisional Voting Records Generally

V.T.C.A. § 65.059. Notice to Provisional Voter

V.T.C.A. § 124.006. Implementation of Provisional Ballot System

V.T.C.A. § 11.004. Voting in Precinct of Former Residence
A registered voter who changes residence to another election precinct in the same county, if otherwise eligible, may vote a full ballot in the election precinct of former residence until the voter's registration becomes effective in the new precinct if the voter satisfies the residence requirements prescribed by Section 63.0011 and submits a statement of residence in accordance with that section.

V.T.C.A. § 11.005. Effect of Vote by Voter Registered in Wrong Precinct
If a voter who is erroneously registered in an election precinct in which the voter does not reside is permitted to vote by an election officer who does not know of the erroneous registration, the votes for the offices and measures on which the voter would have been eligible to vote in the voter's precinct of residence are valid unless the voter intentionally gave false information to procure the erroneous registration.

V.T.C.A. § 12.001. Designation of Voter Registrar
The county tax assessor-collector is the voter registrar for the county unless the position of county elections administrator is created or the county clerk is designated as the voter registrar.

V.T.C.A. § 12.031. Designation of County Clerk as Voter Registrar
The commissioners court by written order may designate the county clerk as the voter registrar for the county if the county clerk and county tax assessor-collector agree to the designation.

V.T.C.A. § 31.001. Chief Election Officer
(a) The secretary of state is the chief election officer of the state.
(b) The secretary shall establish in the secretary's office an elections division with an adequate staff

to enable the secretary to perform the secretary's duties as chief election officer. The secretary may assign to the elections division staff any function relating to the administration of elections that is under the secretary's jurisdiction.

V.T.C.A. § 31.010. Implementation of Federal Help America Vote Act
(a) The secretary of state may adopt rules as necessary to implement the federal Help America Vote Act of 2002.
(b) The secretary of state shall adopt rules establishing state-based administrative complaint procedures to remedy grievances that meet the requirements of Section 402(a) of the federal Help America Vote Act of 2002.

V.T.C.A. § 31.032. Appointment of Administrator; County Election Commission
(a) The position of county elections administrator is filled by appointment of the county election commission, which consists of:
(1) the county judge, as chair;
(2) the county clerk, as vice chair;
(3) the county tax assessor-collector, as secretary; and
(4) the county chair of each political party that made nominations by primary election for the last general election for state and county officers preceding the date of the meeting at which the appointment is made.
(b) The affirmative vote of a majority of the commission's membership is necessary for the appointment of an administrator.
(c) Each appointment must be evidenced by a written resolution or order signed by the number of commission members necessary to make the appointment. Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state.
(d) The initial appointment may be made at any time after the adoption of the order creating the position.

V.T.C.A. § 31.043. Duties of Administrator Generally
The county elections administrator shall perform:
(1) the duties and functions of the voter registrar;
(2) the duties and functions placed on the county clerk by this code;
(3) the duties and functions relating to elections that are placed on the county clerk by statutes outside this code, subject to Section 31.044; and
(4) the duties and functions placed on the administrator under Sections 31.044 and 31.045.

V.T.C.A. § 32.071. General Responsibility of Presiding Judge
The presiding judge is in charge of and responsible for the management and conduct of the election at the polling place of the election precinct that the judge serves.

V.T.C.A. § 61.005. Security of Ballots, Ballot Boxes, and Envelopes
(a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, and envelopes used for provisional ballots in a manner not authorized by law.
(b) The ballots, ballot boxes, and envelopes used for provisional ballots at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.
(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing a voter's provisional ballot in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

V.T.C.A. § 62.011. Instruction Poster
(a) An election officer shall post an instruction poster:
(1) in each voting station; and
(2) in one or more other locations in the polling place where it can be read by persons waiting to vote.
(b) The secretary of state shall prescribe the form and content of the instruction poster. If it is not practical to fit all of the information required by this section on a single poster, the secretary of state may provide for the use of two or more posters to convey the information.
(c) The poster must include instructions applicable to the election on:
(1) marking and depositing the ballot;
(2) voting for a write-in candidate;
(3) casting a straight-party vote;
(4) casting a provisional ballot;
(5) until the expiration of Section 13.122(d), voting for the first time by a person who registered by mail; and
(6) securing an additional ballot if the voter's original ballot is spoiled.
(d) The poster must also include the following information:
(1) the date of the election and the hours during which the polling place is open;
(2) general information on voting rights under state and federal laws, including information on the right of an individual to cast a provisional ballot and the individuals to contact if a person believes these rights have been violated; and
(3) general information on state and federal laws that prohibit acts of fraud or misrepresentation.

V.T.C.A. § 63.001. Regular Procedure for Accepting Voter
(a) Except as otherwise provided by this code, acceptance of voters shall be conducted as provided by this section and Section 63.0011.
(b) On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.
(c) On presentation of a registration certificate, an election officer shall determine whether the voter's name on the registration certificate is on the list of registered voters for the precinct.
(d) If the voter's name is on the precinct list of registered voters, the voter shall be accepted for voting.
(e) On accepting a voter, an election officer shall indicate beside the voter's name on the list of

registered voters that the voter is accepted for voting.
(f) After determining whether to accept a voter, an election officer shall return the voter's registration certificate to the voter.

Pending Legislation: HB 1706, HB 2309, HB 1402, HB 1293

V.T.C.A. § 63.0011. Statement of Residence Required
(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county.
(b) If the voter's residence address is not current because the voter has changed residence within the county, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered if the voter resides in the county in which the voter is registered and, if applicable:
(1) resides in the political subdivision served by the authority ordering the election if the political subdivision is other than the county; or
(2) resides in the territory covered by the election in a less-than-countywide election ordered by the governor or a county authority.
(c) Before being accepted for voting, the voter must execute and submit to an election officer a statement including:

(1) a statement that the voter satisfies the applicable residence requirements prescribed by Subsection (b);
(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;
(3) the month, day, and year of the voter's birth; and
(4) the date the statement is submitted to the election officer.
(d) The voter registrar shall provide to the general custodian of election records a sufficient number of statements of residence for use in each election.
(e) The voter registrar shall retain each statement of residence on file with the voter's voter registration application.

V.T.C.A. § 63.006. Voter With Correct Certificate Who is Not on List
(a) A voter who, when offering to vote, presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, shall be accepted for voting.
(b) After the voter is accepted, an election officer shall indicate beside the voter's name on the poll list that the voter was accepted under this section.

Pending Legislation: HB 1706, HB 2309, HB 1402, HB 1293

V.T.C.A. § 63.007. Voter With Incorrect Certificate Who is Not on List
(a) A voter who, when offering to vote, presents a voter registration certificate indicating that the voter is currently registered in a different precinct from the one in which the voter is offering to vote, and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter executes an affidavit stating that the voter:

(1) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;
(2) was a resident of the precinct in which the voter is offering to vote at the time that information on the voter's residence address was last provided to the voter registrar;
(3) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and
(4) is voting only once in the election.
(b) After the voter is accepted, an election officer shall:
(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and
(2) enter on the registration omissions list the precinct of the voter's registration as indicated by the voter's registration certificate.

Pending Legislation: HB 1706, HB 2309, HB 1402, HB 1293

V.T.C.A. § 63.008. Voter Without Certificate Who is on List
(a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and
the voter presents proof of identification in a form described by Section 63.0101
(b) If the requirements prescribed by Subsection (a) are not met, the voter may be accepted for provisional voting only under Section 63.011.

Pending Legislation: HB 1706, HB 2309, HB 1402, HB 1293

V.T.C.A. § 63.009. Voter Without Certificate Who is Not on List
(a) Except as provided by Subsection (b), a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.
(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63. 008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.

V.T.C.A. § 63.0101. Documentation of Proof of Identification
The following documentation is acceptable as proof of identification under this chapter:
(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
(2) a form of identification containing the person's photograph that establishes the person's identity;

(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
(4) United States citizenship papers issued to the person;
(5) a United States passport issued to the person;
(6) official mail addressed to the person by name from a governmental entity;
(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
(8) any other form of identification prescribed by the secretary of state.

Pending Legislation: HB 1706, HB 2309

V.T.C.A. § 63.011. Provisional voting
(a) A person to whom Section 63.008(b) or 63.009(a) applies may cast a provisional ballot if the person executes an affidavit stating that the person:
(1) is a registered voter in the precinct in which the person seeks to vote; and
(2) is eligible to vote in the election.
(b) A form for the affidavit shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person. The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.
(c) After executing the affidavit, the person shall be given a provisional ballot for the election. An election officer shall record the number of the ballot on the space provided on the affidavit.
(d) An election officer shall enter "provisional vote" on the poll list beside the name of each voter who is accepted for voting under this section.
(e) A person who is permitted under a state or federal court order to cast a ballot in an election for a federal office after the time allowed by Subchapter B, Chapter 41, must cast the ballot as a provisional vote in the manner required by this section.

Pending Legislation: HB 1706, HB 3294, HB 2262, HB 2309, HB 963

V.T.C.A. § 64.008. Depositing Ballot
(a) Except as provided by Subsection (b), after a voter has marked the ballot, the voter shall fold the ballot to conceal the way it is marked but to expose the presiding judge's signature, and shall deposit it in the ballot box used for the deposit of marked ballots.
(b) After a voter has marked a provisional ballot, the voter shall enclose the ballot in the envelope on which the voter's executed affidavit is printed. The person shall seal the envelope and deposit it in a box available for the deposit of provisional ballots.
(c) At the time a person casts a provisional ballot under Subsection (b), an election officer shall give the person written information describing how the person may use the free access system established under Section 65.059 to obtain information on the disposition of the person's vote.

V.T.C.A. § 65.051. Duty of Early Voting Ballot Board
(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the seventh day after the date of an election.

(b) Except as provided by this subchapter, the conduct of the board is governed by the same procedures as are provided by Chapter 87.

V.T.C.A. § 65.052. Duty of Voter Registrar
The secretary of state shall prescribe procedures by which the voter registrar of the county in which a provisional ballot is cast shall provide assistance to the early voting ballot board in executing its authority under this subchapter.

V.T.C.A. § 65.053. Delivery of Provisional Ballots
The presiding judge of an election precinct shall deliver in person to the general custodian of election records the box containing each envelope containing a provisional ballot that was cast in the precinct. The secretary of state shall prescribe procedures by which the early voting ballot board may have access to the provisional ballots as necessary to implement this subchapter.

V.T.C.A. § 65.054. Accepting Provisional Ballot
(a) The early voting ballot board shall examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit.
(b) A provisional ballot may be accepted only if the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election.
(c) If a provisional ballot is accepted, the board shall enter the voter's name on a list of voters whose provisional ballots are accepted.
(d) If a provisional ballot is rejected, the board shall indicate the rejection by marking "rejected" on the envelope containing the provisional ballot.

Pending Legislation: HB 1706, HB 3294, HB 2262, HB 963

V.T.C.A. § 65.055. Disposition of Accepted Provisional Ballot and Affidavit
(a) The early voting ballot board shall open each envelope containing an accepted provisional ballot without defacing the affidavit located on the outside of the envelope and shall remove the ballot.
(b) The board shall place the ballot in a ballot box containing all the provisional ballots accepted for voting in the election.
(c) For each accepted provisional ballot, the board shall place the corresponding envelope on which is printed the voter's affidavit executed under Section 63.011 in a sealed envelope and shall deliver the envelope to the general custodian of election records, to be retained for the period for preserving precinct election returns.

V.T.C.A. § 65.056. Disposition of Rejected Provisional Ballot
(a) If the affidavit on the envelope of a rejected provisional ballot contains the information necessary to enable the person to register to vote under Chapter 13, the voter registrar shall make a copy of the affidavit under procedures prescribed by the secretary of state. The voter registrar shall treat the copy as an application for registration under Chapter 13.
(b) The early voting ballot board shall place the envelopes containing rejected provisional ballots in an envelope and shall seal the envelope. More than one envelope may be used if necessary.

(c) The envelope for the rejected provisional ballots must indicate the date and identity of the election, be labeled "rejected provisional ballots," and be signed by the board's presiding judge.
(d) A board member shall deliver the envelope containing the rejected provisional ballots to the general custodian of election records to be preserved for the period for preserving the precinct election records. The envelope may not be placed in the box containing the accepted provisional ballots.

V.T.C.A. § 65.057. Processing Accepted Provisional Ballots
(a) The early voting ballot board shall count accepted provisional ballots as follows:
(1) for ballots to be counted manually, in the manner provided by Subchapter D, Chapter 87;
(2) for ballots to be counted by automatic tabulating equipment at a central counting station, in the manner provided by Subchapter F, Chapter 87; and
(3) for ballots to be counted by any other means, in the manner provided by rules adopted by the secretary of state.
(b) On counting the ballots under this section, the board shall report the results to the local canvassing authority for the election.

V.T.C.A. § 65.058. Preservation of Provisional Voting Records Generally
The returns of provisional ballots that are accepted, the accepted ballots, and other provisional voting records shall be preserved after the election in the same manner as the corresponding precinct election returns.

V.T.C.A. § 65.059. Notice to Provisional Voter
The secretary of state shall prescribe procedures to implement a system to allow a person who casts a provisional ballot under Section 63.011 to obtain access free of charge to information on the disposition of the person's ballot. The system:
(1) must allow the person to determine whether the person's ballot was counted, and, if the person's ballot was not accepted, must indicate the reason why;
(2) must provide the information only to the person who cast the provisional ballot; and
(3) may involve the use of a toll-free telephone number or the Internet.

V.T.C.A. § 124.006. Implementation of Provisional Ballot System
The secretary of state shall prescribe the form of a provisional ballot and the necessary procedures to implement the casting of a provisional ballot as described by Section 63.011 and the verification and processing of provisional ballots under Subchapter B, Chapter 65, for each voting system used in this state.

Utah Provisional Voting Statutes

U.C.A. § 20A-1-102. Definitions

U.C.A. § 20A-2-102. Registration a prerequisite to voting

U.C.A. § 20A-2-300.6. Chief elections officer

U.C.A. § 20A-2-307. County clerks' instructions to election judges

U.C.A. § 20A-3-104. Manner of voting

U.C.A. § 20A-3-105. Marking and depositing ballots

U.C.A. § 20A-3-105.5. Manner of voting--Provisional ballot

U.C.A. § 20A-3-302. Absentee voting--No polling place for remote districts

U.C.A. § 20A-3-305. Mailing of ballot to voter--Enclose self-addressed envelope—Affidavit

U.C.A. § 20A-3-308. Absentee ballots in the custody of election judges—Disposition

U.C.A. § 20A-4-102. Counting paper ballots after the polls close

U.C.A. § 20A-4-107. Review and disposition of provisional ballot envelopes

U.C.A. § 20A-5-102. Voting instructions

U.C.A. § 20A-6-105. Provisional ballot envelopes

U.C.A. § 20A-6-105.5. Voter access to provisional ballot information

U.C.A. § 20A-1-102. Definitions
As used in this title:
(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot cards and tabulates the results.
(3) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.
(4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.
(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.
(6) "Ballot proposition" means opinion questions specifically authorized by the Legislature,

constitutional amendments, initiatives, referenda, and judicial retention questions that are submitted to the voters for their approval or rejection.
(7) "Board of canvassers" means the entities established by Sections 20A-4- 301 and 20A-4-306 to canvass election returns.
(8) "Bond election" means an election held for the purpose of approving or rejecting the proposed issuance of bonds by a government entity.
(9) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.
(10) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.
(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.
(12) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.
(13) "Convention" means the political party convention at which party officers and delegates are selected.
(14) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.
(15) "Counting judge" means a judge designated to count the ballots during election day.
(16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.
(17) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the counting judges to count ballots during election day.
(18) "County executive" has the meaning as provided in Subsection 68-3-12(2).
(19) "County legislative body" has the meaning as provided in Subsection 68-3- 12(2).
(20) "County officers" means those county officers that are required by law to be elected.
(21) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a special district election.
(22) "Election Assistance Commission" means the commission established by Public Law 107-252, the Help America Vote Act of 2002. [FN1]
(23) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.
(24) "Election judge" means each canvassing judge, counting judge, and receiving judge.
(25) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots;
(b) the county clerk or clerks for all county ballots and for certain ballots and elections as provided in Section 20A-5-400.5;
(c) the municipal clerk for all municipal ballots and for certain ballots and elections as provided in Section 20A-5-400.5;
(d) the special district clerk or chief executive officer for certain ballots and elections as provided in Section 20A-5-400.5; and
(e) the business administrator or superintendent of a school district for certain ballots or elections as provided in Section 20A-5-400.5.
(26) "Election official" means any election officer, election judge, or satellite registrar.
(27) "Election results" means, for bond elections, the count of those votes cast for and against the

bond proposition plus any or all of the election returns that the board of canvassers may request.
(28) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
(29) "Electronic voting system" means a system in which a voting device is used in conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic tabulating equipment.
(30) "Inactive voter" means a registered voter who has been sent the notice required by Section 20A-2-306 and who has failed to respond to that notice.
(31) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.
(32) "Judicial office" means the office filled by any judicial officer.
(33) "Judicial officer" means any justice or judge of a court of record or any county court judge.
(34) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.
(35) "Local political subdivision" means a county, a municipality, a special district, or a local school district.
(36) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.
(37) "Municipal executive" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;
(b) the mayor in the council-mayor optional form of government defined in Section 10-3-101; and
(c) the manager in the council-manager optional form of government defined in Section 10-3-101.
(38) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.
(39) "Municipal legislative body" means:
(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;
(b) the municipal council in the council-mayor optional form of government defined in Section 10-3-101; and
(c) the municipal council in the council-manager optional form of government defined in Section 10-3-101.
(40) "Municipal officers" means those municipal officers that are required by law to be elected.
(41) "Municipal primary election" means an election held to nominate candidates for municipal office.
(42) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.
(43) "Official endorsement" means:
(a) the information on the ballot that identifies:
(i) the ballot as an official ballot;
(ii) the date of the election; and
(iii) the facsimile signature of the election officer; and
(b) the information on the ballot stub that identifies:
(i) the election judge's initials; and

(ii) the ballot number.
(44) "Official register" means the book furnished election officials by the election officer that contains the information required by Section 20A-5- 401.
(45) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and
(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.
(46) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures.
(47) "Polling place" means the building where residents of a voting precinct vote or where absentee voting is conducted.
(48) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.
(49) "Posting list" means a list of registered voters within a voting precinct.
(50) "Proof of identity" means some form of photo identification, such as a driver license or identification card, that establishes a person's identity.
(51) "Proof of residence" means some official document or form, such as a driver license or utility bill that establishes a person's residence.
(52) "Provisional ballot" means a ballot voted provisionally by a person:
(a) whose name is not listed on the official register at the polling place; or
(b) whose legal right to vote is challenged as provided in this title.
(53) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.
(54) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.
(55) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.
(56) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.
(57) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.
(58) "Registration days" means the days designated in Section 20A-2-203 when a voter may register to vote with a satellite registrar.
(59) "Registration form" means a book voter registration form and a by-mail voter registration form.
(60) "Regular ballot" means a ballot that is not a provisional ballot.
(61) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.
(62) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.
(63) "Resident" means a person who resides within a specific voting precinct in Utah.
(64) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.
(65) "Satellite registrar" means a person appointed under Section 20A-5-201 to register voters and

perform other duties.
(66) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.
(67) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's vote.
(68) "Special district" means those local government entities created under the authority of Title 17A.
(69) "Special district officers" means those special district officers that are required by law to be elected.
(70) "Special election" means an election held as authorized by Section 20A- 1-204.
(71) "Spoiled ballot" means each ballot that:
(a) is spoiled by the voter;
(b) is unable to be voted because it was spoiled by the printer or the election judge; or
(c) lacks the official endorsement.
(72) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.
(73) "Stub" means the detachable part of each ballot.
(74) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.
(75) "Ticket" means each list of candidates for each political party or for each group of petitioners.
(76) "Transfer case" means the sealed box used to transport voted ballots to the counting center.
(77) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.
(78) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.
(79) "Voter" means a person who meets the requirements for voting in an election, meets the requirements of election registration, is registered to vote, and is listed in the official register book.
(80) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.
(81) "Voting booth" means the space or compartment within a polling place that is provided for the preparation of ballots and includes the voting machine enclosure or curtain.
(82) "Voting device" means:
(a) an apparatus in which ballot cards are used in connection with a punch device for piercing the ballots by the voter;
(b) a device for marking the ballots with ink or another substance; or
(c) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.
(83) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.
(84) "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.
(85) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.
(86) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting poll watcher.
(87) "Western States Presidential Primary" means the election established in Title 20A, Chapter 9, Part 8.
(88) "Write-in ballot" means a ballot containing any write-in votes.
(89) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot

according to the procedures established in this title.

Pending Legislation: SB 67, HB 336

U.C.A. § 20A-2-102. Registration a prerequisite to voting
(1) Except as provided in Subsection (2), a person may not vote at any election unless that person is registered to vote as required by this chapter.
(2) A person may vote a provisional ballot as provided in Section 20A-2-307 for:
(a) a regular general election;
(b) a regular primary election; or
(c) an election for federal office.

U.C.A. § 20A-2-300.6. Chief elections officer
(1) The lieutenant governor is Utah's chief elections officer.
(2) The lieutenant governor shall:
(a) oversee all of Utah's:
(i) voter registration activities; and
(ii) other responsibilities established by:
(A) Public Law 103-31, the National Voter Registration Act of 1993; [FN1] and
(B) Public Law 107-252, the Help America Vote Act of 2002; [FN2] and
(b) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.
(3) The lieutenant governor, in cooperation with the county clerks, shall develop a general program to obtain change of address information in order to remove the names of ineligible voters from the official register.

U.C.A. § 20A-2-307. County clerks' instructions to election judges
(1) Each county clerk shall instruct election judges to allow a voter to vote a regular ballot if:
(a) the voter has moved from one address within a voting precinct to another address within the same voting precinct; and
(b) the voter affirms the change of address orally or in writing before the election judges.
(2) Each county clerk shall instruct election judges to allow a person to vote a provisional ballot if:
(a) the voter's name does not appear on the official register; or
(b) the voter is challenged as provided in Section 20A-3-202.

U.C.A. § 20A-3-104. Manner of voting
(1)(a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.
(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.
(c) If the voter is voting for the first time in the jurisdiction or is otherwise required to present proof of identity or proof of residence as indicated by a notation in the official register, the election judge shall request proof of identity or proof of residence from the voter.

(d) If the election judge is satisfied that the voter has established proof of identity and proof of residence, the election judge shall:
(i) record the type of proof of identity or proof of residence provided by the voter in the appropriate space in the official register; and
(ii) follow the procedures of Subsection (3).
(e) If the election judge is not satisfied that the voter has established proof of identity or proof of residence, the election judge shall:
(i) indicate on the official register that the voter failed to provide adequate proof of identity or proof of residence;
(ii) issue the voter a provisional ballot; and
(iii) follow the procedures and requirements of Section 20A-3-105.5.
(f) If the person's right to vote is challenged as provided in Section 20A-3-202, the judge shall follow the procedures and requirements of Section 20A-3-105.5.
(2)(a) When the voter is properly identified, the election judge in charge of the official register shall check the official register to determine whether or not the person is registered to vote.
(b) If the voter's name is not found on the official register, the election judge shall follow the procedures and requirements of Section 20A-3-105.5.
(3) If the election judge determines that the voter is registered:
(a) the election judge in charge of the official register shall:
(i) write the ballot number opposite the name of the voter in the official register; and
(ii) direct the voter to sign his name in the election column in the official register;
(b) another judge shall list the ballot number and voter's name in the pollbook; and
(c) the election judge having charge of the ballots shall:
(i) endorse his initials on the stub;
(ii) check the name of the voter on the pollbook list with the number of the stub;
(iii) hand the voter a ballot; and
(iv) allow the voter to enter the voting booth.
(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Pending Legislation: SB 67

U.C.A. § 20A-3-105. Marking and depositing ballots
(1)(a) If paper ballots are used, the voter, upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the name of each candidate of the voter's choice for each office to be filled.
(b) A mark is not required opposite the name of a write-in candidate.
(c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the appropriate square with a mark opposite the answer the voter intends to make.
(d) Before leaving the booth, the voter shall:
(i) fold the ballot so that its contents are concealed and the stub can be removed; and
(ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope and complete the information printed on the envelope.
(2)(a)(i) If ballot cards are used, the voter shall insert the ballot card into the voting device and mark the ballot card according to the instructions provided on the device.

(ii) If the voter is issued a ballot card with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.
(iii) If the voter is issued a ballot card with a secrecy envelope, the voter shall record any write-in votes on the secrecy envelope.
(b) After the voter has marked the ballot card, the voter shall either:
(i) place the ballot card inside the secrecy envelope, if one is provided; or
(ii) fold the long stub over the face of the ballot card to maintain the secrecy of the vote if the voter is issued a ballot card with a long stub without a secrecy envelope.
(c) If the ballot is a provisional ballot, the voter shall place the ballot card in the provisional ballot envelope and complete the information printed on the envelope.
(3)(a) After preparation of the ballot, the voter shall:
(i) leave the voting booth; and
(ii) announce his name to the election judge in charge of the ballot box.
(b) The election judge in charge of the ballot box shall:
(i) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;
(ii) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the election judge, remove the stub from the ballot; and
(iii) return the ballot to the voter.
(c) The voter shall, in full view of the election judges, cast his vote by depositing the ballot in the ballot box.
(d)(i) The election judge may not accept a ballot from which the stub has been detached.
(ii) The election judge shall treat a ballot from which the stub has been detached as a spoiled ballot and shall provide the voter with a new ballot and dispose of the spoiled ballot as provided in Section 20A-3-107.
(4) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:
(a)(i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;
(ii) fold that portion of the paper ballot so that its face is concealed; and
(iii) deposit it in the ballot box; and
(b)(i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and
(ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.
(5)(a) Each voter shall mark and deposit the ballot without delay and leave the voting area after voting.

(b) A voter may not:
(i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;
(ii) remain within the voting area more than ten minutes; or
(iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy them.
(6) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.
(7) The election judges may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
(a) election officials;
(b) watchers; or

(c) assisting voters with a disability.

U.C.A. § 20A-3-105.5. Manner of voting--Provisional ballot
(1) The election judges shall follow the procedures and requirements of this section when:
(a) the person's right to vote is challenged as provided in Section 20A-3- 202; or
(b) the person's name is not found on the official register.
(2) When faced with one of the circumstances outlined in Subsection (1), the election judge shall:
(a) request that the person provide proof of identity and proof of residence; and
(b) review the proof of identity and proof of residence provided by the person.
(3) If the election judge is satisfied that the person has established the person's identity and residence in the voting precinct:
(a) the election judge in charge of the official register shall:
(i) record in the official register the type of source documents that established the person's proof of identity and proof of residence;
(ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
(iii) direct the voter to sign his name in the election column in the official register;
(b) another judge shall list the ballot number and voter's name in the pollbook; and
(c) the election judge having charge of the ballots shall:
(i) endorse his initials on the stub;
(ii) check the name of the voter on the pollbook list with the number of the stub;
(iii) give the voter a ballot and a provisional ballot envelope; and
(iv) allow the voter to enter the voting booth.
(4) If the election judge is not satisfied that the voter has provided sufficient proof of identity and proof of residence:
(a) the election judge in charge of the official register shall:
(i) record in the official register that the voter did not provide adequate proof of identity and proof of residence;
(ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and
(iii) direct the voter to sign his name in the election column in the official register;
(b) another judge shall list the ballot number and voter's name in the pollbook; and
(c) the election judge having charge of the ballots shall:
(i) endorse his initials on the stub;
(ii) check the name of the voter on the pollbook list with the number of the stub;
(iii) give the voter a ballot and a provisional ballot envelope; and
(iv) allow the voter to enter the voting booth.
(5) Whenever the election officer is required to furnish more than one kind of official ballot to a voting precinct, the election judges of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Pending Legislation: SB 67

U.C.A. § 20A-3-302. Absentee voting--No polling place for remote districts
(1) Whenever, on the 60th day before an election, there are 500 or fewer persons registered to vote in a voting precinct, the county legislative body of the county in which the voting precinct is located

may elect to administer an election entirely by absentee ballot.
(2) If the county legislative body of the county in which the voting precinct is located decides to administer an election entirely by absentee ballot, the county clerk shall mail to each registered voter within that voting precinct:
(a) an absentee ballot;
(b) a statement that there will be no polling place for the election;
(c) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for his vote to be counted; and
(d) a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, he will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.
(3) Any voter who votes by absentee ballot under this subsection is not required to apply for an absentee ballot as required by this part.
(4)(a) The county clerk of a county that administers an election entirely by absentee ballot shall:
(i) obtain, in person, the signatures of each voter within that voting precinct before the election; and
(ii) maintain the signatures on file in the county clerk's office.
(b)(i) Upon receiving the returned absentee ballots, the county clerk shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.
(ii) If the county clerk questions the authenticity of the signature on the absentee ballot, the clerk shall immediately contact the voter to verify the signature.
(iii) If the voter does not confirm his signature on the absentee ballot, the county clerk shall:
(A) immediately send another absentee ballot and other voting materials as required by this subsection to the voter; and
(B) disqualify the initial absentee ballot.

U.C.A. § 20A-3-305. Mailing of ballot to voter--Enclose self-addressed envelope-- Affidavit
(1) Upon timely receipt of an absentee voter application properly filled out and signed, or as soon after receipt of the application as the official absentee ballots for the voting precinct in which the applicant resides have been printed, the election officer shall either:
(a) give the applicant an official absentee ballot and envelope to vote in the office; or
(b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an envelope printed as required in Subsection (2).
(2) The election officer shall ensure that:
(a) the name, official title, and post office address of the election officer is printed on the front of the envelope; and
(b) a printed affidavit in substantially the following form is printed on the back of the envelope:
"County of _____ State of _____
I, _____, solemnly swear that: I am a qualified resident voter of the _____ voting precinct in _____ County, Utah and that I am entitled to vote in that voting precinct at the next election. I am not a convicted felon currently incarcerated for commission of a felony.
_____
Signature of Absentee Voter"

(3) If the election officer determines that the absentee voter is required to show proof of identity or proof of residence as indicated in the official register, the election officer shall:

(a) issue the voter a provisional ballot in accordance with Section 20A-3- 105.5;
(b) instruct the voter to include a valid form of proof of identity and proof of residence with the return ballot;
(c) provide the voter clear instructions on how to vote a provisional ballot; and
(d) comply with the requirements of Subsection (2).

U.C.A. § 20A-3-308. Absentee ballots in the custody of election judges--Disposition
(1)(a) Voting precinct election judges shall open envelopes containing absentee ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this Subsection (1).
(b) The election judges shall:
(i) first, open the outer envelope only; and
(ii) compare the signature of the voter on the application with the signature on the affidavit.
(2)(a) The judges shall carefully open and remove the absentee voter envelope so as not to destroy the affidavit on the envelope if they find that:
(i) the affidavit is sufficient;
(ii) the signatures correspond; and
(iii) the applicant is registered to vote in that voting precinct and has not voted in that election.
(b) If, after opening the absentee voter envelope, the judge finds that a provisional ballot envelope is enclosed and the voter has included proof of identity and proof of residence, the election judge shall:
(i) record the type of proof of identity and proof of residence provided by the voter in the appropriate space in the official register;
(ii) record the provisional ballot envelope number on the official register; and
(iii) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.
(c) If, after opening the absentee voter envelope, the judge finds that a provisional ballot envelope is enclosed, and that the voter has not included proof of identity and proof of residence, the election judge shall:
(i) record in the official register that the voter did not include proof of identity and proof of residence;
(ii) record the provisional ballot number in the official register; and
(iii) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.
(d) If the absentee ballot is not a provisional ballot, the election judges shall:
(i) remove the absentee ballot from the envelope without unfolding it or permitting it to be opened or examined;
(ii) initial the stub in the same manner as for other ballots;
(iii) remove the stub from the ballot;
(iv) deposit the ballot in the ballot box; and
(v) mark the official register and pollbook to show that the voter has voted.
(3) If the election judges determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:
(a) disallow the vote; and
(b) without opening the absentee voter envelope, mark across the face of the envelope:
(i) "Rejected as defective"; or

(ii) "Rejected as not a registered voter."
(4) The election judges shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.
(5) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

U.C.A. § 20A-4-102. Counting paper ballots after the polls close
(1)(a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.
(b) The election judges shall apply the standards and requirements of Section 20A-4-105 to resolve any questions that arise as they count the ballots.
(2)(a) First, the election judges shall count the number of ballots in the ballot box.
(b)(i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.
(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.
(c)(i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.
(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.
(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.
(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.
(3) The judges shall:
(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and
(b) seal that envelope or container.
(4) The judges shall:
(a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and
(b) seal that envelope or container.
(5)(a) In counting the votes, the election judges shall read and count each ballot separately.
(b) In regular primary elections the judges shall:
(i) count the number of ballots cast for each party;
(ii) place the ballots cast for each party in separate piles; and
(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.
(6)(a) In all elections, the counting judges shall:
(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;
(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;
(iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

(iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;
(v) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;
(vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and
(vii) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.
(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.
(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.
(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.
(7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

U.C.A. § 20A-4-107. Review and disposition of provisional ballot envelopes
(1) As used in this section, a voter is "legally entitled to vote" if:
(a) the voter:
(i) is registered to vote in the county;
(ii) resides within the voting precinct where the voter seeks to vote; and
(iii) provided sufficient proof of identity and proof of residence to the election judge as indicated by a notation in the official register;
(b) the voter:
(i) is registered to vote in the county; and
(ii) did not vote in the voter's precinct of residence, but the ballot that the voter voted is identical to the ballot voted in the voter's precinct of residence; or
(c) the voter:
(i) is registered to vote in the county;
(ii) the judge recorded in the official register that the voter either failed to provide proof of identity and proof of residence or the proof of identity and proof of residence was inadequate; and
(iii) the county clerk verifies the voter's proof of identity and proof of residence through some other means.
(2)(a) Upon receipt of provisional ballot envelopes, the election officer shall review the affirmation on the face of each provisional ballot envelope and determine if the person signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter voted.
(b) If the election officer determines that the person is not a registered voter or is not legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to produce or count it.
(c) If the election officer determines that the person is a registered voter and is legally entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from the provisional ballot envelope and place the ballot with the absentee ballots to be counted with those ballots at the canvass.
(d) The election officer may not count, or allow to be counted a provisional ballot unless the voter's proof of identity and proof of residence is established by a preponderance of the evidence.
(3) If the election officer determines that the person is a registered voter, the election officer shall

ensure that the voter registration records are updated to reflect the information provided on the provisional ballot envelope.
(4) If the election officer determines that the person is not a registered voter and the information on the provisional ballot envelope is complete, the election officer shall:
(a) consider the provisional ballot envelope a voter registration form; and
(b) register the voter.

Pending Legislation: SB 67

U.C.A. § 20A-5-102. Voting instructions
(1) Each election officer shall:
(a) print instruction cards for voters;
(b) ensure that the cards are printed in English in large clear type; and
(c) ensure that the cards instruct voters:
(i) about how to obtain ballots for voting;
(ii) about special political party affiliation requirements for voting in the Western States Presidential Primary or in a regular primary election;
(iii) about how to prepare ballots for deposit in the ballot box;
(iv) about how to record write-in votes;
(v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
(vi) about how to obtain assistance in marking ballots;
(vii) about obtaining a new ballot if the voter's ballot is defaced;
(viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;
(ix) about how to obtain and vote a provisional ballot;
(x) about whom to contact to report election fraud;
(xi) about applicable federal and state laws regarding:
(A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and
(B) prohibitions on acts of fraud and misrepresentation;
(xii) about procedures governing mail-in registrants and first-time voters; and
(xiii) about the date of the election and the hours that the polls are open on election day.
(2) Each election officer shall:
(a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;
(b) direct the election judges to post:
(i) general voting instructions in each voting booth; and
(ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

U.C.A. § 20A-6-105. Provisional ballot envelopes
(1) Each election officer shall ensure that provisional ballot envelopes are printed in substantially the following form:

"AFFIRMATION
Are you a citizen of the United States of America? Yes No
Will you be 18 years old on or before election day? Yes No

If you checked "no" in response to either of the two above questions, do not complete this form.

Name of Voter _____

First Middle Last

Driver License or Identification Card Number _____

State of Issuance of Driver License or Identification Card Number ___

Date of Birth _____

Street Address of Principal Place of Residence

_____

City County State Zip Code

Telephone Number (optional) _____

Last four digits of Social Security Number _____

Last former address at which I was registered to vote (if known)

_____

City County State Zip Code

Voting Precinct (if known) _____

I, (please print your full name) _____ do solemnly swear or affirm:

1. that I am currently registered to vote in _____, County, Utah; that I have not moved out of the county since the date of the original registration; that I have not voted in this election in any other precinct; and that I request that I be permitted to vote in this election in this precinct;
2. that on or about_____(Date), I completed a voter registration application at_____(please indicate the office at which you completed the voter registration application, for example, Human Services, Driver License, etc., or, if you filled out a mail-in registration form, please indicate.);
3. that I have previously registered to vote in _____, County, Utah; th at I have not resided outside of that county since completing that registration; and that I am entitled to vote today; and
4. subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 days immediately before this election.

Signed _____

Dated _____"

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

_____

Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to $2,500."

(2) The provisional ballot envelope shall include:
(a) a unique number;
(b) a detachable part that includes the unique number; and
(c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

U.C.A. § 20A-6-105.5. Voter access to provisional ballot information

Each county clerk shall implement, through an internet website, toll- free telephone number, or other means, a system where an individual who voted a provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the vote was not counted, the reason the vote was not counted.

Vermont

Chapter 17, Vermont Code:

§ 2144. Deadline for applications

§ 2144a. Registration

§ 2451. Board of civil authority

§ 2458. Complaint procedure

§ 2555 Provisional ballot envelopes

§ 2556 Provisional voting

§ 2557 Town clerk approval of provisional voter attestation

§ 2561. Hours of voting; extended hours

§ 2563. Admitting voter

§ 2564. Challenges

§ 2582. Presiding officer to direct count; transporting ballots or checklist

§ 2144. Deadline for applications

(a) The town clerk shall not accept applications for persons' names to be placed on the checklist after 12:00 noon on the second Monday preceding the day of the election. The town clerk's office shall be kept open on the second Monday preceding the day of the election from no later than 10:00 a.m. until 12:00 noon, for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted or accepted by 12:00 noon of the second Monday preceding the day of the election.

(b) If a person is not eligible to register prior to the second Monday before the day of election, but expects to be eligible on or before election day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice shall be filed prior to noon of the second Monday preceding the day of election, and the town clerk shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith.

(c) If a person is not eligible to register prior to the second Monday before the day of the election, and has submitted a written notice of intent to apply in accord with subsection (b) of this section, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots.

§ 2144a. Registration

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license as provided in section 2145a of this title.

(2) By completing a voter registration application at a voter registration agency.

(3) By delivering, during regular hours, or mailing a completed application form to the office of the clerk of the town in which the applicant claims to be a resident. (Added 1997, No. 47, § 3.)

§ 2451. Board of civil authority

The board of civil authority shall have charge of the conduct of elections within the political subdivision for which it is elected. At any time before an election, the board of civil authority may issue guidance for elections officials that assists officials in conducting elections within the political subdivision. Guidance issued by the board shall not conflict with federal or state elections laws. A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 38; 2003, No. 59, § 16.)

§ 2458. Complaint procedure

The secretary of state shall adopt rules to establish a uniform and nondiscriminatory complaint procedure to be used by any person who believes that a violation of this title or any other provision of Title III of United States Public Law 107-252 has occurred, is occurring, or is about to occur. For purposes of this section, "complaint" shall mean a statement in writing made by a voter stating, with particularity, the violation, notarized, and sworn or affirmed under penalty of perjury. The secretary's rules shall provide for an informal proceeding to hear complaints for all complainants unless a formal hearing is requested. Formal complaints held pursuant to this section shall be in conformance with the rules adopted by the secretary. Any decision of the secretary may be appealed to the superior court in the county where the individual resides. (Added 2003, No. 59, § 18.

2555 Provisional ballot envelopes

The clerk shall deliver to each polling place on the date of the election a sufficient number of provisional ballot envelopes printed with a voter attestation. The attestation shall include:

(1) A statement informing the applicant of the requirements for voter eligibility set forth in section 2121 of this title and space for the provisional voter to provide the information necessary for the town clerk to determine eligibility, including a place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and the signature of the provisional voter signed under penalty of perjury. In addition, the attestation shall include the following information:

(A) The provisional voter's place and date of birth.

(B) The provisional voter's town of legal residence.

(C) The provisional voter's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(2) An attestation by the provisional voter that he or she submitted a properly completed voter application form before the application deadline. The attestation shall be signed by the provisional voter under penalty of perjury.

(3) Space on the application for documentation of the town clerk's action.

(4) A statement informing the provisional voter: "Provisional balloting allows a provisional voter only to vote in federal elections. If you wish to vote in any other state or local election, you should return this form to the elections officials and file an appeal in superior court in the county in which you live pursuant to section 2148 of Title 17. If you choose to vote by provisional ballot, after the close of the polls, the town clerk will determine whether you meet all eligibility requirements. If the clerk denies your application, he or she will inform you that the application has been denied."—

§ 2556 Provisional voting

(a) If an individual's name does not appear on the checklist and the individual claims to have submitted an application for the checklist prior to noon on the second Monday before the election, the election official shall allow the individual to vote provisionally.

(b) The provisional voter shall be given a ballot that includes only candidates for federal offices and an envelope with an attestation printed upon it, as described in section 2555 of this title, and shall complete the attestation on the envelope. Upon completion, the provisional voter shall seal the envelope and deposit it in a ballot box marked for the receipt of provisional ballots.

(c) A provisional voter who makes a false statement in completing the attestation, knowing the statement to be false, shall be subject to the penalties of perjury as provided in chapter 65 of Title 13.

§ 2557 Town clerk approval of provisional voter attestation

(a) The town clerk may make such investigation as he or she deems proper to verify any fact stated in the application. In making the determination whether to accept the provisional voter's attestation, the town clerk shall determine whether the applicant meets all of the registration eligibility requirements. However, the town clerk may not require a provisional voter to complete any form other than that approved under section 2555 of this title; nor may the board of civil authority require all provisional voters or any particular class or group of provisional voters to appear personally before a meeting of the board or routinely or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information contained in the attestation.

(b) Within two days after the close of the polls, the town clerk shall inform each provisional voter of his or her action on a provisional voter's attestation. If the clerk rejects a provisional voter, the clerk shall also notify the provisional voter immediately of his or her reasons by first class mail directed to the address given in the application.

(c) When the town clerk approves a provisional voter's attestation, the town clerk shall note his or her approval in the space provided on the envelope, photocopy the affidavit from all provisional envelopes, place all provisional envelopes with the official return of vote, and send all information to the secretary of state in a manner prescribed by the secretary.

(d) Upon receipt of the official return of vote that contains provisional envelopes from any town clerk, the secretary shall open all envelopes that were approved by the municipal clerk, deposit the ballot in a ballot box, and count all approved ballots, adding the totals to the statewide count for federal offices.

§ 2561. Hours of voting; extended hours

(a) At all elections using the Australian ballot system, the polls shall open no earlier than 5:00 a.m. and no later than 10:00 a.m. as set by the board of civil authority in each town unless the board of civil authority has elected to open the polls earlier than 6:00 a.m. as provided in section 2494 of this title. The polls in all polling places shall close at 7:00 p.m.

(b) If at the hour of closing there are any qualified voters at the polling place desiring to vote, who have been unable to do so since appearing there, the polls shall be kept open long enough after the hour of closing to allow those present a reasonable opportunity to vote. A person not present at the hour of closing shall not be entitled to vote, although the polls may not actually be closed when he arrives. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 75; 2003, No. 59, § 31.)

§ 2563. Admitting voter

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

(1) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the

opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 44; 2003, No. 59, § 32.)

§ 2564. Challenges

Each organized political party, each candidate on the ballot not representing an organized political party, and each committee supporting or opposing any public question on the ballot shall have the right to have not more than two representatives outside the guardrail for the purpose of observing the voting process and challenging the right of any person to vote. In no event shall such representatives be permitted to interfere with the orderly conduct of the election, and the presiding officer shall have authority to impose reasonable rules for the preservation of order. However, in all cases the representatives shall have the right to hear or see the name of a person seeking to vote, and they shall have the right to make an immediate challenge to a person's right to vote. The grounds of challenge of a person whose name appears on the checklist shall be only:

(1) that he is not, in fact, the person whose name appears on the checklist, or

(2) that he has previously voted in the same election.

If a challenge is issued, the members of the board of civil authority present in the polling place shall immediately convene, informally hear the facts, and decide whether the challenge should be sustained. If the board overrules the challenge, the person shall immediately be admitted within the guardrail and permitted to vote. If the board sustains the challenge, the person shall not be admitted unless, before the polls close, he shall obtain a court order directing that he be permitted to vote. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2582. Presiding officer to direct count; transporting ballots or checklist

The presiding officer shall direct the manner in which the votes are counted, subject to the provisions of this title and as provided for in the rules for counting ballots

adopted by the secretary of state. Ballots shall be counted at the polling places where they are cast, except where the secretary of state, upon request of the presiding officer, has issued a determination that the ballots should be counted elsewhere, or the checklist should be moved by two elections officials of different parties for the purpose of making a photocopy. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 81; 1981, No. 239 (Adj. Sess.), § 30; 2003, No. 59, § 36.)

Washington Laws

RCWA 29A.60.140 Canvassing board--Membership--Authority--Delegation of authority--Rule making

RCWA 29A 29A.44.090. Double voting prohibited

RCWA 29A.44.265 Provisional ballot after polls close

RCWA 29A.08.625 Voting by inactive or canceled voters

RCWA 29A.44.201. Issuing ballot to voter--Challenge

RCWA Initiation

RCWA 29A.08.820. Voting by person challenged--Burden of proof, procedures

Wash. Admin. Code 434-253-043. Provisional ballots--When issued.

Wash. Admin. Code 434-253-045. Provisional ballots--Required information.

Wash. Admin. Code 434-253-047. Provisional ballots--Disposition.

Wash. Admin. Code. Precinct count optical scan and direct recording devices--Poll-site reconciliation.

Recent Changes to Washington's Laws

RCWA 29A.60.140 Canvassing board--Membership--Authority--Delegation of authority--Rule making

(1) Members of the county canvassing board are the county auditor, who is the chair, the county prosecuting attorney, and the chair of the county legislative body. If a member of the board is not available to carry out the duties of the board, then the auditor may designate a deputy auditor, the prosecutor may designate a deputy prosecuting attorney, and the chair of the county legislative body may designate another member of the county legislative body. Any such designation may be made on an election-by-election basis or may be on a permanent basis until revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board. If the designation is permanent until revoked by the designating authority, then the designation must be on file in the county auditor's office no later than the day before the first day the designee is to undertake the duties of the canvassing board.

(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.17 RCW.

RCWA 29A 29A.44.090. Double voting prohibited

A registered voter shall not be allowed to vote in the precinct in which he or she is registered at any election or primary for which that voter has cast an absentee ballot. A registered voter who has requested an absentee ballot for a primary or special or general election but chooses to vote at the voter's precinct polling place in that primary or election shall cast a provisional ballot. The canvassing board shall not count the ballot if it finds that the voter has also voted by absentee ballot in that primary or election.

RCWA 29A.44.265 Provisional ballot after polls close

(1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time for closing the polls, may vote in that election only by casting a provisional ballot. As to court orders extending the time for closing the polls, this section does not apply to any voters who were present in the polling place at the statutory closing time and as a result are permitted to vote under RCW 29A.44.070. This section does not, by itself, authorize any court to order that any individual be permitted to vote or to extend the time for closing the polls, but this section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard to federal elections.

(2) Any ballot cast under subsection (1) of this section must be separated and held apart from other provisional ballots cast by those not affected by the order.

RCWA 29A.08.625 Voting by inactive or canceled voters

(1) A voter whose registration has been made inactive under this chapter and who offers to vote at an ensuing election before two federal elections have been held must be allowed to vote a regular ballot and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

RCWA 29A.44.201. Issuing ballot to voter--Challenge

A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

RCWA Initiation

Registration of a person as a voter is presumptive evidence of his or her right to vote at any primary or election, general or special. A person's right to vote may be challenged at the polls only by a precinct judge or inspector. A challenge may be made only upon the belief or knowledge of the challenging officer that the voter is unqualified. The challenge must be supported by evidence or testimony given to the county canvassing board under RCW 29A.08.820 and may not be based on unsupported allegations or allegations by anonymous third parties. The identity of the challenger, and any third person involved in the challenge, shall be public record and shall be announced at the time the challenge is made.

Challenges initiated by a registered voter must be filed not later than the day before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor. Challenges may also be initiated by the office of the county prosecuting attorney and must be filed in the same manner as challenges initiated by a registered voter.

RCWA 29A.08.820. Voting by person challenged--Burden of proof, procedures

When the right of a person has been challenged under RCW 29A.08.810 or 29A.08.830(2), the challenged person shall be permitted to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under RCW 29A.08.810 or 29A.08.830(2) shall be furnished a paper ballot, which shall be placed in a sealed envelope after being marked. Included with the challenged ballot shall be (1) an affidavit filed under RCW 29A.08.830 challenging the person's right to vote or (2) an affidavit signed by the precinct election officer and any third party involved in the officer's challenge and stating the reasons the voter is being challenged. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The county auditor shall notify the challenger and the challenged voter, by certified mail, of the time and place at which the county canvassing board will meet to rule on challenged ballots. If the challenge is made by a precinct election officer under RCW 29A.08.810, the officer must appear in person before the board unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenging officer has based his or her challenge upon evidence provided by a third party, that third party must appear with the challenging officer before the canvassing board, unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenge is filed under RCW 29A.08.830, the challenger must either appear in person before the board or submit an affidavit supporting the challenge. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony, either in person or by affidavit, and evidence to the canvassing board before making their determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final.

Challenges of absentee ballots shall be determined according to RCW 29A.40.140.

Wash. Admin. Code 434-253-043. Provisional ballots--When issued.

A provisional ballot is a regular ballot issued to a person seeking to vote under the following circumstances:
(1) The name of the voter does not appear in the poll book;
(2) The voter's name is in the poll book but there is an indication that the voter was issued an absentee ballot, and the voter wishes to vote at the polls; or
(3) The voter fails to produce identification when required;
(4) Other circumstances as determined by the precinct election official.
In the polling place after the voter signs the poll book, the precinct election officer shall issue a ballot to the voter eligible for a provisional ballot. The voter shall vote the ballot in secrecy and when done, place the ballot in a security envelope, then place the security envelope with the ballot in it in a provisional ballot outer envelope and return it to the precinct election official. The precinct election official shall ensure that the required information is completed on the outer envelope and have the voter sign it in the appropriate space, and place it in a secure container. (See also WAC 434-240-250 for voters issued an absentee ballot.)
In the case of absentee ballots where the voter was required to produce ID; the ballot shall be considered provisional and processed in the same manner as poll-site provisional ballots.

Wash. Admin. Code 434-253-045. Provisional ballots--Required information.

At a minimum, the following information will be required to be printed on the outer provisional ballot envelope:
(1) Name and signature of voter.
(2) Voter's registered address both present and former if applicable.
(3) Voter's date of birth.
(4) Reason for the provisional ballot.
(5) Precinct and polling place at which voter has voted.
(6) Sufficient space to list disposition of the ballot after review by the county auditor.
Each provisional ballot voter shall be required to sign an oath as required by the Help America Vote Act of 2002, Section 302. The oath may be located on the provisional ballot envelope or in the poll book. The voter must attest that they are:
(a) A registered voter in the jurisdiction in which the voter desires to vote; and
(b) Eligible to vote in that election.
No provisional ballot shall be rejected for lack of the information described in this section as long as the voter provides a valid signature and sufficient information to determine eligibility.

Wash. Admin. Code 434-253-047. Provisional ballots--Disposition.

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election.
A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if

available, matches a voter registration record.
Once the provisional ballot has been investigated, disposition of the ballot is as follows:
(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot will not be counted.
(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the provisional ballot counted.
(3) If the auditor determines that the cancellation was not in error, the voter shall be afforded the opportunity to reregister, and the provisional ballot will not be counted.
(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received at his or her designated polling place, the auditor must ensure that only those votes for the positions or measures for which the voter was eligible to vote are counted.
(5) If the voter is a registered voter in another county or state, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted including rotation if applicable, within five working days after election day to the supervisor of elections for the county for which the voter is resident. If the provisional ballot envelope is not signed by the voter, a copy of the poll book page shall be included. If the county is not known, it shall be forwarded to the secretary of state, or counterpart, for the state in which the voter is resident.
(6) If the auditor finds that an absentee voter who voted a provisional ballot at the polls has also voted an absentee ballot in that primary or election, the provisional ballot will not be counted.
(7) If a provisional ballot was voted because a voter failed to produce required identification, the ballot shall be counted if the voter is otherwise eligible.
(8) Provisional ballots voted for reasons not covered by this section shall be determined by the county canvassing board. The auditor will prepare a tally displaying the number of provisional ballots received, the number found valid and counted, the number rejected and not counted, and the reason for not counting the ballots, as part of the canvassing process and presented to the canvassing board prior to the certification of the primary or election.

Wash. Admin. Code. Precinct count optical scan and direct recording devices--Poll-site reconciliation.

(1) Each precinct or poll-site ballot counter shall print out results immediately following the closing of the polls. A copy of the results will be posted at the poll-site or otherwise made available for public inspection.
(2) The total of votes cast from each counter shall be reconciled with the number of signatures in the poll book(s) prior to transporting to the counting center. The total number of ballots reported on the results printout should equal the number of signatures in the poll book(s). Discrepancies shall be reported and explained by the inspector.
(3) In a sealed container, the data pack/chip of each ballot counter shall be transported to the counting center with each results printout.

Recent Changes to Washington's Laws appear below (these are copied from Westlaw) New text is highlighted.

2005 Wash. Legis. Serv. Ch. 243 (S.S.B. 5499) (WEST)

WASHINGTON 2005 LEGISLATIVE SERVICE
59th Legislature, 2005 Regular Session
Copr. © 2005 Thomson/West

Additions are indicated by Text; deletions by
Changes in tables are made but not highlighted.
Vetoed provisions within tabular material are not displayed.

CHAPTER 243
S.S.B. No. 5499
ELECTIONS--VOTERS AND VOTING--ELECTION REFORM

AN ACT Relating to election reform; amending RCW 29A.04.008, 29A.04.530, 29A.40.091, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070, 29A.60.160, 29A.60.190, 29A.60.210, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.061, 29A.68.011, and 29A.84.650; adding a new section to chapter 29A.36 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; prescribing penalties; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 29A.04.008 and 2004 c 271 s 102 are each amended to read as follows:

<< WA ST 29A.04.008 >>

As used in this title:
(1) "Ballot" means, as the context implies, either:
(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;
(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;
(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or
(d) The physical document on which the voter's choices are to be recorded;
(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;
(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;
(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a

jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;
(5) "Provisional ballot" means a ballot issued at the polling place on election day by the precinct election board to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the help America vote act, including but not limited to the following:
(a) The voter's name does not appear in the poll book;
(b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;
(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;
(d) Any other reason allowed by law;
(6) "Party ballot" means a primary election ballot specific to a particular major political party that lists all partisan offices to be voted on at that primary, and the candidates for those offices who affiliate with that same major political party;
(7) "Nonpartisan ballot" means a primary election ballot that lists all nonpartisan races and ballot measures to be voted on at that primary.
Sec. 2. RCW 29A.04.530 and 2003 c 111 s 151 are each amended to read as follows:

<< WA ST 29A.04.530 >>

The secretary of state shall:
(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29A.04.630;
(2) Establish guidelines, in consultation with state and local law enforcement or certified document examiners, for signature verification processes. All election personnel assigned to verify signatures must receive training on the guidelines;
(3) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;
(4) Maintain a record of those individuals who have received such training and certificates; and
(5) Provide the staffing and support services required by the board created under RCW 29A.04.510.
NEW SECTION. Sec. 3. A new section is added to chapter 29A.36 RCW to read as follows:

<< WA ST 29A.36 >>

All provisional and absentee ballots must be visually distinguishable from each other and must be either:
(1) Printed on colored paper; or
(2) Imprinted with a bar code for the purpose of identifying the ballot as a provisional or absentee ballot. The bar code must not identify the voter.
Provisional and absentee ballots must be incapable of being tabulated by poll-site counting devices.
<<VETOED MATERIALSec. 4. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:VETOED MATERIAL**>>**

<< WA ST 29A.40.091 >>

<<VETOED MATERIALThe county auditor shall send each absentee voter a ballot, a security

envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued. VETOED MATERIAL>>
<<VETOED MATERIAL If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed. VETOED MATERIAL>>

< Sec. 4 was vetoed. >

Sec. 5. RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to read as follows:

<< WA ST 29A.40.110 >>

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.
(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.
(3) Before opening a returned absentee ballot, the canvassing board, or its designated

representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. They shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.44 RCW to read as follows:

<< WA ST 29A.44 >>

Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, then place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.44 RCW to read as follows:

<< WA ST 29A.44 >>

Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card, a voter's voter identification issued by a county elections officer, or a copy of a current utility bill, bank statement, paycheck, or government check or other government document. Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot. The secretary of state may adopt rules to carry out this section.

NEW SECTION. Sec. 8. A new section is added to chapter 29A.60 RCW to read as follows:

<< WA ST 29A.60 >>

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by telephone and advise the voter of the correct procedures for

completing the unsigned affidavit. If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter. In order for the ballot to be counted, the voter must either:
(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or
(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.
(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by telephone and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter. In order for the ballot to be counted, the voter must either:
(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or
(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. If the signature on the copy of the affidavit does not match the signature on file, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.
(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.
(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.
(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.
(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request.
NEW SECTION. Sec. 9. A new section is added to chapter 29A.60 RCW to read as follows:

<< WA ST 29A.60 >>

Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web site, mail, or other means. The auditor must notify the voter in accordance with section 8 of this act when the

envelope is unsigned or when the signatures do not match.
NEW SECTION. Sec. 10. A new section is added to chapter 29A.60 RCW to read as follows:

<< WA ST 29A.60 >>

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:
(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
(2) A log must be kept of the ballots duplicated, which must at least include:
(a) The control number of each original ballot and the corresponding duplicate ballot;
(b) The initials of at least two people who participated in the duplication of each ballot; and
(c) The total number of ballots duplicated.
Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.
NEW SECTION. Sec. 11. A new section is added to chapter 29A.60 RCW to read as follows:

<< WA ST 29A.60 >>

(1) The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:
(a) The number of registered voters;
(b) The number of ballots counted;
(c) The number of provisional ballots issued;
(d) The number of provisional ballots counted;
(e) The number of provisional ballots rejected;
(f) The number of absentee ballots issued;
(g) The number of absentee ballots counted;
(h) The number of absentee ballots rejected;
(i) The number of federal write-in ballots counted;
(j) The number of out-of-state, overseas, and service ballots issued;
(k) The number of out-of-state, overseas, and service ballots counted; and
(l) The number of out-of-state, overseas, and service ballots rejected.
(2) The county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site within thirty days of certification a final election reconciliation report that discloses the following information:
(a) The number of registered voters;
(b) The total number of voters credited with voting;
(c) The number of poll voters credited with voting;
(d) The number of provisional voters credited with voting;

(e) The number of absentee voters credited with voting;
(f) The number of federal write-in voters credited with voting;
(g) The number of out-of-state, overseas, and service voters credited with voting;
(h) The total number of voters credited with voting even though their ballots were postmarked after election day and were not counted; and
(i) Any other information the auditor deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.
(3) The county auditor may also prepare such reports for jurisdictions located, in whole or in part, in the county.
Sec. 12. RCW 29A.60.021 and 2004 c 271 s 147 are each amended to read as follows:

<< WA ST 29A.60.021 >>

(1) For any office at any election or primary, any voter may write in on the ballot the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write- in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office or position will be accepted if the canvassing board can determine, to its satisfaction, the voter's intent.
(2) The number of write-in votes cast for each office must be recorded and reported with the canvass for the election.
(3) A write-in vote for an individual candidate for an office whose name appears on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.
(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected
(5) In the case of write-in votes for a statewide office-or any office whose jurisdiction-encompass**es** more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount**.**
Sec. 13. RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to read as follows:

<< WA ST 29A.60.050 >>

Whenever the precinct election officers or the counting center personnel have a question about the

validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.
Sec. 14. RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to read as follows:

<< WA ST 29A.60.070 >>

The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.17 RCW.
Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately.
Sec. 15. RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to read as follows:

<< WA ST 29A.60.160 >>

Except Sundays and legal holidays, the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand**,** if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.
Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.
Sec. 16. RCW 29A.60.190 and 2004 c 266 s 18 are each amended to read as follows:

<< WA ST 29A.60.190 >>

(1) Ten days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls on the date of the primary or election for which it was issued, and each absentee ballot with a postmark on or before the date of the primary or election for which it was issued and received on or before the date on which the primary or election is certified, must be included in the canvass report.
(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all

unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.
Sec. 17. RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to read as follows:

<< WA ST 29A.60.210 >>

Whenever the canvassing board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the results of the primary, election, or subsequent recount and correct any error and document the correction of any error that it finds.
Sec. 18. RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to read as follows:

<< WA ST 29A.60.250 >>

As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall canvass and certify the returns of the general election as to candidates for state offices, the United States senate, congress, and all other candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives.
Sec. 19. RCW 29A.64.021 and 2004 c 271 s 178 are each amended to read as follows:

<< WA ST 29A.64.021 >>

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.
(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which was filed with the secretary of state, the secretary of state shall, within three business days of the day that the returns of the primary or election are first certified by the canvassing boards of those counties, direct those boards to recount all votes cast on the position.
(b)(i) For statewide elections, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one thousand votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.
(ii) For elections not included in (b)(i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.
(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030,

29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.
(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.
Sec. 20. RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to read as follows:

<< WA ST 29A.64.030 >>

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW 29A.64.081.
The county canvassing board shall determine the date, time, and ~~a~~ place or places at which the recount will be conducted. Not less than two days before the date of the recount, the county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The county auditor shall also notify the affected parties by either telephone, fax, e-mail, or other electronic means at the time of mailing. At least three attempts must be made over a two- day period to notify the affected parties or until the affected parties have received the notification. Each attempt to notify affected parties must request a return response indicating that the notice has been received. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.
Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.
Sec. 21. RCW 29A.64.061 and 2004 c 271 s 180 are each amended to read as follows:

<< WA ST 29A.64.061 >>

Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.
If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.
If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an

amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.
Sec. 22. RCW 29A.68.011 and 2004 c 271 s 182 are each amended to read as follows:

<< WA ST 29A.68.011 >>

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:
(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.
An affidavit of an elector under subsections (1) and (3) of this section when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.
NEW SECTION. Sec. 23. A new section is added to chapter 29A.84 RCW to read as follows:

<< WA ST 29A.84 >>

A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed absentee or provisional ballot signature affidavit is guilty of a gross misdemeanor. This section does not apply to (1) the voter who completed the voter registration form, or (2) a county auditor or registration assistant who acts as authorized by voter registration law.
Sec. 24. RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to read as follows:

<< WA ST 29A.84.650 >>

(1) Any person who intentionally votes or attempts to vote in this state more than once at any election, or who intentionally votes or attempts to vote in both this state and another state at any election, is guilty of a class C felony.
(2) Any person who recklessly or negligently violates this section commits a class 1 civil infraction as provided in RCW 7.80.120.
NEW SECTION. Sec. 25. The secretary of state shall study the feasibility of requiring that the names of the top two vote-getters in primary elections of justices of the state supreme court, judges of the courts of appeals, superior courts, and district courts, and the superintendent of public instruction shall appear on the general election ballot. The study shall include a survey of how many times a judicial candidate and a candidate for superintendent of public instruction have appeared without opposition on the general election ballot from 1985 to present; the number of voters voting for these races in the primary election as opposed to voting for the same races in the general election; and if the differences in the numbers of voters voting at the primary and voting at the general election may have resulted in a different election result. The study shall also include a financial analysis of the proposed changes. The secretary of state shall report the results of the study to the appropriate committees of the legislature no later than January 31, 2006.

Approved May 3, 2005, with the exception of section 4, which is vetoed.

Effective July 24, 2005.

WA LEGIS 246 (2005)
WASHINGTON 2005 LEGISLATIVE SERVICE 59th Legislature, 2005 Regular Session
CHAPTER 246
Approved May 3, 2005. (Approx. 11 pages)

WASHINGTON 2005 LEGISLATIVE SERVICE
59th Legislature, 2005 Regular Session
Copr. © 2005 Thomson/West

Additions are indicated by Text; deletions by
Changes in tables are made but not highlighted.
Vetoed provisions within tabular material are not displayed.

CHAPTER 246
S.S.B. No. 5743
ELECTIONS--VOTERS AND VOTING--REGISTRATION

AN ACT Relating to voter registration procedures; amending RCW 29A.08.010, 29A.08.030, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125, 29A.08.145, 29A.08.210, 29A.08.250, 29A.08.330, 29A.08.520, 29A.08.651, 29A.08.710, 29A.08.720, 29A.08.775, 29A.40.091, 29A.84.140, 46.20.118, and 46.20.155; reenacting and amending RCW 29A.08.740; adding a new section to chapter 10.64 RCW; adding new sections to chapter 29A.08 RCW; repealing RCW 29A.08.155 and 29A.08.730; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 10.64 RCW to read as follows:

<< WA ST 10.64 >>

When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:
(1) The defendant's right to vote has been lost due to the felony conviction;
(2) If the defendant is registered to vote, the voter registration will be canceled;
(3) The right to vote may be restored by:
(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;
(b) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;
(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or
(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and
(4) Voting before the right is restored is a class C felony under RCW 29A.84.660.
Sec. 2. RCW 29A.08.010 and 2004 c 267 s 102 are each amended to read as follows:

<< WA ST 29A.08.010 >>

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes**:**
(1) Name**;**
(2) Residential address**;**
(3) Date of birth**;**
(4) Washington state driver's license number or Washington state identification card number**,** or the last four digits of the applicant's Social Security number if the applicant does not have a Washington state driver's license or Washington state identification card;
(5) A signature attesting to the truth of the information provided on the application~~;~~**;** and
(6) A check or indication in the box confirming the individual is a United States citizen.
If the individual does not have a driver's license, state identification card, or Social Security number**,** the registrant must be issued a unique voter registration number in order to be placed on the voter

registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 3. RCW 29A.08.030 and 2004 c 267 s 104 are each amended to read as follows:

<< WA ST 29A.08.030 >>

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 4. RCW 29A.08.107 and 2004 c 267 s 106 are each amended to read as follows:

<< WA ST 29A.08.107 >>

(1) The secretary of state must review the information provided by each voter registration applicant to ensure that the provided driver's license number, state identification card number, or last four digits of the Social Security number match the information maintained by the Washington department of licensing or the Social Security administration. If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to resolve the discrepancy.

(2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application within forty-five days, the applicant will not be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

(3) Only after the secretary of state has confirmed that the provided driver's license number, state identification card number, or last four digits of the applicant's Social Security number match existing records with the Washington department of licensing or the Social Security administration, or determined that the applicant does not have a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.

(4) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list, the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the

voter's new county of residence for processing.
Sec. 5. RCW 29A.08.110 and 2004 c 267 s 107 are each amended to read as follows:

<< WA ST 29A.08.110 >>

(1) An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable, the name of the applicant shall not be placed on the official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing or date of delivery, whichever is applicable.
(2) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. —(3) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.
NEW SECTION. Sec. 6. A new section is added to chapter 29A.08 RCW to read as follows:

<< WA ST 29A.08 >>

No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because of a nontraditional address being used as a residence address. Voters using such an address will be registered and assigned to a precinct based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall, or other public building near the area that the voter considers his or her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status if the voter designates a valid mailing address.
For the purposes of this section, "nontraditional address" includes shelters, parks, or other identifiable locations that the voter deems to be his or her residence.
NEW SECTION. Sec. 7. A new section is added to chapter 29A.08 RCW to read as follows:

<< WA ST 29A.08 >>

(1) If a voter who registered by mail indicates on the voter registration form that he or she does not

have a Washington state driver's license, Washington state identification card, or Social Security number, he or she must provide one of the following forms of identification the first time he or she votes after registering:
(a) Valid photo identification;
(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;
(c) A copy of a current utility bill;
(d) A current bank statement;
(e) A copy of a current government check;
(f) A copy of a current paycheck; or
(g) A government document that shows both the name and address of the voter.
(2) If the voter fails to provide one of the above forms of identification prior to or at the time of voting, the ballot must be treated as a provisional ballot regardless of whether the voter is voting at a poll site or by mail. The ballot may only be counted if the voter's signature on the outside envelope matches the signature in the voter registration records.
(3) The requirements of this section do not apply to an out-of- state, overseas, or service voter who registers to vote by signing the return envelope of the absentee ballot.
Sec. 8. RCW 29A.08.115 and 2004 c 267 s 108 are each amended to read as follows:

<< WA ST 29A.08.115 >>

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor at least once weekly. The registration date on such forms will be the date they are received by the secretary of state or county auditor.
Sec. 9. RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:

<< WA ST 29A.08.125 >>

(1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.
(2) The secretary of state shall at least quarterly review and update the records of all registered voters on the official statewide voter registration data base to make additions and corrections.
(3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.
(4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.
Sec. 10. RCW 29A.08.145 and 2004 c 267 s 113 are each amended to read as follows:

<< WA ST 29A.08.145 >>

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the state may register to vote or change his or her registration address in person in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the county auditor or secretary of state, and apply for an absentee ballot for that

primary or election. The auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.
Sec. 11. RCW 29A.08.210 and 2003 c 111 s 216 are each amended to read as follows:

<< WA ST 29A.08.210 >>

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:
(1) The address of the last former registration of the applicant as a voter in the state;
(2) The applicant's full name;
(3) The applicant's date of birth;
(4) The address of the applicant's residence for voting purposes;
(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
(6) The sex of the applicant;
(7) The applicant's Washington state driver's license number or Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver's license or Washington state identification card;
(8) A check box for the applicant to indicate that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number;
(9) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;
(10) A check box allowing the applicant to confirm that he or she is at least eighteen years of age;
(11) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;
(12) **A** check box and declaration confirming that the applicant is a citizen of the United States;
(13) The following warning:
"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."
(14) The following affirmation by the applicant:
"By signing this document, I hereby assert, under penalty of perjury, that I am legally eligible to vote. If I am found to have voted illegally, I may be prosecuted and/or fined for this illegal act. In addition, I hereby acknowledge that my name and last known address will be forwarded to the appropriate state and/or federal authorities if I am found to have voted illegally."
(15) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and
(16) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.
This information shall be recorded on a single registration form to be prescribed by the secretary of state.
If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the applicant shall not be registered to vote.

NEW SECTION. Sec. 12. A new section is added to chapter 29A.08 RCW to read as follows:

<< WA ST 29A.08 >>

(1) When a felony offender has completed all the requirements of his or her sentence, the county clerk shall immediately transmit this information to the secretary of state along with information about the county where the conviction occurred and the county that is the last known residence of the offender. The secretary of state shall maintain such records as part of the elections data base.
(2) If the offender has completed all the requirements of all of his or her sentences for all of his or her felony convictions, the secretary of state shall transmit information about the restoration of the former felon's voting rights to the county auditor where the conviction took place and, if different, the county where the felon was last known to reside.
Sec. 13. RCW 29A.08.250 and 2004 c 267 s 117 are each amended to read as follows:

<< WA ST 29A.08.250 >>

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. Sec. 14. RCW 29A.08.330 and 2003 c 111 s 224 are each amended to read as follows:

<< WA ST 29A.08.330 >>

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.
(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.
(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or transfer his or her voter registration by asking the following question:
"Do you want to register to vote or transfer your voter registration?"
If the applicant chooses to register or transfer a registration, the service agent shall ask the following:
(a) "Are you a United States citizen?"
(b) "Are you or will you be eighteen years of age on or before the next election?"
If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.
(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.
(5) Each designated agency shall provide for the voter registration application forms to be collected from each agency office at least once each week. The agency shall then forward the application

forms to the secretary of state each week. The secretary of state shall forward the forms to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were received by the secretary of state.
Sec. 15. RCW 29A.08.520 and 2004 c 267 s 126 are each amended to read as follows:

<< WA ST 29A.08.520 >>

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on a felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The canceling authority shall send to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed. If the person does not respond within thirty days, the registration must be canceled.
(2) The right to vote may be restored by, for each felony conviction, one of the following:
(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;
(b) A court order restoring the right, as provided in RCW 9.92.066;
(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or
(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.
Sec. 16. RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:

<< WA ST 29A.08.651 >>

(1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.
(2) The computerized list must serve as the single system for storing and maintaining the official list of registered voters throughout the state.
(3) The computerized list must contain the name and registration information of every legally registered voter in the state.
(4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.
(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, ~~and~~ the department of health, the Washington state patrol, and the office of the administrator for the courts. The computerized list may also be coordinated with the data bases of election officials in other states.
(6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.
(7) All voter registration information obtained by any local election officer in the state must be

electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.
(8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.
(9) The computerized list serves as the official voter registration list for the conduct of all elections.
(10) The secretary of state has data authority on all voter registration data.
(11) The voter registration data base must be designed to accomplish at a minimum, the following:
(a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);
(b) Identify duplicate voter registrations;
(c) Identify suspected duplicate voters;
(d) Screen against the department of corrections, the Washington state patrol, and other appropriate state agency data base**s** to aid in the cancellation of voter registration of felons**,** of persons who have declined to serve on juries by virtue of not being citizens of the United States, and of persons determined to be legally incompetent to vote;
(e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;
(f) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;
(g) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and
(h) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.
(12) In order to maintain the statewide voter registration data base, the secretary of state may, upon agreement with other appropriate jurisdictions, screen against data bases maintained by election officials in other states and data bases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.
(13) The secretary of state shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.
(14) The secretary of state must review and update the records of all registered voters on the computerized list on a quarterly basis to make additions and corrections.
Sec. 17. RCW 29A.08.710 and 2004 c 267 s 133 are each amended to read as follows:

<< WA ST 29A.08.710 >>

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.
(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction**,** gender, date of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.
Sec. 18. RCW 29A.08.720 and 2004 c 266 s 9 are each amended to read as follows:

<< WA ST 29A.08.720 >>

(1) In the case of voter registration records received through the department of licensing, the identity of the office at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. In the case of voter registration records received through an agency designated under RCW 29A.08.310, the identity of the agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.
(2) Subject to the restrictions of RCW 29A.08.710, poll books, precinct lists, and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.
Sec. 19. RCW 29A.08.740 and 2003 c 111 s 249 and 2003 c 53 s 176 are each reenacted and amended to read as follows:

<< WA ST 29A.08.740 >>

(1) Any person who uses registered voter data furnished under RCW 29A.08.720 ~~or 29A.08.730~~ for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value is guilty of a class C felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ten thousand dollars or both such fine and imprisonment, and is liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence. However, a person who mails or delivers any advertisement, offer, or solicitation for a political purpose is not liable under this section unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers that are enclosed in the same envelope or container or are folded together are one item. Merely having a mailbox or other receptacle for mail on or near the person's residence is not an indication that the person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section, and the court may award a reasonable attorney's fee to any party recovering damages under this section.
(2) Each person furnished data under RCW 29A.08.720 shall take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the data may be used for any political purpose. Where failure to exercise due care in carrying out this

responsibility results in the data being used for such purposes, then such person is jointly and severally liable for damages under subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.
Sec. 20. RCW 29A.08.775 and 2004 c 267 s 136 are each amended to read as follows:

<< WA ST 29A.08.775 >>

Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that data used for the production of poll lists and other lists and mailings done in the administration of each election are the same as the official statewide voter registration list.
Sec. 21. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

<< WA ST 29A.40.091 >>

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.
If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.
Sec. 22. RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to read as follows:

<< WA ST 29A.84.140 >>

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony.
Sec.23. RCW 46.20.118 and 1990 c 250 s 37 are each amended to read as follows:

<< WA ST 46.20.118 >>

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.070 through 46.20.119. Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration data base. The department may also provide a print to the driver's next of kin in the event the driver is deceased.
Sec. 24. RCW 46.20.155 and 2004 c 249 s 7 are each amended to read as follows:

<< WA ST 46.20.155 >>

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:
"Do you want to register to vote or transfer your voter registration?"
If the applicant chooses to register or transfer a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"
(2) "Are you or will you be eighteen years of age on or before the next election?"
If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.
(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

<< Repealed: WA ST 29A.08.155, 29A.08.730 >>
NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:
(1) RCW 29A.08.155 (Payment for maintenance of electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215; and
(2) RCW 29A.08.730 (Registration, voting--Furnishing data upon request--Cost-- Use restricted) and 2003 c 111 s 248, 1994 c 57 s 6, & 1973 1st ex.s. c 111 s 3.

NEW SECTION. Sec. 26. This act takes effect January 1, 2006.

Approved May 3, 2005.
Effective January 1, 2006.

West Virginia

W. Va. Code § 3-1-34 - Voting procedures generally; assistance to voters; voting records; penalties

W. Va. Code § 3-1-41 - Challenged and provisional voter procedures; counting of provisional voters' ballots; ballots of election officials

W. Va. Code § 3-2-1– Permanent voter registration law; uniform system of voter registration

W. Va. Code § 3-2-8 - Registration outreach services by the clerk of the county commission; challenge of voter's registration

W. Va. Code § 3-2-10 - Application for registration by mail

W. Va. Code § 3-2-17 - Denial of registration application; notice; appeal to clerk of the county commission, decision; appeal to county commission, hearing, decision; appeal to circuit court

W. Va. Code § 3-2-22 - Correction of voter records

W. Va. Code § 3-2-31 - Rules pertaining to voting after registration or change of address within the county

W. Va. Code § 3-3-8- Disposition and counting of absent voters' ballots

W. Va. Code § 3-4-23- Voting by challenged voters

W. Va. Code § 3-4A-9 – Minimum requirements of electronic voting systems

W. Va. Code § 3-4A-24a - Voting by challenged voter where touch-screen electronic voting systems are used

W. Va. Code § 3-6-9 - Canvass of returns; declaration of results; recounts; recordkeeping

W. Va. Code § 3-1-34 - Voting procedures generally; assistance to voters; voting records; penalties

(a) Any person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. If that person is found to be duly registered as a voter at that precinct, he or she shall be required to sign his or her name in the space marked "signature of voter" on the pollbook prescribed and provided for the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot may be given to the person until he or she so signs his or her name on the pollbook or his or her signature is so affixed thereon.

(b) The clerk of the county commission is authorized, upon verification that the precinct at which a handicapped person is registered to vote is not handicap accessible, to transfer that person's registration to the nearest polling place in the county which is handicap accessible. A request by a handicapped person for a transfer of registration must be received by the county clerk no later than thirty days prior to the date of the election. Any handicapped person who has not made a request for a transfer of registration at least thirty days prior to the date of the election may vote a provisional ballot at a handicap accessible polling place in the county of his or her registration. If during the canvass the county commission determines that the person had been registered in a precinct that is not handicap accessible, the voted ballot, if otherwise valid, shall be counted. The handicapped person may vote in the precinct to which the registration was transferred only as long as the disability exists or the precinct from which the handicapped person was transferred remains inaccessible to the handicapped. To ensure confidentiality of the transferred ballot, the county clerk processing the ballot shall provide the voter with an unmarked envelope and an outer envelope designated "provisional ballot/handicapped voter". After validation of the ballot at the canvass, the outer envelope shall be destroyed and the handicapped voter's ballot shall be placed with other approved provisional ballots prior to removal of the ballot from the unmarked envelope.

(c) When the voter's signature is properly on the pollbook, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side required by this subsection. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot using a ballpoint pen of not less than five inches in length or other indelible marking device of not less than five inches in length. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in section five, article six of this chapter.

(d) It is the duty of a poll clerk, in the presence of the other poll clerk, to indicate by a check mark inserted in the appropriate place on the registration record of each voter the fact that the voter voted in the election. In primary elections the clerk shall also insert thereon a distinguishing initial or initials of the political party for whose candidates the voter voted. If a person is challenged at the polls, the challenge shall be indicated by the poll clerks on the registration

record, together with the name of the challenger. The subsequent removal of the challenge shall be recorded on the registration record by the clerk of the county commission.

(e) (1) No voter may receive any assistance in voting unless, by reason of blindness, disability, advanced age or inability to read and write, that voter is unable to vote without assistance. Any voter qualified to receive assistance in voting under the provisions of this section may:

(A) Declare his or her choice of candidates to an election commissioner of each political party who, in the presence of the voter and in the presence of each other, shall prepare the ballot for voting in the manner hereinbefore provided and, on request, shall read to the voter the names of the candidates selected
on the ballot;

(B) Require the election commissioners to indicate to him or her the relative position of the names of the candidates on the ballot, whereupon the voter shall retire to one of the booths or compartments to prepare his or her ballot in the manner hereinbefore provided;

(C) Be assisted by any person of the voter's choice, other than the voter's present or former employer or agent of that employer, the officer or agent of a labor union of which the voter is a past or present member or a candidate on the ballot or an official write-in candidate; or

(D) If he or she is handicapped, vote from an automobile outside the polling place or precinct in the presence of an election commissioner of each political party if all of the following conditions are met:

(i) The polling place is not handicap accessible; and

(ii) No voters are voting or waiting to vote inside the polling place.

(2) Any voter who requests assistance in voting but who is believed not to be qualified for assistance under the provisions of this section shall nevertheless be permitted to vote a provisional ballot with the assistance of any person herein authorized to render assistance.

(3) Any one or more of the election commissioners or poll clerks in the precinct may challenge the ballot on the ground that the voter thereof received assistance in voting it when in his, her or their opinion the person who received assistance in voting is not so illiterate, blind, disabled or of such advanced age as to have been unable to vote without assistance. The election commissioner or poll clerk or commissioners or poll clerks making the challenge shall enter the challenge and reason therefor on the form and in the manner prescribed or authorized by article three of this chapter.

(4) An election commissioner or other person who assists a voter in voting:

(A) May not in any manner request or seek to persuade or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question and must not keep or make any memorandum or entry of anything occurring within the voting booth or compartment and must not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter or which ticket he or she had voted or how he or she had voted on any public question or

anything occurring within the voting booth or compartment or voting machine booth except when required pursuant to law to give testimony as to the matter in a judicial proceeding; and

(B) Shall sign a written oath or affirmation before assisting the voter on a form prescribed by the secretary of state stating that he or she will not override the actual preference of the voter being assisted, attempt to influence the voter's choice or mislead the voter into voting for someone other than the candidate of voter's choice. The person assisting the voter shall also swear or affirm that he or she believes that the voter is voting free of intimidation or manipulation: Provided, That no person providing assistance to a voter is required to sign an oath or affirmation where the reason for requesting assistance is the voter's inability to vote without assistance because of blindness as defined in section three, article fifteen, chapter five of this code and the inability to vote without assistance because of blindness is certified in writing by a physician of the voter's choice and is on file in the office of the clerk of the county commission.

(5) In accordance with instructions issued by the secretary of state, the clerk of the county commission shall provide a form entitled "list of assisted voters", the form of which list shall likewise be prescribed by the secretary of state. The commissioners shall enter the name of each voter receiving assistance in voting the ballot, together with the poll slip number of that voter and the signature of the person or the commissioner from each party who assisted the voter. If no voter has been assisted in voting, the commissioners shall likewise make and subscribe to an oath of that fact on the list.

(f) After preparing the ballot the voter shall fold the ballot so that the face is not exposed and so that the names of the poll clerks thereon are seen. The voter shall announce his or her name and present his or her ballot to one of the commissioners who shall hand the same to another commissioner, of a different political party, who shall deposit it in the ballot box if the ballot is the official one and properly signed. The commissioner of election may inspect every ballot before it is deposited in the ballot box to ascertain whether it is single, but without unfolding or unrolling it so as to disclose its content. When the voter has voted, he or she shall retire immediately from the election room and beyond the sixty-foot limit thereof and may not return except by permission of the commissioners.

(g) Following the election, the oaths or affirmations required by this section from those assisting voters, together with the "list of assisted voters", shall be returned by the election commissioners to the clerk of the county commission along with the election supplies, records and returns. The clerk of the county commission shall make the oaths, affirmations and list available for public inspection and shall preserve them for a period of twenty-two months or until
disposition is authorized or directed by the secretary of state, or court of record: Provided, That the clerk may use these records to update the voter registration records in accordance with subsection (d), section eighteen, article two of this chapter.

(h) Any person making an oath or affirmation required under the provisions of this section who knowingly swears falsely or any person who counsels, advises, aids or abets another in the commission of false swearing under this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county or regional jail for a period of not more than one year, or both fined and confined.

(i) Any election commissioner or poll clerk who authorizes or provides unchallenged assistance to a voter when the voter is known to the election commissioner or poll clerk not to require assistance in voting is guilty of a felony and, upon conviction thereof, shall be fined not more than five thousand dollars or imprisoned in a state correctional facility for a period of not less than one year nor more than five years, or both fined and imprisoned.

W. Va. Code § 3-1-41 - Challenged and provisional voter procedures; counting of provisional voters' ballots; ballots of election officials

(a) It shall be the duty of the members of the receiving board, jointly or severally, to challenge the right of any person requesting a ballot to vote in any election if the person's registration record is not available at the time of the election or if the signature written by the person in the poll book does not correspond with the signature purported to be his or hers on the registration record, if the registration record of the person indicates any other legal disqualification or if any other valid challenge exists against the voter pursuant to section ten, article three of this chapter.

(b) Any person challenged shall nevertheless be permitted to vote in the election. He or she shall be furnished an official ballot not endorsed by the poll clerks. In lieu of the endorsements, the poll clerks shall complete and sign an appropriate form indicating the challenge, the reason thereof and the name or names of the challengers. The form shall be securely attached to the voter's ballot and deposited together with the ballot in a separate box or envelope marked "provisional ballots".

(c) At the time that an individual casts a provisional ballot, the poll clerk shall give the individual written information stating that an individual who casts a provisional ballot will be able to ascertain under the free access system established in this section whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.

(d) Provisional ballot shall not be counted by the election officials. The county commission shall, on its own motion, at the time of canvassing of the election returns, sit in session to determine the validity of any challenges according to the provisions of this chapter. If the county commission determines that the challenges are unfounded, each provisional ballot of each challenged voter, if otherwise valid, shall be counted and tallied together with the regular ballots cast in the election. The

county commission shall disregard technical errors, omissions or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote.

(e) Any person duly appointed as an election commissioner or clerk under the provisions of section twenty-eight of this article who serves in that capacity in a precinct other than the precinct in which the person is legally entitled to vote may cast a provisional ballot in the precinct in which the person is serving as a commissioner or clerk. The ballot shall not be invalid for the sole reason of having been cast in a precinct other than the precinct in which the person is legally entitled to vote. The county commission shall record the provisional ballot on the voter's permanent registration record: Provided, That the county commission may only count the votes for the offices that the voter was legally authorized to vote for in his or her own precinct.

(f) The secretary of state shall establish a free access system such as a toll-free telephone number or an internet website that may be accessed by any individual who casts a provisional ballot to discover whether the vote of that individual was counted and, if not, the reason that the vote was not counted.

W. Va. Code § 3-2-1– Permanent voter registration law; uniform system of voter registration

(a) This article, providing a permanent and uniform system for the registration of the voters of the state of West Virginia, may be cited as the "Permanent Voter Registration Law".

(b) A permanent voter registration system is hereby established which shall be uniform in its requirements throughout the state and all of its subdivisions. No voter so registered shall be required to register again for any election while continuing to reside within the same county, unless the voter's registration is canceled as provided in this article.

(c) A person who is not eligible or not duly registered to vote shall not be permitted to vote at any election in any subdivision of the state, except that such a voter may cast a "provisional" or "challenged" ballot as provided in this chapter if the voter's eligibility or registration is in question, and such "provisional" or "challenged" ballot may be counted only if a positive determination of the voter's eligibility and proper registration can be ascertained.

W. Va. Code § 3-2-8 - Registration outreach services by the clerk of the county commission; challenge of voter's registration

(a) Registration outreach services, including application for registration, change of address, name or party affiliation and correction or cancellation of registration, may be provided at locations outside

the office of said clerk of the county commission by the clerk, one or more of his or her deputy clerks, or by temporary registrars or volunteer registrars appointed in accordance with the provisions of section nine of this article.

(b) (1) The clerk of the county commission may establish temporary registration offices to provide voter registration services to residents of the county. The clerk shall file a list of the scheduled times and locations of any temporary registration offices with the county commission at least fourteen days prior to opening the temporary office and shall solicit public service advertising of the location and times for any temporary registration office on radio, television and newspapers serving that county.

(2) The clerk of the county commission shall establish an approved program of voter registration services for eligible high school students at each high school within the county and shall conduct that program of voter registration at an appropriate time during each school year, but no later than forty-five days before a statewide primary election held during a school year. The secretary of state shall issue guidelines for approval of programs of voter registration for eligible students, and all such programs shall include opportunities for students to register in person and present identification at the high school where the student is enrolled. Official school records shall be accepted as identification and proof of age for eligible students.

(c) When the boundaries of precincts are altered requiring the transfer of a portion of the voters of one precinct to another precinct, the clerk of the county commission or temporary registrars appointed for the purpose may conduct door-to-door registration services in the areas affected by the boundary changes and may register, alter or transfer the registration of voters found to reside in those areas. Upon a determination that a voter who previously registered in the area canvassed no longer resides at that address, except for those persons who are qualified to maintain a legal residence at the address, the clerk of the county commission shall challenge the registration of the voter in accordance with the provisions of section twenty-eight of this article.

(d) The procedures required upon receipt of an application for registration as prescribed in subsection (b), section seven of this article shall also be performed by the authorized persons conducting the registration outreach services.

W. Va. Code § 3-2-10 - Application for registration by mail

(a) Any qualified person may apply to register, change, transfer or correct his or her voter registration by mail. Application shall be made on a prescribed form as provided by section five of this article.

(b) To the extent possible, with funds allocated annually for such purpose, the secretary of state shall make state mail registration forms available for distribution through governmental and private entities and organized voter registration programs. The secretary of state shall make a record of all requests by entities or organizations for ten or more forms with a description of the dates and locations in which the proposed registration drive is to be conducted. The secretary of state may limit the distribution to a reasonable amount per group.

(c) The clerk of the county commission shall provide up to four mail registration forms to any resident of the county upon request. To the extent possible with funds allocated annually for the purpose, the clerk of the county commission shall make state mail registration forms available for distribution through organized voter registration programs within the county. The clerk of the county commission shall make a record of all requests by entities or organizations for ten or more forms with a description of the dates and locations in which the proposed registration drive is to be conducted. The clerk may limit the distribution to a reasonable amount per group.

(d) The applicant shall provide all required information and, only after completing the information, sign the prescribed applicant's oath under penalty of perjury as provided in section thirty-six of this article. No person may alter or add any entry or make any mark which would alter any material information on the voter registration application after the applicant has signed the oath: Provided, That the clerk of the county commission may correct any entry upon the request of the applicant provided the request is properly documented and the correction is dated and initialed by the clerk.

(e) Completed applications shall be mailed or delivered to the clerk of the county commission of the county in which the voter resides. If a clerk receives a completed mail application form from a voter whose residence address is located in another county, the clerk shall forward that application within three days to the clerk of the county commission of the county of the applicant's residence.

(f) Upon receipt of the application for registration by the appropriate clerk of the county commission, the clerk shall:

(1) Attempt to establish whether the residence address given is within the boundaries of an incorporated municipality and, if so, make the proper entry required for municipal residents to be properly identified for municipal voter registration purposes; and

(2) Immediately begin the verification process required by the provisions of section sixteen of this article.

(g) Any person who registers by mail pursuant to this section and who has not previously voted in an election in the state, or if the statewide voter registration has not yet been implemented, the voter has not previously voted in the county, shall be required to present the following forms of identification to the secretary of state or clerk of the county commission:

(1) In the case of an individual who votes in person, a current and valid photo identification; or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter;

(2) In the case of an individual who votes by mail, submits with the ballot a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter.

(h) An individual who desires to vote in person or by mail, but who does not meet the requirements of subsection (g) of this section, may cast a provisional ballot.

(i) Subsection (g) of this section shall not apply in the case of a person:

(1) Who registers to vote by mail under 42 U.S.C. § 1973ggB4, et seq., and submits as part of his or her registration either a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or government document that shows the name and address of the voter;

(2) (A) Who registers to vote by mail under 42 U.S.C. § 1973gg-4, et seq., and submits with his or her registration either a driver's license number or at least the last four digits of the individual's social security number; and (B) with respect to whom the secretary of state or clerk of the county commission
matches the information submitted under paragraph (A) of this subdivision with an existing state identification record bearing the same number, name and date of birth as provided in the registration; or

(3) Who is: (A) Entitled to vote by absentee ballot under 42 U.S.C. § 1973ff-1, et seq., the Uniformed and Overseas Citizens Absentee Voting Act; (B) provided the right to vote otherwise than in person under 42 U.S.C. § 1973ee-1(b)(2)(B)(ii); or 25 (iii), section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; (C) entitled to vote otherwise than in person under any other federal law: Provided, That any person who has applied for an absentee ballot pursuant to the provisions of subdivision (1), subsection (b), section one, article three of this chapter; paragraph (B), subdivision (2) of said subsection; subdivision (3) of said subsection; or subsection (c) of said section shall not have his or her ballot in that election challenged for failure to appear in person or for failure to present identification.

(j) Any person who submits a state mail voter registration application to the
clerk of the county commission in the county in which he or she is currently registered for the purpose of entering a change of address within the county, making a change of party affiliation or recording a change of legal name shall not be required to make his or her first vote in person or to present identification or proof of age.

W. Va. Code § 3-2-17 - Denial of registration application; notice; appeal to clerk of the county commission, decision; appeal to county commission, hearing, decision; appeal to circuit court

(a) If the clerk of the county commission finds that any of the following is true, based on the application or official documentation of ineligibility, the clerk shall deny the application for voter registration:

(1) The applicant, at the time the application is received, is not eligible to register in the county and state pursuant to the provisions of section two of this article;

(2) The applicant has submitted an application which is incomplete, pursuant to the provisions of subsection (c), section five of this article; or

(3) The verification notice as required in section sixteen of this article is returned as undeliverable at the address given by the voter.

(b) When the clerk of the county commission determines that the application must be denied, the clerk shall send, by first class forwardable return requested mail, a notice that the application for registration was denied and the reasons therefor.

(1) If the reason for denial is an incomplete application, the clerk shall inform the voter of the right to reapply and shall enclose a mail voter registration form for the purpose.

(2) If the reason for denial is return of the verification notice as undeliverable at the address given, the clerk shall inform the voter of the right to present proof of residence in order to validate the registration.

(3) If the reason for denial is ineligibility, the notice shall include a statement of eligibility requirements for voter registration and of the applicant's right to appeal the denial.

(c) An applicant whose application for registration is denied by the clerk of the county commission because of ineligibility or for failure to submit proof of residence may make a written request for a reconsideration by the clerk, and may present information relating to his or her eligibility. The clerk

shall review the request for consideration and shall issue a decision in writing within fourteen days of the receipt of the request.

(d) If the application is denied upon reconsideration pursuant to the provisions of subsection (c) of this section, the applicant may make a written request for a hearing before the county commission. The county commission shall schedule and conduct the hearing within thirty days of receipt of the request and shall issue a decision, in writing, within fifteen days of the hearing.

(e) An applicant may appeal the decision of the county commission to the circuit court. The circuit court shall only consider the record before the county commission, as authenticated by the clerk of the county commission. The circuit court may affirm the order of the county commission, whether the order be affirmative or negative; but if it deems such order not to be reasonably justified by the evidence considered, it may reverse such orders of the county commission in whole or in part as it deems just and right; and if it deems the evidence considered by the county commission in reaching its decision insufficient, it may remand the proceedings to the county commission for further hearing. Any such order or orders of the circuit court shall be certified to the county commission.

(f) Any party to such appeal may, within thirty days after the date of a final order by the circuit court, apply for an appeal to the supreme court of appeals which may grant or refuse such appeal at its discretion. The supreme court of appeals shall have jurisdiction to hear and determine the appeal upon the record before the circuit court and to enter such order as it may find that the circuit court should have entered.

(g) It shall be the duty of the circuit court and the supreme court of appeals, in order to expedite registration and election procedures, to hold such sessions as may be necessary to determine any cases involving the registration of voters. Judges of the circuit court and the supreme court of appeals in vacation shall have the same power as that prescribed in this section for their respective courts.

W. Va. Code § 3-2-22 - Correction of voter records

(a) Any registered voter who moves from one residence to another within the county may file a request for change of address on the voter registration records by completing and signing, under penalty of perjury, as provided in section thirty-six of this article, and filing:

(1) A change of address form at the office of the clerk of the county commission or through any of the voter registration outreach services established pursuant to the provisions of section eight of this article;

(2) A state or federal mail registration form;

(3) A change of address form for driver licensing purposes;

(4) A change of address form for voter registration purposes at any authorized voter registration agency;

(5) A confirmation of change of address form received pursuant to the provisions of section twenty-four, twenty-five, twenty-six or twenty-seven of this article; or

(6) An affidavit of change of address at the polling place of the precinct in which the new residence is located on election day.

(b) Upon the receipt of any request for change of address as provided in subsection (a) of this section, the clerk shall enter the change, assign the proper county precinct number and, if applicable, assign the proper municipal precinct number, and issue an acknowledgement notice or mail that notice to the voter at the new address.

(c) When the clerk of the county commission receives notice that a voter may have moved from one residence to another within the county from the United States postal service or through state programs to compare voting registration records with records of other official state or county agencies which receive, update and utilize residence address information, the clerk shall enter the change of address onto the voter registration record and send the confirmation notice as prescribed in section twenty-six of this article.

(d) Any registered voter who changes his or her legal name through marriage or by order of the circuit court may file a request for change of address on the voter registration records by completing and signing, under penalty of perjury, as provided in section thirty-six of this article, and filing:

(1) Any voter registration application form authorized by this article; or

(2) An affidavit of change of legal name at the polling place on election day.

(e) Upon the receipt of any request for change of legal name as provided in subsection (d) of this section, the clerk shall enter the change and issue an acknowledgement notice or mail the notice to the voter.

(f) Any registered voter who desires to change his or her political party affiliation may do so by filing, no later than the close of voter registration for an election, any voter registration application form authorized by the provisions of this article. Upon receipt of a request for change of political party affiliation, the clerk shall enter the change and issue an acknowledgement notice or mail the notice to the voter.

(g) Any registered voter who finds an error in the information on his or her voter registration record may request a correction of the record by completing, signing and filing any voter registration form authorized by the provisions of this article, or an affidavit requesting such correction at the polling place on election day: Provided, That any voter who, in a primary election, alleges the party affiliation entered on the voter registration record at the polling place is incorrect and who desires to vote the ballot of a political party for which he or she does not appear to be eligible, may vote a challenged or provisional ballot of the desired political party: Provided, however, That the ballot may be counted in the canvass only if the original voter registration record contains a designation of such political party which has been filed no later than the close of registration for the primary election in issue.

W. Va. Code § 3-2-31 - Rules pertaining to voting after registration or change of address within the county

(a) A voter who designates a political affiliation with a major party on a registration application filed no later than the close of voter registration before the primary may vote the ballot of that political party in the primary election. Political parties, through the official action of their state executive committees, shall be permitted to determine whether unaffiliated voters or voters of other parties shall be allowed to vote that party's primary election ballot upon request.

(b) A voter whose registration record lists one residence address but the voter has since moved to another residence address within the precinct shall be permitted to update the registration at the polling place and vote without challenge for that reason.

(c) A voter whose registration record lists one residence address but the voter has since moved to another residence address in a different precinct in the same county shall be permitted to update the registration at the polling place serving the new precinct and shall be permitted to vote a challenged or provisional ballot at the new polling place. If the voter's registration is found on the registration records within the county during the canvass and no other challenge of eligibility was entered on election day, the challenge shall be removed and the ballot shall be counted.

(d) A voter whose registration record has been placed on an inactive status or transferred to an inactive file and who has not responded to a confirmation notice sent pursuant to the provisions of section twenty-four, twenty-five or twenty-six of this article and who offers to vote at the polling place where he or she is registered to vote shall be required to affirm his or her present residence address under penalty of perjury, as provided in section thirty-six of this article.

W. Va. Code § 3-3-8- Disposition and counting of absent voters' ballots

(a) In counties using paper ballots, all absentee ballots shall be processed as follows:

(1) The ballot boxes containing the absentee ballots shall be opened in the presence of the clerk of the county commission and two representatives of opposite political parties;

(2) The ballots shall be separated by precincts as stated on the sealed envelopes containing the ballots; and

(3) Absentee ballots shall be delivered to the polls to be opened and counted in accordance with section thirty-three, article one of this chapter, section fifteen, article five of this chapter; and section six, article six of this chapter. Disclosure of any results before the voting has been closed and the precinct returns posted on the door of the polling place shall be a per se violation of the oath taken

by the counting board. In all other counties, counting is to begin immediately after closing of the polls.

(b) In the counties using punch card systems, the absentee ballots shall be processed as follows:

(1) On election day, the ballot boxes containing the absentee ballots shall be delivered to the central counting center and opened in the presence of the clerk of the county commission and two representatives of opposite political parties;

(2) The ballots shall be separated by precincts as stated on the sealed envelopes containing the ballots; and

(3) The absentee ballots shall be counted in accordance with section twenty-seven, article four-a of this chapter.

(c) In counties using optical scan systems, the absentee ballots shall be processed as follows:

(1) On election day, the ballot boxes containing the absentee ballots shall be delivered to the central counting center and opened in the presence of the clerk of the county commission and two representatives of opposite political parties; and

(2) The absentee ballots shall be counted in accordance with section twenty-seven, article four-a of this chapter.

(d) In counties using direct recording elections systems, the absentee ballots shall be counted in accordance with section twenty-seven, article four-a of this chapter.

(e) The provisional ballots shall be deposited in a provisional ballot envelope and delivered to the board of canvassers.

(f) Any election official who determines a person has voted an absent voter's ballot and has also voted at the polls on election day must report the fact to the prosecuting attorney of the county in which the votes were cast.

W. Va. Code § 3-4-23- Voting by challenged voters

If the right of any person to vote is challenged in accordance with provisions of article one of this chapter relating to the challenging of voters, the person shall not be permitted to cast his or her vote by use of the voting machine but he or she shall be supplied by the election officer at the polling place with an official printed ballot of the election. The provisional ballot shall not be endorsed on the back by the poll clerks but, when voted by the challenged voter, shall have affixed thereto by the poll clerks their statement of information as to the challenge on the form prescribed therefor. The provisional ballots shall be secured, handled and disposed of as provisional ballots in other elections, as provided in article one of this chapter.

W. Va. Code § 3-4A-9 – Minimum requirements of electronic voting systems

An electronic voting system of particular make and design may not be approved by the State Election Commission or be purchased, leased or used by any county commission unless it meets the following requirements:

(1) It secures or ensures the voter absolute secrecy in the act of voting or, at the voter's election, provides for open voting;

(2) It is constructed to ensure that no person, except in instances of open voting as provided in this section, can see or know for whom any voter has voted or is voting;

(3) It permits each voter to vote at any election for all persons and offices for whom and which he or she is lawfully entitled to vote, whether or not the name of any person appears on a ballot or ballot label as a candidate; and it permits each voter to vote for as many persons for an office as he or she is lawfully entitled to vote for; and to vote for or against any question upon which he or she is lawfully entitled to vote. The automatic tabulating equipment used in electronic voting systems is to

reject choices recorded on any ballot if the number of choices exceeds the number to which a voter is entitled;

(4) It permits each voter to deposit, write in, affix upon a ballot, card, envelope or other medium to be provided for that purpose, ballots containing the names of persons for whom he or she desires to vote whose names do not appear upon the ballots or ballot labels;

(5) It permits each voter to change his or her vote for any candidate and upon any question appearing upon the ballots or ballot labels up to the time when his or her ballot is deposited in the ballot box or his or her ballot is cast by electronic means;

(6) It contains a program deck consisting of cards that are sequentially numbered or consisting of a computer program disk, diskette, tape or other programming media containing sequentially numbered program instructions and coded or otherwise protected from tampering or substitution of the media or program instructions by unauthorized persons and capable of tabulating all votes cast in each election;

(7) It contains two standard validation test decks approved as to form and testing capabilities by the State Election Commission;

(8) It correctly records and counts accurately all votes cast for each candidate and for and against each question appearing upon the ballots or ballot labels;

(9) It permits each voter at any election other than primary elections by one mark or punch to vote a straight party ticket, as provided in section five, article six of this chapter;

(10) It permits each voter in primary elections to vote only for the candidates of the party for which he or she is legally permitted to vote and precludes him or her from voting for any candidate seeking nomination by any other political party, permits him or her to vote for the candidates, if any, for nonpartisan nomination or election and permits him or her to vote on public questions;

(11) It, where applicable, is provided with means for sealing or electronically securing the vote recording device to prevent its use and to prevent tampering with ballot labels, both before the polls are open or before the operation of the vote recording device for an election is begun and immediately after the polls are closed or after the operation of the vote recording device for an election is completed;

(12) It has the capacity to contain the names of candidates constituting the tickets of at least nine political parties and accommodates the wording of at least fifteen questions;

(13)(A) Direct recording electronic voting machines must generate a paper copy of each voter's votes that will be automatically kept within a storage container, that is locked, closely attached to the direct recording electronic voting machine, and inaccessible to all but authorized voting officials, who will handle such storage containers and such paper copies contained therein in accordance with section nineteen of this article.

(B) The paper copy of the voter's vote shall be generated at the time the voter is at the voting station using the direct recording electronic voting machine.

(C) The voter may examine the paper copy visually or through headphone readout, and may accept or reject the printed copy.

(D) The voter may not touch, handle or manipulate the printed copy manually in any way.

(E) Once the printed copy of the voter's votes is accepted by the voter as correctly reflecting the voter's intent, but not before, it will automatically be stored for recounts or random checks and the electronic vote will be cast within the computer mechanism of the direct recording electronic voting machine.

(F) Direct recording electronic voting machines with a mandatory paper copy shall be approved by the Secretary of State. The Secretary of State may promulgate rules and emergency rules to implement or enforce this subsection pursuant to the provisions of section five, article three, chapter twenty-nine-a of this code.

(14) Where vote recording devices are used, they shall:

(A) Be durably constructed of material of good quality and in a workmanlike manner and in a form which makes it safely transportable;

(B) Be constructed with frames for the placing of ballot labels that the labels upon which are printed the names of candidates and their respective parties, titles of offices and wording of questions are reasonably protected from mutilation, disfigurement or disarrangement or are constructed to ensure that the screens upon which appear the names of the candidates and their respective parties, titles of offices and wording of questions are reasonably protected from any modification;

(C) Bear a number that will identify it or distinguish it from any other machine;

(D) Be constructed to ensure that a voter may easily learn the method of operating it and may expeditiously cast his or her vote for all candidates of his or her choice and upon any public question;

(E) Be accompanied by a mechanically or electronically operated instruction model which shows the arrangement of ballot labels, party columns or rows, and questions;

(F) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to provide for the direct electronic recording and tabulating of votes cast in a system specifically designed and engineered for the election application;

(G) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to prevent any voter from voting for more than the allowable number of candidates for any office, to include an audible or visual signal, or both, warning any voter who attempts to vote for more than the allowable number of candidates for any office or who attempts to cast his or her ballot prior to its completion and are constructed to include a visual or audible confirmation, or both, to the voter upon completion and casting of the ballot;

(H) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to present the entire ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all of the ballot options on all pages before completing his or her vote and to allow the voter to review and change all ballot choices prior to completing and casting his or her ballot;

(I) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to allow election commissioners to spoil a ballot where a voter fails to properly cast his or her ballot, has departed the polling place and cannot be recalled by a poll clerk to complete his or her ballot;

(J) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to allow election commissioners, poll clerks, or both, to designate, mark or otherwise record provisional ballots;

(K) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, consist of devices which are independent, nonnetworked voting systems in which each vote is recorded and retained within each device's internal nonvolatile electronic memory and contain an internal security, the absence of which prevents substitution of any other device;

(L) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, store each vote in no fewer than three separate, independent, nonvolatile electronic memory components and that each device contains comprehensive diagnostics to ensure that failures do not go undetected;

(M) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, contain a unique, embedded internal serial number for auditing purposes for each device used to activate, retain and record votes;

(N) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to record all preelection, election and post-election

activities, including all ballot images and system anomalies, in each device's internal electronic memory and are to be accessible in electronic or printed form;

(O) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed with a battery backup system in each device to, at a minimum, prevent the loss of any votes, as well as all preelection, election and post-election activities, including all ballot images and system anomalies, stored in the device's internal electronic memory and to allow voting to continue for two hours of uninterrupted operation in case of an electrical power failure; and

(P) For electronic voting systems that utilize a screen upon which votes may be recorded by means of a stylus or by means of touch, be constructed to prevent the loss of any votes, as well as all preelection, election and post-election activities, including all ballot images and system anomalies, stored in each device's internal electronic memory even in case of an electrical and battery power failure.

W. Va. Code § 3-4A-24a - Voting by challenged voter where touch-screen electronic voting systems are used

If the right of any person to vote is challenged in accordance with the provisions of article one of this chapter, relating to the challenging of voters, and a vote recording device or ballot is used that tabulates the vote as an individual vote, the person is to be permitted to cast his or her vote by use of the vote recording device or ballot, as may be appropriate. An election commissioner shall enter into the voting device a voter-specific electronic code for any person voting a provisional ballot. The devices are to retain provisional ballots in electronic memory and are not to be tabulated in accordance with the provisions of this code, but are to be reviewed in accordance with the provisions of this code.

After the county commission, as prescribed in article one of this chapter, has determined that the challenges are unfounded, the commissioners shall ensure that the ballots are included in the tabulation.

W. Va. Code § 3-6-9 - Canvass of returns; declaration of results; recounts; recordkeeping

(a) The commissioners of the county commission shall be ex officio a board of canvassers and, as such, shall keep in a well-bound book, marked "election record", a complete record of all their proceedings in ascertaining and declaring the results of every election in their respective counties. They shall convene as the canvassing board at the courthouse on the fifth day (Sundays excepted) after every election held in their county, or in any district thereof, and the officers in whose custody the ballots, pollbooks, registration records, tally sheets and certificates have been placed shall lay them before the board for examination. They may, if considered necessary, require the attendance of any of the commissioners, poll clerks or other persons present at the election to appear and testify respecting the election and make other orders as shall seem proper to procure correct returns and ascertain the true results of the election in their county; but in this case all the questions to the witnesses and all the answers thereto and evidence shall be taken down in writing and filed and preserved. All orders made shall be entered upon the record. They may adjourn, from time to time, but no longer than absolutely necessary. When a majority of the commissioners are not present, the meeting shall stand adjourned until the next day and so from day to day, until a quorum is present. All meetings of the commissioners sitting as a board of canvassers shall be open to the public. The board shall proceed to open each sealed package of ballots laid before them and, without unfolding them, count the number in each package and enter the number upon their record. The ballots shall then be again sealed up carefully in a new envelope and each member of the board shall write his or her name across the place where the envelope is sealed. After canvassing the returns of the election, the board shall publicly declare the results of the election; however, they shall not enter an order certifying the election results for a period of forty-eight hours after the declaration.

(b) Within the 48-hour period a candidate voted for at the election may demand the board to open and examine any of the sealed packages of ballots and recount them; but they shall seal the ballots again, along with the envelope above named, and the clerk of the county commission and each member of the board shall write his or her name across the places where it is sealed and endorse in ink, on the outside: "Ballots of the election held at precinct No.____, in the district of _____, and county of _____, on the _____ day of _____." In computing the 48-hour period as used in this section, Saturdays, Sundays and legal holidays shall be excluded: Provided, That at the end of the 48-hour period, an order shall be entered certifying all election results except for those offices in which a recount has been demanded.

(c) If a recount has been demanded, the board shall have an additional twenty-four hours after the end of the 48-hour period in which to send notice to all candidates who filed for the office in which a recount has been demanded of the date, time and place where the board will convene to commence the recount. The notice shall be served under the provisions of subdivision (d) of this section. The recount shall be set for no sooner than three days after the serving of the notice: Provided, That after the notice is served, candidates so served shall have an additional twenty-four hours in which to notify the board, in writing, of their intention to preserve their right to demand a recount of precincts not requested to be recounted by the candidate originally requesting a recount of ballots cast: Provided, however, That there shall be only one recount of each precinct, regardless of the number of requests for a recount of any precinct. A demand for the recount of ballots cast at any precinct may be made during the recount proceedings only by the candidate originally requesting the recount and those candidates who notify the board, pursuant to this subdivision, of their intention to preserve their right to demand a recount of additional precincts.

(d) Any sheriff of the county in which the recount is to occur shall deliver a copy thereof in writing to the candidate in person; or if the candidate is not found, by delivering the copy at the usual place

of abode of the candidate and giving information of its purport, to the spouse of the candidate or any other person found there who is a member of his or her family and above the age of sixteen years; or if neither the spouse of the candidate nor any other person be found there and the candidate is not found, by leaving the copy posted at the front door of the place of abode. Any sheriff, thereto required, shall serve a notice within his or her county and make return of the manner and time of service; for a failure so to do, he or she shall forfeit twenty dollars. The return shall be evidence of the manner and time of service.

(e) Every candidate who demands a recount shall be required to furnish bond in a reasonable amount with good sufficient surety to guarantee payment of the costs and the expenses of the recount in the event the result of the election is not changed by the recount; but the amount of the bond shall in no case exceed three hundred dollars.

(f) After the board of canvassers has made their certificates and declared the results as hereinafter provided, they shall deposit the sealed packages of ballots, absent voter ballots, registration records, pollbooks, tally sheets and precinct certificates with the clerks of the county commissions and circuit courts from whom they were received, who shall carefully preserve them for twenty-two months: Provided, That the clerk may use these records to update the voter registration records in accordance with subsection (d), section eighteen, article two of this chapter. If there is no contest pending as to any election and their further preservation is not required by any order of a court, the ballots, pollbooks, tally sheets and certificates shall be destroyed by fire or otherwise, without opening the sealed packages of ballots. If there is a contest pending, they shall be destroyed as soon as the contest is ended.

(g) If the result of the election is not changed by the recount, the costs and expenses thereof shall be paid by the party at whose instance the recount was made.

Wisconsin Voting Statutes

5.02(6m) – Definition of Acceptable Identification

5.05(1) – Election Board Information

5.05(4) – Election Board Nonpartisan Requirement

5.055 – Election Assistance Commission

5.061 – Compliance with HAVA

6.03 – Disqualification of Electors

6.15 – New Residents Presidential Voting

6.26 – Registration Deputies

6.27 – Registration

6.28 – When and Where to Register

6.29 – Late Registration in Person

6.30 – How to Register

6.325 – Disqualification of Electors

6.48 – Challenging Registration

6.54 – Failure to Register Rights

6.55 – Polling Place Registration

6.95 – Voting Procedure for Challenged Electors

6.96 – Voting Procedures for Electors Voting Pursuant to Federal Court Order

6.97 – Voting procedure for individuals not providing required identification.

7.08(8) – Notice

7.30 – Appointment of Election Officials

7.51 - Canvassing

5.02(6m)
(6m) "Identification" means:

5.02(6m)(a)
(a) In the case of an elector who votes in person, either of the following:

5.02(6m)(a)1.
1. A current and valid piece of identification containing a photograph of the elector.

5.02(6m)(a)2.
2. A copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector.

5.02(6m)(b)
(b) In the case of an elector who votes by absentee ballot, either of the following:

5.02(6m)(b)1.
1. A copy of a current and valid piece of identification containing a photograph of the elector.

5.02(6m)(b)2.
2. A copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector.

5.05
5.05 Elections board; powers and duties.
5.05(1)
(1) General authority. The elections board shall have the responsibility for the administration of chs. 5 to 12 and other laws relating to elections and election campaigns. Pursuant to such responsibility, the board may:

5.05(1)(a)
(a) Employ an executive director outside the classified service and employ legal counsel. The executive director shall serve as the chief election officer for this state.

5.05(4)
(4) Employees. All employees of the board shall be nonpartisan.
5.055
5.055 Election assistance commission standards board. The executive director of the board shall, in consultation with the board, appoint an individual to represent this state as a member of the federal election assistance commission standards board. The executive director shall also conduct and supervise a process for the selection of an election official by county and municipal clerks and boards of election commissioners to represent local election officials of this state as a member of the federal election assistance commission standards board. The executive director shall ensure that the members of the federal election assistance commission standards board representing this state shall at no time be members of the same political party. Upon appointment or election of any new member of the federal election assistance commission standards board representing this state, the

executive director shall transmit a notice of that member's appointment or election to the officer or agency designated by federal law.

5.061

5.061 Compliance with federal Help America Vote Act.

5.061(1)

(1) Whenever any person believes that a violation of Title III of P.L. 107-252 has occurred, is occurring, or is proposed to occur with respect to an election for national office in this state, that person may file a written, verified complaint with the board.

5.061(2)

(2) If the board receives more than one complaint under sub. (1) relating to the same subject matter, the board may consolidate the complaints for purposes of this section.

5.061(3)

(3) A complainant under sub. (1) or any of the complainants in a consolidated complaint under sub. (2) may request a hearing and the matter shall then be treated as a contested case under ch. 227, except that the board shall make a final determination with respect to the merits of the complaint and issue a decision within 89 days of the time that the complaint or the earliest of any complaints was filed, unless the complainant, or each of any complainants whose complaints are consolidated, consents to a specified longer period.

5.061(4)

(4) If the board finds the complaint to be without merit, it shall issue a decision dismissing the complaint. If the board finds that the violation alleged in the complaint has occurred, is occurring, or is proposed to occur, the board shall order appropriate relief, except that the board shall not issue any order under this subsection affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

6.03

6.03 Disqualification of electors.

6.03(1)

(1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:

6.03(1)(a)

(a) Any person who is incapable of understanding the objective of the elective process or under guardianship pursuant to the order of a court under ch. 880, except that when a person is under limited guardianship, the court may determine that the person is competent to exercise the right to vote;

6.03(1)(b)

(b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3).

6.03(2)

(2) No person shall be allowed to vote in any election in which the person has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.

6.03(3)
(3) No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been so adjudicated in a separate proceeding instituted for that purpose by an elector of the municipality in accordance with the procedures set forth in ch. 880 for determining incompetency. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made which does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian or limited guardian has been appointed as a result of any such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 880.34.

6.15 New residents; presidential voting.
6.15(1)
(1) Qualifications. Any person who was or who is a qualified elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than 10 days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. The fact that the person was not registered to vote in the state from which he or she moved does not prevent voting in this state if the elector is otherwise qualified.

6.15(2)
(2) Procedure at clerk's office. Any person qualifying under sub. (1) need not register to vote, but shall apply for and cast his or her ballot as follows:

6.15(2)(a)
(a) The elector's request for the application form may be made in person to the municipal clerk of the municipality where the person resides. Application may be made not sooner than 9 days nor later than 5 p.m. on the day before the election, or may be made at the proper polling place in the ward or election district in which the elector resides. If an elector makes application before election day, the application form shall be returned to the municipal clerk after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:
STATE OF WISCONSIN
County of ....
I, ..., do solemnly swear that I am a citizen of the United States; that prior to establishing Wisconsin residence, my legal residence was in the .... (town) (village) (city) of ...., state of ...., residing at .... (street address); that on the day of the next presidential election, I shall be at least 18 years of age and that I have been a legal resident of the state of Wisconsin since ...., ... (year), residing at .... (street address), in the [.... ward of the .... aldermanic district of] the (town) (village) (city) of ...., county of ....; that I have resided in the state less than 10 days, that I am qualified to vote for president and vice president at the election to be held November ...., ... (year), that I am not voting at any other place in this election and that I hereby make application for an official presidential ballot, in accordance with section 6.15 of the Wisconsin statutes.
Signed ....
P.O. Address ....
Subscribed and sworn to before me this .... day of ...., ... (year)
....(Name)

....(Title)

6.15(2)(b)
(b) The clerk shall provide with the application form a card which the elector shall fill in and return with the application to the municipal clerk. The card shall state that the elector intends to vote for president and vice president in Wisconsin and that his or her voting privileges should be canceled at his or her previous residence. The card shall be in substantially the following form:
.... (Full Name - print or type)
It is my intent to vote for president and vice president in Wisconsin, under section 6.15, Wisconsin Statutes.
( ) I am not registered to vote at my previous address.
( ) I am registered to vote at my previous address and I hereby authorize the cancellation of my previous voting privileges at that address:
.... (Street), ... (Town, village, city), ... (State) .... (Zip)
Signature ....
Present Address ....
6.15(2)(c)
(c) The municipal clerk upon receipt of the application form and voting privileges cancellation card shall immediately forward the card to the proper official of the applicant's prior residence.

6.15(2)(d)
(d)
6.15(2)(d)1r.
1r. Upon proper completion of the application and cancellation card, the municipal clerk shall require the elector to provide acceptable proof of residence under s. 6.55 (7). If the elector cannot provide acceptable proof of residence, the elector may have his or her residence corroborated in a statement that is signed by another elector of the municipality and that contains the current street address of the corroborating elector. If the residence is corroborated by another elector, that elector shall then provide proof of residence under s. 6.55 (7). The elector shall then mark the ballot in the clerk's presence in a manner that will not disclose his or her vote. The elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector shall then place the ballot in an envelope furnished by the clerk.

6.15(2)(d)2.
2. The clerk shall enclose the envelope containing the ballot in a carrier envelope, securely seal it, and endorse it with his or her name, title and the words, "This envelope contains the vote for president and vice president of a new resident and shall be opened only at the polls during polling hours on election day". The clerk shall keep the envelope in his or her office until the clerk delivers it to the inspectors, as provided in sub. (4).

6.15(2)(d)3.
3. The clerk shall keep open to public inspection a list of all new residents who have voted under this section. The list shall give the name, address and application date of each elector.

6.26 Special registration deputies.
6.26(1)
(1) The municipal clerk or the board of election commissioners of each municipality shall administer elector registration within the municipality in accordance with the procedures prescribed under sub.

(3).

6.26(2)
(2)
6.26(2)(a)
(a) A qualified elector of the state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors of the municipality prior to the close of registration. An applicant may be appointed by more than one municipal clerk or board of election commissioners to serve more than one municipality.

6.26(2)(am)
(am) A qualified elector of this state may apply to the board to be appointed as a special registration deputy for the purpose of registering electors of any municipality prior to the close of registration.

6.26(2)(b)
(b) The municipal clerk, board of election commissioners, or elections board may appoint any applicant who qualifies under this subsection, unless the applicant's appointment has been revoked by a municipality or by the board for cause. The municipal clerk, board of election commissioners, or elections board may revoke an appointment made by the clerk, board of election commissioners, or elections board for cause at any time.

6.26(2)(c)
(c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality or the individual is appointed by the elections board to serve all municipalities.

6.26(2)(d)
(d) This subsection does not apply to deputies appointed under s. 6.55 (6).

6.26(3)
(3) The board shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners. The procedures shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

6.27
6.27 Elector registration required. Each elector shall register under this chapter before voting in any election, except as authorized under ss. 6.15, 6.18, and 6.22.

6.28 Where and when to register.
6.28(1)
(1) Registration locations; deadline. Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday preceding the election. An application for registration in person or by mail may be accepted for placement on the registration

list after the specified deadline, if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of any register of deeds or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks, savings and loan associations and savings banks. Special registration deputies shall be appointed for all locations. An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

6.28(2)
(2) At high schools.
6.28(2)(a)
(a) Public high schools shall be used for registration for enrolled students and members of the high school staff.
6.29 Late registration in person.
6.29(1)
(1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.28 (1), 6.55 (2), or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

6.29(2)
(2)
6.29(2)(a)
(a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the day before an election at the office of the municipal clerk and at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form containing all information required under s. 6.33 (1). The elector shall also provide acceptable proof of residence under s. 6.55 (7). Alternatively, if the elector is unable to provide acceptable proof of residence under s. 6.55 (7), the information contained in the registration form shall be corroborated in a statement that is signed by any other elector of the municipality and that contains the current street address of the corroborating elector. The corroborating elector shall then provide acceptable proof of residence under s. 6.55 (7).

6.29(2)(b)
(b) Unless the municipal clerk determines that the registration list will be revised to incorporate the registration in time for the election, upon the filing of the registration form required by this section, the municipal clerk or clerk's agent under s. 6.33 (5) (b) shall issue a certificate containing the name and address of the elector addressed to the inspectors of the proper ward or election district directing that the elector be permitted to cast his or her vote if the elector complies with all

requirements for voting at the polling place. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

6.29(2)(c)
(c) At the time he or she appears at the correct polling place, the elector shall deliver any certificate issued under par. (b) to the inspectors. If the elector applies for and obtains an absentee ballot, any certificate shall be annexed to and mailed with the absentee ballot to the office of the municipal clerk.

6.29(2)(d)
(d) The inspectors shall record the names of electors who present certificates in person or for whom certificates are presented with absentee ballots under this section on the list maintained under s. 6.56 (1). These names shall then be added to the registration list if the electors are qualified.

6.30 How to register.
6.30(1)
(1) In person. An elector shall apply for registration in person, except as provided under sub. (4) and s. 6.86 (3) (a) 2.

6.30(4)
(4) By mail. Any eligible elector may register by mail on a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information required in ss. 6.33 (1) and to provide for changes authorized under s. 6.40 (1) (a). The form shall contain a certification by the elector that all statements are true and correct. The form shall be prepostpaid for return when mailed at any point within the United States. The form shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.

6.325 Disqualification of electors. No person may be disqualified as an elector unless the municipal clerk, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered. If it appears that the challenged elector is registered at a residence in this state other than the one where the elector now resides, the municipal clerk or board of election commissioners shall, before permitting the elector to vote, require the elector to transfer his or her registration under s. 6.40 (1) (a) and shall notify the municipal clerk or board of election commissioners at the former residence. The municipal clerk or board of election commissioners may require naturalized applicants to show their naturalization certificates.

6.48 Challenging registration.
6.48(1)
(1) General procedure.
6.48(1)(a)
(a) Any registered elector of a municipality may challenge the registration of any other registered elector by submitting to the municipal clerk or executive director of the board of election commissioners in cities of more than 500,000 population an affidavit stating that the elector is not qualified to vote and the reasons therefor. The clerk or director, upon receipt of the affidavit, shall mail a notification of the challenge to the challenged elector, at his or her registered address.

6.48(1)(b)
(b) The challenged and challenging electors shall appear before the municipal clerk within one week of notification or arrange under sub. (2) to appear before the board of election commissioners. The challenging elector shall make an affidavit answering any questions necessary to determine the challenged elector's qualifications. Judgment rests with the municipal clerk and decisions shall be rendered as soon as heard. If the clerk cannot resolve the issue or has reservations as to the answers, the clerk may require the challenging elector to take the oath under s. 6.925. If the challenged elector appears and contests any answer of the challenging elector, the clerk may require the challenged elector to take the oath under s. 6.94 and to answer any question necessary to determine the challenged elector's qualifications. If the challenging elector appears before the municipal clerk or board of election commissioners but the challenged elector fails to appear, such clerk or board may make the decision without consulting the challenged elector. If the municipal clerk or board of election commissioners does not sustain the challenge, the challenged elector's registration remains valid.

6.48(1)(c)
(c) If the challenging elector fails to appear before the municipal clerk within one week or in cities of more than 500,000 population fails to appear before the board of election commissioners under sub. (2) to answer questions and take the oath under s. 6.925, such clerk or board shall cancel the challenge.

6.48(1)(d)
(d) If the clerk determines that the challenged elector is not qualified, the clerk shall change the challenged elector's registration from eligible to ineligible status on the registration list and notify the inspectors for the ward or election district where the elector was registered.

6.48(2)
(2) Special procedure in populous cities.
6.48(2)(a)
(a) In cities of more than 500,000 population, objections may be made before the board of election commissioners which shall sit on the last Wednesday before each election from 9 a.m. to 12 a.m. and from 2 p.m. to 5 p.m. to hear objections then made or deferred under sub. (1). If all the objections cannot then be determined, the commissioners shall sit during the same hours the next day.

6.48(2)(b)
(b) Upon appearing in person, objectors shall be examined, under oath, by the commissioners and testimony taken. Judgment rests with the board of election commissioners and decisions shall be rendered as soon as heard. All cases are heard and decided summarily. The commissioners shall determine whether the person objected to is qualified. If they determine that a person is not qualified, the executive director of the board of election commissioners shall change the elector from eligible to ineligible status on the registration list and shall notify the proper ward officials of the change immediately.

6.48(3)
(3) Challenge based on incompetency. Section 6.03 (3) applies to any challenge which is made to registration based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible for registration.

6.48(4)
(4) Disqualification. The municipal clerk or board of election commissioners may not disqualify an elector under this section except upon the grounds and in accordance with the procedure specified in s. 6.325.

6.54 Failure to register; rights. No name may be added to the registration list after the close of registration, but any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with s. 6.29 or 6.55.

6.55 Polling place registration; voting by certification.
6.55(2)
(2)
6.55(2)(a)
(a)
6.55(2)(a)1.
1. Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the board. The registration form shall be completed in the manner provided under s. 6.33 (2) and shall contain all information required under s. 6.33 (1), together with the following certification:
"I, ..., hereby certify that to the best of my knowledge, I am a qualified elector, having resided at .... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted, at this election."

6.55(2)(a)2.
2. If a change of address is made from outside the municipality, the municipal clerk shall file the notice required under s. 6.40 (1) (a) 3.

6.55(2)(b)
(b) Upon executing the registration form under par. (a), the elector shall provide acceptable proof of residence under sub. (7). If the elector cannot provide acceptable proof of residence, the information contained in the registration form shall be corroborated in a statement that is signed by any elector who resides in the same municipality as the registering elector and that contains the current street address of the corroborating elector. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). The signing by the elector executing the registration form and by any corroborator shall be in the presence of the special registration deputy or inspector. Upon compliance with this procedure, the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.

6.55(2)(c)
(c)
6.55(2)(c)1.
1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality may by resolution require a person who

qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to provide acceptable proof of residence as provided under sub. (7). If the elector cannot provide acceptable proof of residence, the information contained in the registration form shall be corroborated in the manner provided in par. (b). The signing by the elector executing the registration form and by any corroborator shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

6.55(2)(c)2.
2. Upon compliance with the procedures under subd. 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. The clerk shall enter the name and address of the elector on the face of the certificate. If the elector's registration is corroborated, the clerk shall also enter the name and address of the corroborator on the face of the certificate. The certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall preserve one copy in his or her office.

6.55(2)(c)3.
3. The elector, at the time he or she appears to vote at the polling place, shall deliver the certificate issued under subd. 2. to the inspectors.

6.55(2)(cm)
(cm) If an elector who is not registered wishes to obtain a confidential listing under s. 6.47 (2), the elector shall register at the office of the municipal clerk of the municipality where the elector resides. Upon completion of registration, the municipal clerk or a deputy clerk shall serially number the registration form and issue a voting identification card to the elector under s. 6.47 (3). The elector may vote at the polling place serving his or her residence by presenting the identification card or by providing his or her name and identification serial number to the inspectors.

6.55(2)(d)
(d) A registered elector who has changed his or her name but resides at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c), shall notify the inspector of the change before voting. The inspector shall then notify the municipal clerk at the time when materials are returned under s. 6.56 (1). If an elector has changed both a name and address, the elector shall register at the polling place or other registration location under pars. (a) and (b).

6.55(3)
(3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the

elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: "I, ..., hereby certify that to the best of my knowledge, I am a qualified elector, having resided at .... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If the elector cannot provide acceptable proof of residence, the statement shall be certified by the elector and shall be corroborated in a statement that is signed by any other elector who resides in the municipality and that contains the current street address of the corroborating elector. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

6.55(5)
(5) Any person who violates this section may be punished as provided in ss. 12.13 (3) (g) and 12.60 (1) (b).

6.55(6)
(6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners determines that the registration process provided for in that subsection will be facilitated thereby. The deputies shall be specially appointed by the clerk or board of election commissioners for one election only to conduct elector registration only.

6.55(7
(7)
6.55(7)(a)
(a) For purposes of this section, an identifying document constitutes acceptable proof of residence if it includes:

6.55(7)(a)1.
1. A current and complete name, including both the given and family name; and

6.55(7)(a)2.
2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

6.55(7)(b)
(b) If an elector's address has changed since an identifying document was issued, the new information may be typed or printed on the document by hand, in ink.

6.55(7)(c)
(c) Identifying documents which constitute acceptable proof of residence under this section, when they contain the information specified in par. (a), include the following:

6.55(7)(c)1.
1. An operator's license issued under ch. 343.

6.55(7)(c)2.
2. An identification card issued under s. 343.50.

6.55(7)(c)3.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.

6.55(7)(c)4.
4. A credit card or plate.

6.55(7)(c)5.
5. A library card.

6.55(7)(c)6.
6. A check-cashing or courtesy card issued by a merchant in the normal course of business.

6.55(7)(c)7.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.

6.95 Voting procedure for challenged electors. Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the poll list, or other list maintained under s. 6.79, and the notation "s. 6.95". If voting machines are used in the municipality where the person is voting, the person's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.95" written on the back of the ballot by the inspectors before the ballot is given to the elector. The inspectors shall indicate on the list the reason for the challenge. The inspectors shall then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the board or the chairperson's designee. The decision of any board of canvassers or of the chairperson or chairperson's designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

6.96 Voting procedure for electors voting pursuant to federal court order. Whenever any elector is allowed to vote at a polling place pursuant to a federal court order after the closing time provided under s. 6.78, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the notation "s. 6.96". If voting machines are used in the municipality where the elector is voting, the elector's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation "s. 6.96" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the elector's ballot, the inspectors shall provide the elector with the written voting information prescribed by the board under s. 7.08 (8).

The inspectors shall indicate on the list the fact that the elector is voting pursuant to a federal court order. The inspectors shall then deposit the ballot. The ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is counted, the appropriate board or boards of canvassers or the chairperson of the board or his or her designee shall reopen the canvass to discount any ballots that were counted pursuant to the vacated order and adjust the statements, certifications, and determinations accordingly.

6.97 Voting procedure for individuals not providing required identification.

6.97(1)

(1) Whenever any individual who is required to provide identification in order to be permitted to vote appears to vote at a polling place and cannot provide the required identification, the inspectors shall offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the board under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide identification but did not do so. The inspectors shall notify the individual that he or she may provide identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

6.97(2)

(2) Whenever any individual who votes by absentee ballot is required to provide identification in order to be permitted to vote and does not provide the required identification, the inspectors shall write on the back of the absentee ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to provide identification but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

6.97(3)

(3) Whenever the municipal clerk or executive director of the municipal board of election commissioners is informed by the inspectors that a ballot has been cast under this section, the clerk or executive director shall promptly provide written notice to the board of canvassers of each municipality, special purpose district, and county that is responsible for canvassing the election of

the number of ballots cast under this section in each ward or election district. The municipal clerk or executive director then shall determine whether each individual voting under this section is qualified to vote in the ward or election district where the individual's ballot is cast. The municipal clerk or executive director shall make a record of the procedure used to determine the validity of each ballot. If, prior to 4 p.m. on the day after the election, the municipal clerk or executive director determines that the individual is qualified to vote in the ward or election district where the individual's ballot is cast, the municipal clerk or executive director shall notify the board of canvassers for each municipality, special purpose district and county that is responsible for canvassing the election of that fact.

6.97(4)
(4) Whenever a board of canvassers receives timely notification from the municipal clerk or executive director of the board of election commissioners under sub. (3) that an individual who has voted under this section is qualified to vote in the ward or election district where the individual's ballot is cast, the board of canvassers shall promptly reconvene and, if the ballot cast by the individual is otherwise valid, shall count the ballot and adjust the statements, certifications and determinations accordingly. If the municipal clerk or executive director transmits returns of the election to the county clerk or board of election commissioners, the municipal clerk or executive director shall transmit to the county clerk or board of election commissioners a copy of the amended returns together with all additional ballots counted by each board of canvassers.

7.08(8)
(8) Electors voting without identification or pursuant to court order. Prescribe a written notice to be distributed to electors who vote under s. 6.96 or 6.97 that informs an elector how to obtain information regarding whether his or her vote has been counted, and if the vote will not be counted, the reason that the vote will not be counted.

7.30 Appointment of election officials.
7.30(1)
(1) Number. There shall be 7 inspectors for each polling place at each election. In municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors to 5. A municipal governing body may provide for the appointment of additional inspectors whenever more than one voting machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day, and may permit the municipal clerk or board of election commissioners to establish different working hours for different officials assigned to the same polling place. Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places. Unless officials are appointed without regard to party affiliation under sub. (4) (c), additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party.

7.30(2)
(2) Qualifications and procedure.
7.30(2)(a)
(a) Only election officials appointed under this section may conduct an election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified elector of the ward or wards, or the election district, for which the polling place is established. Special registration deputies appointed

under s. 6.55 (6) and election officials who are appointed to fill a vacancy under par. (b) need not be a resident of the ward or wards, or the election district, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and may not be a candidate for any office to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

7.30(2)(am)
(am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average or the equivalent may serve as an inspector at the polling place serving the pupil's residence, with the approval of the pupil's parent or guardian and of the principal of the school in which the pupil is enrolled. A pupil may serve as an inspector at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph. Before appointment by any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall obtain written authorization from the pupil's parent or guardian and from the principal of the school where the pupil is enrolled for the pupil to serve for the entire term for which he or she is appointed. Upon appointment of a pupil to serve as an inspector, the municipal clerk shall notify the principal of the school where the pupil is enrolled of the date of expiration of the pupil's term of office.

7.30(2)(b)
(b) When a vacancy occurs, the vacancy shall be filled by appointment of the municipal clerk. The vacancy shall be filled from the remaining names on the lists submitted under sub. (4) or from additional names submitted by the chairperson of the county party committee of the appropriate party under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for the election at which the temporary vacancy occurs. The same qualifications shall be required of persons who fill vacancies. Vacancies may be filled in cases of emergency or because of time limitations by a person from another aldermanic district or ward within the municipality.

7.30(2)(c)
(c) The governing body of any municipality may require all persons serving as election officials to prove their ability to read and write English and to have a general knowledge of the election laws. Examinations may be given to prove the qualifications can be met.

7.51 Local board of canvassers.
7.51(1)
(1) Canvass procedure. Immediately after the polls close the inspectors shall proceed to canvass

publicly all votes received at the polling place. In any municipality where an electronic voting system is used, the municipal governing body or board of election commissioners may provide or authorize the municipal clerk or executive director of the board of election commissioners to provide for the adjournment of the canvass to one or more central counting locations for specified polling places in the manner prescribed in subch. III of ch. 5. No central counting location may be used to count votes at a polling place where an electronic voting system is not employed. The canvass, whether conducted at the polling place or at a central counting location, shall continue without adjournment until the canvass is completed and the return statements are made. The inspectors shall not permit access to the name of any elector who has obtained a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

Wyoming

22-1-102(xxiii) Definition of Poll List, and Information Included

22-1-102(xli) Definition of Provisional Ballot

22-2-103 Chief Election Officers

22-3-102. Qualifications; temporary registration.

22-3-104. Methods of verification; signing oath; time for proving eligibility; registration locations.

22-3-105. Investigation of voter qualifications; striking names from registry; criteria; notice; appeal.

22-3-115. Grounds for cancellation of registration.

22-3-116. Notice of intent to cancel registration.

22-3-118. Proof of identity.

22-8-101. Notice of election officials needed; county chairmen to submit list of names; municipal clerks list of names appointment.

22-8-102. Qualifications.

22-8-103. Terms.

22-15-101. Right to vote may be challenged.

22-15-104. Grounds for challenge.

22-15-105. Challenged person may vote; generally.

22-15-105. Where name not on poll list.

22-16-103. County canvass procedures.

22-1-102 Definitions

(xxiii) "Poll list" is the list of registered voters as compiled by the clerk for use by election judges at the polls. The poll list shall:

(A) Include the names and residence addresses of electors registered in the precinct;

(B) Indicate the precinct and various districts in which each elector resides;

(C) Indicate political party affiliation of the electors, if any;

(D) Indicate which electors have registered by mail and must show identification;

(E) Indicate which electors have submitted absentee ballots in the election prior to the printing of the poll list;

(F) Provide for the notation of:

(I) A sequential number for each elector voting at the polls;

(II) Electors who cast provisional ballots;

(III) Electors who cast absentee ballots if the absentee ballots are processed and counted at the polls;

(IV) Electors who change political party affiliation at the polls.

(G) Provide for the recording of the same information for electors who register at the polls;

(H) Provide other space as required for election management purposes.

22-1-102

(xli) "Provisional ballot" means a ballot provided to a voter whose right to register or to vote cannot be determined at the polls or verified at the election office, in order to allow the voter to cast a ballot at the polls which shall be counted only if the ballot is determined to be a valid ballot as provided in this Election Code;

22-2-103. Chief election officers.

The secretary of state is the chief election officer for the state and shall maintain uniformity in the applications and operations of the election laws of Wyoming. Each county clerk is the chief election officer for the county.

22-3-102. Qualifications; temporary registration.

(a) A person may register to vote not less than thirty (30) days before an election, at any election specified in W.S. 22-2-101(a)(i) through (viii) or as provided by W.S. 22-3-117, who satisfies the following qualifications:

(i) He is a citizen of the United States;

(ii) He will be at least eighteen (18) years of age on the day of the next election;

(iii) He is a bona fide resident of Wyoming as determined in accordance with W.S. 22-1-102(a)(xxx);

(iv) He is not currently adjudicated mentally incompetent;

(v) He has not been convicted of a felony, or if convicted has had his civil or voting rights restored.

(b) Repealed By Laws 2004, Chapter 94, § 4.

(c) Repealed By Laws 1998, ch. 100, § 5.

(d) An absent uniformed services or an overseas citizen voter who is qualified to register by mail, to request an absentee ballot, and to vote in Wyoming is entitled to register by mail using the Federal Postcard Application for the purpose of voting in one (1) election or as many as the next two (2) federal election cycles, including the primary and general and special federal elections, but thereafter the voter's name shall be removed from the temporary registration list which shall be maintained as a segregated part of the voter registration list. The voter's name shall not appear on the permanent official registry list until the voter has registered as provided in W.S. 22-3-103 and 22-3-104.

22-3-104. Methods of verification; signing oath; time for proving eligibility; registration locations.

(a) Repealed By Laws 2004, Chapter 94, § 4.

(b) Repealed By Laws 2004, Chapter 94, § 4.

(c) Repealed By Laws 1998, ch. 100, § 5.

(d) An applicant may only register to vote in person or by mail at which time he shall provide the information required by W.S. 22-3-103(a) and sign the registration oath as required by W.S. 22-3-103(b).

(f) A person shall be registered to vote as follows:

(i) Registration before the secretary of state has certified that the voter registration system is operational is effective upon receipt and acceptance by the county clerk or election judge of the completed and signed registration oath subscribed by the registry agent or by a person authorized to administer oaths if the voter is registering by mail;

(ii) Registration after the secretary of state has certified that the voter registration system is operational is effective:

(A) At the polls for the purpose of voting. Upon verification of the information, the voter shall continue to be registered. Upon failure of verification, the voter's registration shall be revoked in accordance with W.S. 22-3-105;

(B) For registration, other than at the polls, after the voter registration information has been entered onto the voter registration system and verified.

(g) On election day, applicants attempting to register who lack the proof required under this section shall be offered provisional ballots in accordance with W.S. 22-15-105 and permitted until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to register and to vote in the precinct.

(h) An applicant may register to vote in person:

(i) In his proper polling place at any election specified in W.S. 22-2-101(a)(i) through (viii); or

(ii) In the office of the county clerk or city clerk in the principal office building of the county or city in the presence of the registry agent.

(j) A county or city clerk may establish and maintain registration facilities in a public building owned or occupied by a political subdivision or governmental institution, agency or entity, after giving not less than two (2) days notice by publication in a newspaper of general circulation in the county and by posting such notice in such clerk's office and on the front door of such public building. The requirements of subsection (h) of this section regarding the place of registration shall not apply to a person registering in accordance with this subsection.

22-3-105. Investigation of voter qualifications; striking names from registry; criteria; notice; appeal.

(a) The county clerk may investigate the qualifications of any voter registration, when he has reasonable cause to believe that the voter may be unqualified. The county clerk shall, after a thorough investigation, strike from the voter registration lists the name of any person who is not qualified to be registered.

(b) Among the criteria he may use in determining the qualifications of any person to be registered are the following:

(i) Location of dwelling of registrant and family;

(ii) Occupation and location of employment;

(iii) Location of vehicle registration;

(iv) Driver's license;

(v) Property owned;

(vi) Any other residency qualifications either provided by law or deemed reasonable by the clerk to render a judicious determination.

(c) The clerk shall give immediate written notice by certified return receipt mail to any person who is denied registration.

(d) Any person who is denied registration has the right to appeal to a circuit court within the county or to the district court within five (5) days of the date of the notification. The appellant shall not be required to obtain legal counsel for any such appeal.

(e) The court shall hear and decide any such appeal within five (5) days from the date the appeal is received.

(f) The provisions of the Wyoming Administrative Procedure Act [§§ 16-3-101 through 16-3-115] are not applicable to voter registration appeals

22-3-115. Grounds for cancellation of registration.

(a) A registered elector's registration shall be cancelled for any one (1) of the following reasons:

(i) Failure to vote in any general election;

(ii) Death;

(iii) Removal of residence from the county or state more than thirty (30) days prior to an election;

(iv) Disqualification to vote;

(v) Receipt of notification that the elector has registered to vote in another jurisdiction;

(vi) Upon written request of the elector.

(b) A registered elector's registration shall not be cancelled if the elector in any general election requested an absentee ballot which was rejected.

22-3-116. Notice of intent to cancel registration.

When the county clerk has information that a registration should be cancelled, he shall mail a notice of intent to cancel to the elector at his address on the registry list stating the reason for cancellation. The notice shall state that cancellation shall occur within twenty (20) days unless the elector asks that his name remain on the registry list. A copy of the notice of cancellation shall be retained by the county clerk for three (3) years. A notice is not required if the clerk has received a receipt of notification that the elector has registered to vote in another jurisdiction or if the elector requested cancellation in writing.

22-3-118. Proof of identity.

(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, no identification shall be required when:

(i) Voting in person or by mail after having registered in person; or

(ii) Voting in person or by mail after having registered by mail and having previously voted in a Wyoming federal election.

(b) Prior to voting, when a voter has registered by mail and is voting in person in his first Wyoming federal election, he shall provide:

(i) A current, valid photo identification; or

(ii) A copy of a current utility bill, bank statement, paycheck, government check or other government document which shows his name and address.

(c) When a voter has registered by mail and he is voting by mail in his first Wyoming federal election, he shall submit with his absentee ballot:

(i) A copy of a current, valid photo identification; or

(ii) A copy of a current utility bill, bank statement, government check, paycheck, or other government document which shows his name and address.

(d) Voters who are unable to provide the required proof under the applicable provisions of subsections (b) and (c) of this section shall be offered provisional ballots in accordance with W.S. 22-15-105 and permitted until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to vote in the precinct.

(e) The provisions of this section shall not apply to elections conducted pursuant to chapter 29 of this Election Code.

(f) As used in this section "Wyoming federal election" means a primary election, general election or a special election for federal office held in this state.

22-8-101. Notice of election officials needed; county chairmen to submit list of names; municipal clerks list of names appointment.

(a) Not later than the third Tuesday of April in each general election year, each county clerk shall notify the county chairmen of the major and minor political parties in the county of the number of election judges and counting board members and alternates needed for the ensuing two (2) year term.

(b) Not later than the third Tuesday of May in each general election year the county chairman of each major and minor political party in each county may certify to the county clerk a list of registered electors residing in the county and affiliated with the party, and a list of persons who are at least sixteen (16) years of age who otherwise meet all requirements for qualification as an elector, who are willing to serve as a judge of election or as a member of a counting board.

(c) Not later than the third Tuesday of May in each general election year municipal clerks may submit to the county clerk a list of registered electors, and a list of persons who are at least sixteen (16) years of age who otherwise meet all requirements for qualification as an elector, residing in the municipality they represent who are willing to serve as a judge of election or as a member of a counting board.

(d) Not later than June 30, the county clerk on each general election year shall appoint judges of election and counting boards and alternates from lists submitted by the county chairmen of the major and minor political parties.

(e) If the list of nominees for judges of election and members of counting boards provided by the county chairman is insufficient, the county clerk shall consider the list submitted by the municipal clerks and may appoint any elector otherwise qualified to be a judge of election or a member of a counting board.

22-8-102. Qualifications.

Except as otherwise provided by this section, judges of election and members of counting boards shall be registered electors and shall be physically, morally and mentally competent to perform their duties. The county clerk may appoint persons who are at least sixteen (16) years of age to serve as judges of election or members of counting boards if such persons meet all other requirements for qualification of an elector. A judge of election shall not be a member of a counting board at the same election except as provided by W.S. 22-8-108(d).

22-8-103. Terms.

Judges of election and members of counting boards serve for two (2) years or until their successors are appointed.

22-15-101. Right to vote may be challenged.

Registration is evidence of a person's right to vote at any election, but this right may be challenged at the polls in the manner prescribed by law.

22-15-104. Grounds for challenge.

(a) A person offering to vote may be challenged for the following reasons:

(i) Not a qualified elector;

(ii) Not entitled to vote in the precinct;

(iii) Name does not appear on poll list and the person cannot meet the requirements to register at the polls;

(iv) Not the person he represents himself to be;

(v) Has already voted.

22-15-105. Challenged person may vote; generally.

(a) If a person offering to vote is challenged, and the challenge is not resolved in accordance with W.S. 22-15-106, an election judge shall offer the voter a ballot clearly marked "provisional" and which cannot be automatically tabulated.

(b) A person challenged on any ground may vote by provisional ballot, if he subscribes this oath in writing before a judge of election:

"I do solemnly swear (or affirm) that I am the person I represent myself to be and that I am a qualified elector entitled to vote in this precinct at this election and that this is the only ballot I have or will vote in this election.".

.....
Signature of voter
.....
Signature of judge
.....
Precinct and District No.

(c) The oath required by this section shall be printed on the provisional ballot envelope.

(d) A challenged voter may present information and documentation of his eligibility to register at the election or to vote to the county clerk until the close of business on the day following the election. Any information presented shall be considered by the canvassing board in determining the voter's eligibility to register at the election or to vote and whether to open and count his provisional ballot. The provisional ballot shall be counted only after the voter has, by presenting documentation required under this code to the county clerk, established he had previously registered and is a qualified elector or he was eligible to register at the election and is a qualified elector.

22-15-106. Where name not on poll list.

A person challenged on the ground that his name does not appear on the poll list may vote if a judge of election obtains verification from the county clerk that the person is entitled to vote in that election within that county.

22-16-103. County canvass procedures.

(a) Prior to the county canvass, the county clerk shall:

(i) Examine the poll books, tally sheets, precinct certifications and oaths of election officials;

(ii) Summarize the number of votes cast in each precinct for every candidate appearing on the ballot and the total votes cast for write-in candidates, and upon each ballot proposition;

(iii) Count write-in votes by candidate if the total vote for write-in candidates may affect the result of an election. For offices elected from districts involving more than one (1) county, the secretary of state shall direct the county clerks to count write-in votes by candidate if on the basis of unofficial returns it appears the total write-in votes may affect the result of an election.

(b) Repealed by Laws 2002, Ch. 18 § 3.

(c) The county canvassing board shall:

(i) Meet as soon as all returns have been received and abstracted, but if any provisional ballots have been cast in the county, not before the time has passed for provisional voters to document their eligibility to register or to vote. The board shall meet at a time and place designated by the county clerk, but no later than the first Friday following the election;

(ii) Perform or review a reconciliation of the ballots by precinct;

(iii) Review and determine the eligibility of provisional voters to register at the election if not previously registered and to vote and determine whether their provisional ballots may be opened and counted. The canvassing board shall meet in executive session when necessary to protect the confidentiality of ballots and of a voter's confidential personally identifiable information;

(iv) Count and tabulate the votes on the provisional ballots which were determined to have been cast by qualified electors;

(v) Review and certify the abstracts after the validity of provisional ballots have been determined and discrepancies and ties have been resolved;

(vi) Cause minutes of the meeting to be recorded, signed by the canvassing board and filed with the county clerk.

(d) The precinct returns of the municipal primary election shall be canvassed by the county canvassing board, which shall certify the results of such in writing to the county clerk and municipal clerk.