

# Memo

## The P's and Q's of Provisional *An Exploration of Nebraska Provisional Ballot The Need for County-to-County Portability*

Jessie Cleveland, Policy Analyst

### **Introduction**

On any given Election Day, a voter is unlikely to cast a provisional ballot. Provisional ballots may be cast for a plethora of reasons, including if a voter has registered in the wrong jurisdiction or if the voter may have already submitted an absentee ballot. Provisional ballots are verified before counting, and therefore, not all provisional ballots are necessarily counted during each election cycle. Still, the provisional ballot remains a critical means by which a voter may still have the opportunity to participate in the democratic process. Such a process, however, appears nebulous to many citizens who may not know if their votes have been counted or other details about the practice. Is provisional balloting really a practice *by the people for the people*?

### **Verifying Your Provisional Ballot in Nebraska**

Nebraska largely places the responsibility upon its provisional ballot voters to learn whether their ballot was accepted. The Nebraska Secretary of State's Office reveals that provisional balloters are able to consult an online database (<https://www.votercheck.necvr.ne.gov/>) starting two weeks after the election to discover whether their provisional ballot was fully counted in the election. Voters may also call 1-888-727-0007. This duality of options makes information more accessible to the provisional ballot, but the voter is left to research the fate of his or her ballot.

### **Provisional Balloting in Nebraska by the Numbers**

Provisional balloting remains a common practice but a relatively isolated one. According to information obtained directly from the Nebraska Secretary of State's Office, 15,478 provisional ballots were cast in 2008: 12,069 were accepted and 3,409 were rejected for an overall average rejection rate of 22 percent. Other noteworthy findings on provisional balloting in Nebraska during the 2008 election:

- The average number of provisional ballots filed per county was 166 with an average of 37 rejected ballots.
- Counties with the most rejected ballots were counties with larger populations. Douglas County had 1,389 ballots rejected of its 5,627 cast provisional ballots; Lancaster had 708 of its 4,089; Sarpy had 329 of its 1,022; and Scottsbluff had 138 of its 362. Counties in particular such as Douglas and Lancaster contain larger cities and towns such as Omaha and Lincoln respectively. All other counties had fewer than 100 rejected provisional ballots, thereby further perhaps supporting a working hypothesis that rates of rejected provisional ballots correspond with population.
- Counties that experienced the highest percentages of ballot rejection (100%) included Boone, Boyd, Cherry, Dundy, and Grant. Counties that experiences the lowest rates of voter rejection (0%) included Holt, Burt, Furnas, Gosper, Nance, Pawnee, Richardson,

Rock, Sheridan, Sherman, and Sioux. These percentages represent a wide range in number of provisional ballots cast, however, and therefore should be carefully evaluated. Many counties—such as Arthur, Banner, Blaine, Garfield, Hooker, Howard, Keya Paha, Logan, Loup, Madison, Thomas, and Wheeler—had zero (0) provisional ballots cast, and they were therefore excluded from ranking by percentage.

- In counties where provisional ballots were cast, an average of 25% of provisional ballots were rejected.
- The most common reasons for rejecting one of the 3,409 rejected ballots included:

Reason	Percentage
The voter was not registered in the state	1605 cases...47%
The voter was in the wrong jurisdiction	804 cases...24%
The ballot lacked a signature	450 cases...13%

Other reasons for the rejecting of a provisional ballot included a voter already having voted, an incomplete provisional certificate, and late registration, among others.

## **DISCUSSION**

Provisional balloting remains a common but unevenly dispersed phenomenon within in Nebraska with the aim of assisting a voter in participating in the democratic processes. Still, nearly a quarter of provisional ballots cast are rejected, which remains problematic. Voters in Nebraska may require further education on registration processes so as to avoid common reasons for ballot rejection, i.e. not being registered in the state or updating their current in state registration.

County to county portability (allowing a voter who is already registered within the state but moved and forgot to update their registration to submit a provisional ballot) would allow nearly a quarter of provisional ballots thrown out each election to be counted. Finally, the Secretary of State's Office could also take greater measures to ensure that voters know if their ballot has been accepted or rejected and, if rejected, for what reason(s).