



Secretary of State Jason Kander
Election Review
August 2, 2013

**Provisional Ballot Procedures at the November 2012
General Election – St. Louis County**

Background

Upon routine review of Election Assistance Commission survey results submitted by each local election authority after general elections, the Secretary of State's office found that the St. Louis County Board of Elections Commissioners ("St. Louis County Board") reported rejecting 158 provisional ballots cast during the November 2012 General Election, based on their belief that each voter had already voted. Because of that unusually high number, the Secretary of State's office ("the office") reviewed St. Louis County Board's provisional balloting process. Employees of the Secretary of State's office met with members of the St. Louis County Board to collect information and review St. Louis County Board's assessment of the 158 provisional ballot envelopes.

Findings

The Secretary of State's office confirmed with the St. Louis County Board that 158 provisional ballot voters fed their voted ballots into optical scan voting machines at their polling places instead of correctly placing the ballots into provisional ballot envelopes. As a result, 158 ballots were improperly counted and the corresponding empty provisional ballot envelopes submitted to the St. Louis County Board were rejected and categorized as "already voted."

The Secretary of State's office compared the list of 158 provisional voters to the state's computerized voter registration list

of registered St. Louis County voters. The office, concurring with the St. Louis County Board, verified that 60 of the 158 improperly processed provisional ballots were cast by individuals that were not eligible to vote in St. Louis County.

Missouri law permits voters to cast provisional ballots during certain elections if their eligibility to vote cannot be confirmed at their polling place. (§ 115.430, RSMo). In order to properly cast a provisional ballot, these voters must complete a provisional ballot affidavit on the provisional ballot envelope. Voted provisional ballots must then be placed

Findings (continued)

inside the provisional ballot envelope, sealed, and the envelope deposited into the ballot box for later processing by the election authority.

Further, the office determined that one provisional voter that the county believed had voted absentee did not actually cast an absentee ballot. The office confirmed that the voter did not attempt to vote by both absentee and in-person ballot, which would have violated Missouri law.

The unusually high number of improperly counted provisional ballots, however, did raise concerns that St. Louis County election judges may not fully understand the provisional ballot process. In one polling location, for example, two experienced election judges gave out 37 provisional ballots that were then improperly fed through the optical scan voting machines. Of these, four ballots were cast by individuals not eligible to vote at the polling place.

The Secretary of State's office, with the assistance of the St. Louis County Board, reviewed the Board's training procedures for election judges. It was determined that the Board does conduct in-person training that illustrates and instructs the election judges on the proper handling of provisional ballots.

As a result, the Secretary of State's office recommends that the St. Louis County Board consider targeted training for any returning election judges that provided provisional ballots during the 2012 election.

The office also recommends the development of an Election Day checklist of provisional ballot procedures to be provided to election judges and posted at every polling place. This resource would help guide voters through the provisional ballot process, decreasing potential confusion and reducing the risk of improper voting at the polling place.