

The Provisional Ballot in Tennessee

As a direct result of the new Help America Vote Act, passed by congress in 2002, eligible persons can now vote provisionally, if otherwise qualified.

A provisional voter is one who is not listed on our signature list, but claims to have registered in his or her precinct of residence. The person may claim to have registered at a National Voter Registration Act (NVRA) agency office, i.e.(Health department, Dept of Human Services, Mental Health and Retardation, Veterans Affairs Departments, Military, Safety (Driver License). A list of those individuals will be furnished to the election commission no later than twenty days before the election. If the claimant's name is not on these lists, further clarification must be made with the Coordinator of Elections.

The provisional voter may vote at the county election commission office or at a satellite location, and must vote the ballot for the precinct in which the voter lives. On election day, the provisional voter must vote in the polling place that serves his or her residential precinct and must vote the ballot for the precinct in which the voter lives.

If a person claims to have registered to vote prior to the thirty-(30) day voter registration deadline, but is not found on the computer signature list of registered voters, the person must complete a voter registration application.

To complete the voter registration form, the voter must present verification of the residential address under which the voter desires to vote. Examples follows:

- Tennessee Driver License
- Residential lease agreement
- Utility bill
- Mortgage statement
- Income tax return
- Credit card bill
- Bank Statement
- Preprinted check or bank deposit slip
- Vehicle registration

After voter completes and signs the voter registration form, the applicant then completes application for ballot.

Upon completion of the ballot application, the applicant is issued a provisional ballot and provisional envelope. The provisional ballot envelope which is a different color than absentee ballot envelopes, must have an affidavit containing a place for the voter's name, social security number, date of birth, signature and other identifying information deemed necessary by the coordinator of elections.

Voter then votes the provisional ballot in the same manner as any other voter voting a paper ballot.

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After voting the provisional ballot in secrecy, voter shall present the folded ballot to the judge assigned to receive and deposit provisional ballots. Judge compares provisional ballot number on the stub with provisional ballot number on the voter's ballot application.

If numbers match, judge shall tear off and destroy the provisional ballot stub and deposit in the provisional ballot envelope. The judge shall make sure the voter has completed and signed the provisional ballot envelope by the voter and then deposits provisional ballot in the provisional ballot box.

After the closing of the polls, the locked provisional ballot box is transported to the election commission by election officials of different parties for counting by a provisional counting board.

Determining which provisional ballots may be counted

Provisional ballots may be counted if:

1. Person registered to vote or attempted to register to vote in a timely manner;
2. Person cast ballot in the precinct of residence; and
3. Person has not already voted.

Provisional ballots that may not be counted if

1. Person registered in the wrong precinct where the ballot was cast
2. Person is not eligible to vote in Tennessee
3. Person has already voted in the election.

Counting the provisional ballot

1. Once the Provisional counting board determines that the provisional ballot must be counted, the board shall remove the provisional ballot affidavit from the provisional ballot envelope. After detaching the affidavit, the sealed envelope shall be placed with all other provisional ballots determined to be countable..

Rejecting a provisional ballot

- 1 If the provisional ballot counting board determines that a provisional ballot should not be counted, then the provisional ballot envelope shall remain intact and unopened.
- 2 The provisional ballot affidavit shall not be removed.
- 3 The word "Rejected" and the reason for the rejection shall be marked across the face of the provisional ballot affidavit.
- 4 At least two members of the provisional counting board shall sign the sealed unopened provisional ballot affidavit.
- 5 The rejected provisional ballot shall be placed in the container of rejected provisional ballots. A list of all rejected ballots shall be made whereby the Administrator of Elections shall mail notices of the rejection to the voter.

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Time Frame to count provisional ballots.

- 1 The provisional counting board has forty-eight (48) hours from the close of polls to complete the counting of the provisional ballots.
- 2 An extension of no longer than the second (2nd) Monday after the election may be obtained by the provisional counting board from the coordinator of elections.
- 3 All possible attempts will be made to count provisional ballots after polls close on election night by the provisional counting board. However, circumstances beyond our control may prevent the counting board from counting all provisional ballots on election night.
- 4 Election results are **unofficial** until the Election Commission certifies the election.

As of September 11, 2003