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*EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER*

## **PROVISIONAL BALLOTS**

The Help America Vote Act says that no voter who tries to vote at a polling place on Election Day will be turned away without being given the opportunity to cast a ballot. And if the voter is eligible, his or her vote will be counted.

If there is any question about a voter's right to vote at a polling place, he or she has the right to cast a provisional ballot.

### **Who Is Eligible to Vote on a Provisional Ballot?**

The following people are eligible to cast a provisional ballot:

- A voter who claims to be properly registered and eligible to vote at the election precinct, but whose name does not appear on the list of registered voters and whose registration cannot be determined by the Voter Registrar;
- A voter who is designated as a first time voter on the list of registered voters, but who is unable to produce the required identification;
- A voter who has applied for a ballot by mail, but has not returned the ballot by mail, and claims that he or she did not receive or return the ballot;
- A voter who votes during the polling hours that are specially extended by a state or federal court order;
- A voter who is required to present identification but does not;
- A voter who is on the list, but whose registered address is outside the political subdivision.

### **How Do You Get a Provisional Ballot?**

If a poll worker denies you the right to vote for any reason, ask for a provisional ballot. You will first be asked to fill out and sign a Provisional Ballot Affidavit Envelope.

### **What Is a Provisional Ballot Affidavit Envelope?**

The Provisional Ballot Affidavit Envelope requires you to state that you are a registered voter in the political subdivision, that you are a resident on Election Day, and that you are eligible to vote in the election.

You also have to give the same information you would have to give if you were registering to vote. This information is collected so that you can be registered to vote if it turns out that you are not currently registered.

If you refuse to sign the Provisional Ballot Affidavit Envelope you will not be eligible to use a provisional ballot.

## **Once I Sign the Provisional Ballot Affidavit Envelope, What Happens Next?**

Once you sign the Provisional Ballot Affidavit Envelope, your name is entered on a list of Provisional Voters, and your name is also added to the poll list with an indication you are voting a provisional ballot.

You are then asked to sign the regular signature roster. The Election judge will check why you are voting provisionally and then sign the Provisional Ballot Envelope.

Next you will be directed by the Election Judge to select a ballot from a stack of pre-designated provisional ballots. You will then be given the opportunity to mark the ballot.

After you vote on the provisional ballot, you seal the ballot in a plain white secrecy envelope, seal the secrecy envelope inside the Provisional Ballot Envelope, and deposit envelope in a ballot box designated by the Election Judge.

**IMPORTANT:** Your provisional ballot will not be counted unless it is placed in the ballot box sealed inside the corresponding envelope.

## **Can I Use a Provisional Ballot If I Am Voting Early in Person, and I Have Problems?**

Yes. If you encounter any problems voting early in person, you have the right to vote a provisional ballot.

**Note:** You also have the right to decline to vote early in person if you encounter difficulties, correct the problems that would have caused you to vote a provisional ballot, and then vote a regular ballot on Election Day.

## **What Happens to a Provisional Ballot after You Vote?**

The Voter Registrar reviews the Provisional Ballot Affidavit Envelopes to make sure that voter is registered. The Registrar puts one of the following on the Provisional Ballot Affidavit Envelope:

- No record of voter registration application on file in this county;
- Registration cancelled on \_\_\_\_\_(fill in date);
- Registered less than 30 days before the election;
- Voter rejected for registration due to ineligibility;
- Registered to vote, but erroneously listed in wrong precinct;
- Registered to vote in a different precinct within the county;
- Information on file indicating applicant completed a voter registration application, but it was never received in the Voter Registrar's Office; or
- Voter erroneously removed from list of registered voters.

## **When Is a Provisional Ballot Eligible to Be Counted?**

After the Voter Registrar has reviewed the ballots, the Early Voting Ballot Board convenes and reviews each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted. The provisional ballots are counted if:

- The voter is registered to vote, but was erroneously registered in the wrong election precinct;
- The voter is eligible and submitted a timely voter registration application, but it was not received in a timely manner by the Voter Registrar;
- The voter was erroneously removed from the list and is otherwise qualified to vote; and/or
- The Voter Registrar has information in the office that the voter did complete an application, and the voter is otherwise qualified.

## **When Is a Provisional Ballot Not Eligible to Be Counted?**

The provisional ballot will not be counted if:

- There is no record of the voter's registration application on file with the county;
- The voter's registration has been cancelled;
- The voter was registered less than 30 days before Election Day;
- The voter filed an incomplete application and did not provide the additional information required;
- If the registration application was rejected due to ineligibility;
- If the voter already voted early, either in person or by mail; and/or
- If the voter was not registered and not entitled to vote at the election precinct where the ballot was cast.

## **How Do I Know If My Provisional Ballot Was Counted?**

Within 10 days, you will receive notice in the mail telling you if your ballot was counted or not. If it was not counted, the notice will also tell you why not.

You will also receive information that explains how the Provisional Ballot Affidavit Envelope was used by the Voter Registrar to register you or update your registration information.

## **Why Is it Important to Know If a Provisional Ballot Was Cast?**

The main reason is so you can fix any problems before the next election. It is also important to know because you have the right to appeal the decision.

## **How Do I Appeal the Decision Not to Count My Provisional Ballot?**

There is a new complaint procedure through the Secretary of State's Office. (See handout on How to File a Voting Complaint with the Secretary of State)

For further information contact:

**SECRETARY OF STATE**  
**P.O. Box 12060**  
**Austin, Texas 78711-2060**  
**(512) 463-5650 or 1-(800) 252-VOTE (8683)**  
**Fax: (512) 475-2811; TTY: 7-1-1**  
[www.sos.state.tx.us](http://www.sos.state.tx.us)

If you need assistance in registering to vote, have questions regarding voting, or feel that any of your voting rights have been violated please contact Disability Rights Texas at the address or phone number above or email [info@disabilityrightstx.org](mailto:info@disabilityrightstx.org).

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