



Improving Provisional Ballot Procedures in Philadelphia

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Introduction and Executive Summary

On November 6, 2012, there were over 27,000 provisional ballots cast in Philadelphia. Philadelphians deserve to know why there were so many provisional ballots voted on November 6, 2012. After a detailed forensic investigation, we have pinpointed the major factors contributing to the use of provisional ballots. The purpose of this report is to show how we can use lessons from this investigation to improve the electoral process in Philadelphia and build public confidence in Philadelphia elections.

In the "Recommendations" section we present specific, concrete recommendations. Most of them could be implemented by the Philadelphia City Commissioners. Some of these recommendations suggest a new direction for the Philadelphia City Commissioners, a direction that would show a particularly strong commitment to improving election administration and the election day experience in Philadelphia, and thereby improving public confidence. The essential idea is to create standard operating procedures to reach out, after each election, to individual voters and poll workers who reported imperfections in the electoral process, to follow up on these individual stories in order to gain insights into our processes, and to implement improvements based on these insights.

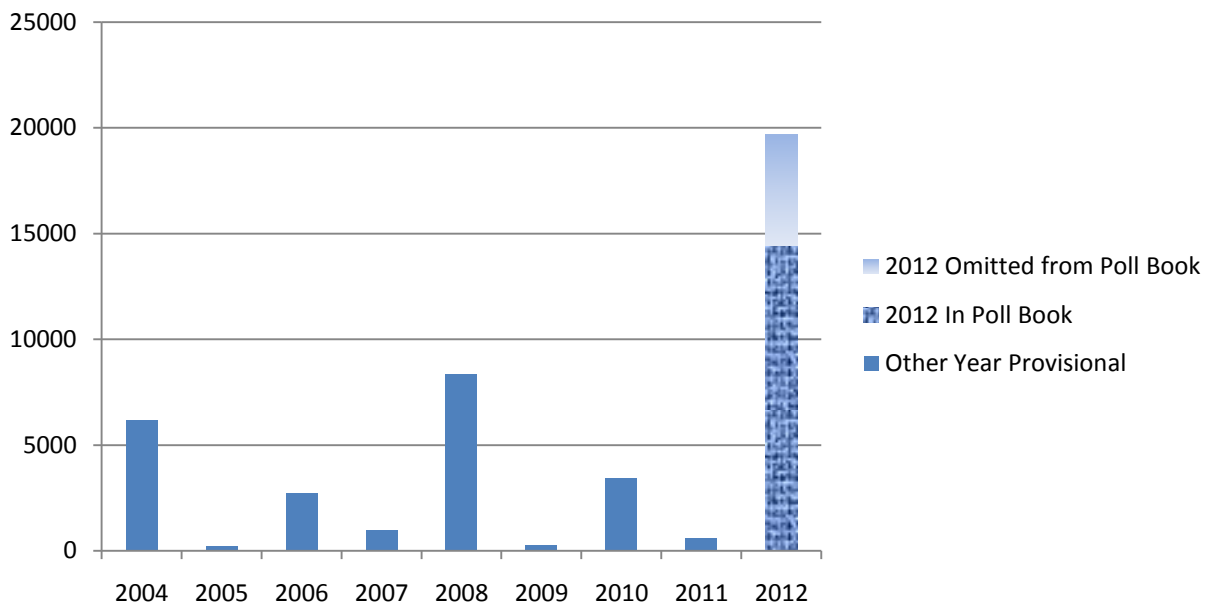
Implementation of any of the recommendations requires the support of two out of three Commissioners.

The bulk of the provisional ballots (**14K**) were cast by duly registered voters whose names appeared in the poll books or supplemental poll book sheets¹ in their division of

¹ The list of eligible voters at the polling place consists of two parts: a large, bound *poll book* printed about a week before Election Day, and *supplemental poll book sheets* printed shortly before Election Day.

registration². Typically, a voter who is registered to vote in Philadelphia goes to the wrong polling place and, after discovering that their name is not in the poll book at this wrong polling place, votes a provisional ballot. Such a ballot is counted (for president and statewide races, at least) as long as both polling places are in Philadelphia. This number, while more than in previous years, is not out of line with the general trend since provisional ballots were first introduced in 2004. See chart below. Anecdotal evidence suggests that, because of the publicity surrounding the Voter Photo ID Law enacted in 2012, more Philadelphians than ever before were aware of provisional ballots and their rights to use them. The large number of provisional ballots in this category indicate opportunities to improve voter and poll worker education. Specific suggestions are in the "Recommendations" section of this report.

Phila Provisional Ballots Votes Counted for Top of Ticket Races



Another **5K** provisional ballots were cast by duly registered voters whose names did not appear in the poll books or supplemental sheets in their division of registration. In the 2012 General Election, names that should have appeared in the poll books or on the supplemental poll book sheets were omitted. A large majority of these omissions were due to a programming error by the Pennsylvania Department of State. The nature of this error is detailed in the Appendix. These provisional ballots indicate opportunities for improvement in

² We round numbers to the nearest 100 or nearest 1000, as appropriate, and we use the abbreviation “K” to indicate thousands. For example, “15K” means “fifteen thousand” or “15,000”.

election administration. Specific suggestions are in the "Recommendations" section of this report.

Finally, there were **7K** provisional ballots cast that were not counted. Each of these ballots tells a story that may lead to process improvements. Specific suggestions are in the "Recommendations" section of this report.

Looking forward, the recent election provides a great learning opportunity for everyone involved in Philadelphia elections. Because none of the contests in this election were close, we know that none of the issues affected electoral outcomes. However, there will be close contests in future elections at some point. Let us work together to improve the conduct of elections in Philadelphia and restore public confidence.

Reasons for Provisional Ballots

According to the Gregory Irving's Report to the City Commissioners, **14K** provisional ballots were cast by duly registered Philadelphians whose names were in the poll books or the supplemental sheets. These ballots were all counted. They comprise more than half the total number (27K) of provisional ballots. There are several reasons for the casting of such provisional ballots.

1. **Registrant appearing for first time in a particular division lacked required (photo or non-photo) ID.** Before voting for the first time any particular voting division, a voter must provide some kind of identifying document. This has nothing to do with the Voter Photo ID Law, and, while a photo ID is acceptable, so are many non-photo IDs, such as paycheck stubs and utility bills. If the voter does not provide acceptable ID, the voter must vote a provisional ballot.
2. **Half or more of the voting machines in any single division were inoperable.** When half or more of the voting machines in any one division are inoperable, poll workers must offer emergency ballots to voters. Legally, these ballots have a status different from provisional ballots -- they cannot be challenged. Physically, however, emergency ballots are exactly the same as provisional ballots.
3. **Registrant listed in the poll book or on the supplemental poll book sheets, but not found by poll workers.** Everyone makes mistakes. Not all poll workers remember to check the supplemental sheets.
4. **Registrant appeared to vote in a division in which she or he is not registered.** When a voter appears at the wrong polling place, poll workers should help the voter identify the correct polling place. However, like anyone who cannot vote a regular ballot on the voting machines, these voters may request and vote a provisional ballot.

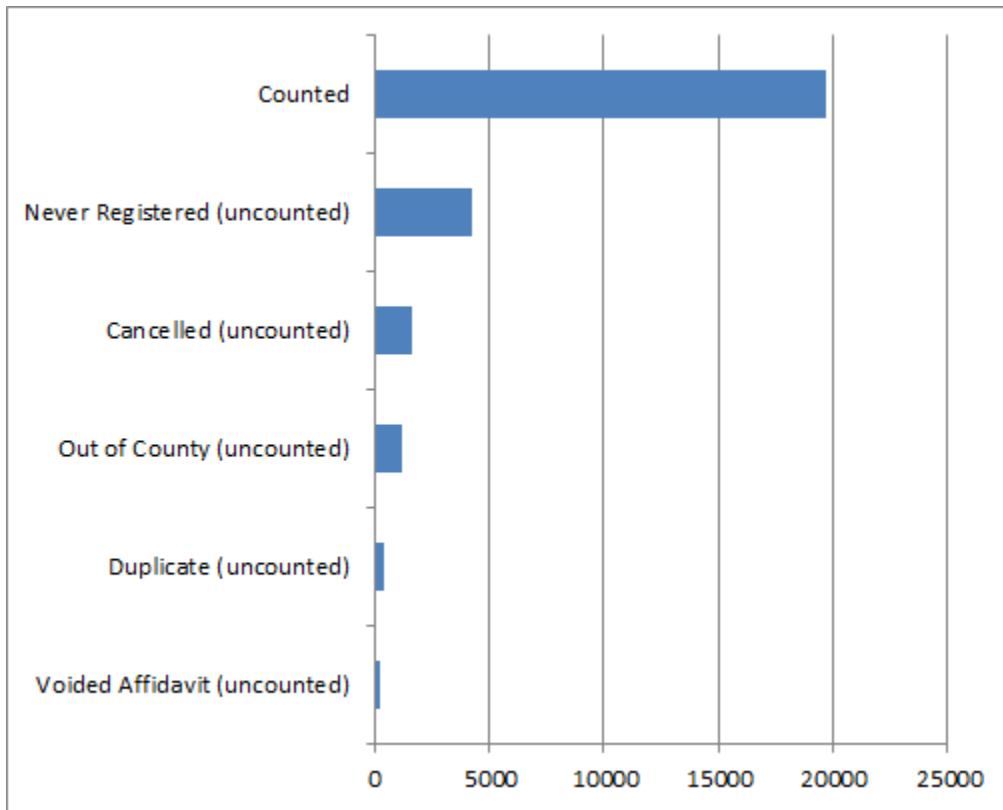
According to the report there were **5K** provisional ballots cast by duly registered Philadelphians whose names were omitted from the poll books. These ballots were all counted. There are three known reasons that these names were omitted from the poll books.

1. **Registrant incorrectly omitted from supplemental poll book sheets due to PA Department of State programming error.** See Appendix for explanation and documentation of this problem. There are 20 verified cases in one division alone; at the time of release of this report the best estimate is that thousands of provisional ballots were cast because of this error.
2. **17-year-old registrant not switched to active status on 18th birthday.** This could have been prevented if the Philadelphia City Commissioners had updated the records of all eligible 17-year-old registrants before printing the poll books. As of the release date of this report there are 20 verified cases of names omitted from the poll books, and 8 verified cases of provisional ballots cast for this reason.

- 3. Person's voter record is incorrect due to a miscellaneous processing error by the Philadelphia City Commissioners.** There are at least two verified cases to date.

According to the report, **7K** provisional ballots were cast but not counted. Most of these were cast by individuals listed in the voter database as not eligible to vote in Philadelphia, or not listed at all. There are several reasons that a provisional ballot cast might not be counted.

- 1. Person was not currently registered due to actions by the voter or by a third party.** For example, in Pennsylvania, 3rd-party groups who run registration drives are not legally required to turn in the registrations that they collect, but this fact is not widely known. There is at least one verified case as of the release date of this report.
- 2. Registrant knew or could have known that they not registered to vote in Philadelphia and voted in Philadelphia anyway.** There are no known cases to date.
- 3. Ballot improperly returned, e.g., missing signatures or missing the secrecy envelope.** There are about 300 cases in the 2012 General Election.
- 4. Voter voted both a provisional ballot and a regular ballot on a voting machine.** This can happen legitimately: a voter goes to the wrong division and is not sure whether they will be able to get to their right division. They vote a provisional ballot. Later, they do go to their right division and vote a regular ballot on the machine. Such provisional ballots, called "duplicates", are not counted. There were about 400 cases in the 2012 General Election.



Voided Affidavit (uncounted)	265
Duplicate (uncounted)	420
Out of County (uncounted)	1,170
Cancelled (uncounted)	1,630
Never Registered (uncounted)	4,240
Counted	19,670
Total	27395

Recommendations

This report's detailed investigation of the causes of provisional ballot voting in Philadelphia in November 2012 may be helpful in providing closure to the many Philadelphians who care deeply about the election and who were concerned about the numbers of provisional ballots. However, the greatest value of the investigation is the guide it provides for improving elections in the future. In this section we provide four kinds of recommendations -- one for each major category of provisional ballot as outlined above, and general recommendations related to provisional ballots.

1. To decrease the number of provisional ballots cast by voters whose names are listed in the poll books:
 - a. In addition to improving the classes for poll workers, the Philadelphia City Commissioners could find other ways to reach out to and educate poll workers, e.g., with workshops on specialized topics or social media outreach.
 - b. The City Commissioners could, after each election, contact a representative sample of Philadelphians who cast provisional ballots even though their names were in the poll book in their division of registration, and then improve processes or public education to address the reasons identified by the survey
 - c. The City Commissioners could create a procedure to reach out directly to individual poll workers after each election in any division where poll worker error has been reported from any credible source, educate the individual poll workers as appropriate and improve processes or poll worker education as appropriate
 - d. work with the City Open Data office to provide state-of-the-art access to public election-related information such as polling place locations.

2. To eliminate improper omission of names from poll books and supplemental poll book sheets:
 - a. The City Commissioners could improve procedures for double-checking every SURE cancellation or county change so that errors are found before poll books are printed
 - b. The City Commissioners could create a formal checklist and timeline of all procedures (such as updating "ACTIVE -- UNDER 18" to "ACTIVE -- REGISTERED") for which it is responsible, as well as a control system to ensure the checklist is implemented for every election
 - c. The Department of State could fix the programming error that led to the omission of duly registered voters from the supplemental poll book sheets.
 - d. The Department of State could test all SURE utility programs regularly to ensure that they do what they are supposed to do.

3. To reduce the number of voted, but not counted, provisional ballots:

- a. The City Commissioners could contact a representative sample of the 7K persons whose provisional ballots were cast but not counted to determine why they attempted to vote in Philadelphia, and follow up as appropriate
 - b. The City Commissioners could create a procedure to reach out to individual poll workers after each election in any division where a provisional ballot affidavit has been filled out incorrectly, or where a provisional ballot has been returned improperly.
4. More generally, the Philadelphia City Commissioners could improve provisional ballot procedures by:
- a. Providing the same chain of custody for provisional ballots as for absentee and regular machine ballots
 - b. Tracking provisional ballots in real time on Election Day.

Appendix

The omission of names from the supplemental poll book sheets was the result of a software malfunction of the SURE system³. In this appendix we give some technical details.

According to an email received by Stephanie Singer on 12/7/2012 from the SURE help-desk staff,

The Date of Application and Date Last Changed is what the system is looking at... Any Active status (with the exclusion of Active -- Under 18) will appear on ... the supplemental poll books.

However, an examination of the evidence at hand shows that the actual behavior of the SURE system does not match the description given by the SURE help desk. For example, there are 20 voters omitted from the supplemental poll book sheets printed on 11/2/2012 for Ward 14, Division 1. These voters had appropriate Dates of Application and Dates Last Changed. Had the program worked as specified, these voters would have been included in the supplemental poll book sheets. However, they were not.

³ The Statewide Uniform Registry of Electors, the Pennsylvania statewide voter file database.