

by **Bev Harris**, founder of Blackboxvoting.com

More than one in ten voters who shows up at the polls in California is being given a provisional ballot. While you might think this is due to voters missing from the list, only 10% of rejected provisionals in California are because the voter is not registered. Ninety percent are rejected for other reasons -- calling into question why provisional ballots were issued in the first place.

I did a spreadsheet analysis using a pile of U.S. Election Assistance Commission (EAC) data(1) and found that voters who show up to vote in California are getting hit hard with provisional ballots, making it more difficult to vote and expanding disenfranchisement.

In Riverside County, a whopping 14.4 percent of all polling place voters were given a provisional ballot in 2010, and 17 percent of the provisionals were rejected.

San Mateo County gave a hefty 7.5 percent of all polling place voters provisional ballots in 2006, which grew to 10.7 percent in 2010; then rose to a stunning 16 percent in 2012. According to San Mateo 2010 stats, one out of every five provisionals were only partially counted, disenfranchising local candidates and issues, and one out of 30 of provisional voters were rejected because somehow an absentee vote had already showed up in their name.

Statewide, over 10 percent of all 2010 polling place votes in California were subjected to provisional balloting. (EAC 2012 figures are scheduled to be released later this year). By comparison, the state of Alabama had a 0.2 percent rate, and the state of Arkansas also had a 0.2 percent rate. I have not yet run all the states; clearly an expanded analysis is in order.

I laid out California's provisional data on the gurney for diagnosis. 2010 data indicates that about one in 10 of rejected provisionals are thrown out for not being on the voter list (with San Bernardino County tossing out one in every five for this reason).

Past research of mine in Tennessee(2) indicates that last-minute registrations stand a high chance for disenfranchisement, because voter registration offices don't get them entered into the computer timely. Adding another voter reg. hub like the Covered California healthcare system should help with this, because it will stretch out the time period over which new registrations come in, giving more time for the data to make its way onto Election Day lists.

But there are other reasons Californians are being given provisional ballots. Fifteen percent of all provisionals in California are being only partially counted, because either the name or the voter is showing up in the wrong precinct. According to California rules, those ballots are counted anyway, but votes on the local votes/issues are thrown out. Riverside County's 2010 data shows that of every person who showed up at the polls, one in 5 had ballots only partially

counted, with local candidates and issues the victims.

According to California voting integrity advocates I've been quizzing this weekend, the new online registration system seemed to have been shuffling newly registered voters into an automatic absentee option, apparently unbeknownst to the voter. When new voters show up at the polls, they get hit with the "surrender rule" -- in other words, they were supposed to carry their unused absentee ballot into the polling place to surrender it for precinct-voting. Unfortunately, according to election integrity advocate Judy Alter, a poll worker, many new registrants appeared unaware that they ever requested such a ballot, and some say they never received the ballot they hadn't requested. An overly large quantity of provisional ballots are slapped on hapless new voters, sometimes accepted but often rejected for various reasons.

According to election integrity advocate Mimi Kennedy, California officials often make it difficult to obtain crucial information on why provisionals were issued, and how many were issued at which precincts. Such information is necessary for transparent election accounting, and is difficult or impossible to obtain, concurs Dr. John Maa, a concerned voter who filed for and bankrolled the Prop 29 recount in June 2012.

As Virginia Madueño, a Stanislaus County Mayoral candidate from the City of Riverbank learned, election officials make it prohibitively expensive(3) to examine the envelopes to learn why provisionals were issued or whether the large numbers of provisionals are bona fide. She was charged over \$10,000 just to examine a few hundred provisional ballot envelopes.

Additional information:

1. U.S. Election Assistance Commission data sheets: http://www.eac.gov/research/election_administration_and_voting_survey.aspx
2. Bev Harris: 15,000 voters left off 2008 voter list in Shelby County Tennessee; BlackBoxVoting.org, <http://www.bbvforums.org/forums/messages/8/81772.html>
3. Bev Harris: Inside Baseball in Stanislaus; BlackBoxVoting.org, <http://www.bbvforums.org/forums/messages/8/82443.html>

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