Provisional Ballot Availability & Counting Procedures

No updates required since November 27, 2023

Background

While the federal Help America Vote Act requires states to allow provisional ballots, certain states were exempted from this requirement at the time the law was passed. Of those states, Idaho, Minnesota, New Hampshire, and North Dakota currently do not issue provisional ballots. Those states are given a score of zero.

Scoring

- State fully counts provisional ballots cast in the wrong precinct, 1 point
- State partially counts provisional ballots cast in the wrong precinct ((votes are counted for races in which the voter would have been eligible to cast a ballot for in their correct precinct), ½ point
- State does not count provisional ballots cast in the wrong precinct or does not issue provisional ballots, 0 points

Summary Table

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<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>List</th>
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</thead>
<tbody>
<tr>
<td>State fully counts provisional ballots cast in wrong precinct</td>
<td>4 states</td>
<td>Colorado, Montana, Oregon, Washington</td>
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<tr>
<td>State partially counts provisional ballots cast in wrong precinct</td>
<td>16 states</td>
<td>Alaska, California, Illinois, Kansas, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Utah, West Virginia</td>
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<tr>
<td>State does not count provisional ballots cast in wrong precinct or does not issue provisional ballots</td>
<td>30 states &amp; D.C.</td>
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<tr>
<td>Wyoming</td>
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</tbody>
</table>
State-by-State Sources and More Detail

Alabama (0)

Alaska (1/2)

Arizona (0)

Arkansas (0)

California (1/2)

Colorado (1)

Connecticut (0)

Delaware (0)

D.C. (0)
Florida (0)

Georgia (0)

Hawaii (0)

Idaho (0)
- State does not issue provisional ballots.

Illinois (1/2)

Indiana (0)

Iowa (0)

Kansas (1/2)

Kentucky (0)

Louisiana (1/2)

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Maine (1/2)

- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Maryland (1/2)

- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Massachusetts (1/2)

- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Michigan (0)

- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Minnesota (0)

- State does not issue provisional ballots.

Mississippi (0)

- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Missouri (0)

- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Montana (1)

- State fully counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Nebraska (0)

- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Nevada (0)

- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).
New Hampshire (0)
- State does not issue provisional ballots.

New Jersey (1/2)
- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

New Mexico (1/2)
- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

New York (1/2)
- State partially counts provisional ballots cast in the wrong precinct (NY SB 284 (2022)).

North Carolina (1/2)
- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

North Dakota (0)
- State does not issue provisional ballots.

Ohio (1/2)
- State partially counts provisional ballots cast in the wrong precinct in some circumstances (Ohio Secretary of State).

Oklahoma (0)
- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Oregon (1)
- State fully counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Pennsylvania (1/2)
- State partially counts provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).

Rhode Island (0)
- State does not count provisional ballots cast in the wrong precinct (U.S. Election Assistance Commission [2018 Election Administration and Voting Survey]).
South Carolina (0)

South Dakota (0)

Tennessee (0)

Texas (0)

Utah (1/2)

Vermont (0)

Virginia (0)

Washington (1)

West Virginia (1/2)

Wisconsin (0)

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Wyoming (0)