



SECTION 9

PROVISIONAL VOTERS

Fairfax County Office of Elections
12000 Government Center Pkwy, Suite 323, Fairfax, Virginia 22035
703-324-4735 or ElectionOfficers@fairfaxcounty.gov
<https://www.fairfaxcounty.gov/elections>

PROVISIONAL VOTERS

This section covers **WHEN** and **HOW** to offer a provisional ballot to a voter. Either the Chief or Assistant Chief can work with the voter on the provisional ballot process.

Remember: If you should have any questions arising from non-routine voter situations, you should call the office at **703-324-4735** for guidance or voter registration staff at **703-324-8765**.

WHAT IS A PROVISIONAL BALLOT?

A provisional ballot is used for non-routine voters whose situations prevent them from being checked in on the Poll Pad to vote a regular ballot. For their ballot to be counted, the provisional voter must meet a certain condition, as required by law.

Provisional ballots are set aside on election day and adjudicated later. All provisional ballots are reviewed by the Electoral Board in the days after the election and, if counted, they are included in the official election results. Some voters think provisional ballots are only counted in close elections, but this is not true.

Provisional voters are NEVER checked in on the Poll Pad.

Provisional ballots are NEVER scanned on the DS200.

WHEN SHOULD A PROVISIONAL BALLOT BE OFFERED?

The state-issued **What-Ifs** (included in this notebook) provide step-by-step instructions for dealing with non-routine voter situations. Some situations may involve offering the voter a provisional ballot. The most common scenarios are:

- The voter's name is not listed in the pollbook.
- The voter's name is marked in the pollbook as having already voted.
- The voter requested an absentee ballot but did not bring it to the polling place.
- The voter has a moving condition which requires the use of a provisional ballot.
- The voter has no valid form of ID and declines to do an **ID Confirmation Statement**.
- The voter is in the wrong precinct and does not want to vote in their registered precinct.
- The voter is completing a **Same Day Registration** at the correct precinct.

If a voter cannot be checked into the Poll Pad to vote a regular ballot for any reason, always offer a provisional ballot (unless the voter has already cast a provisional ballot, such as a previous same day registration provisional ballot).

IMPORTANT: The Electoral Board—and only the Electoral Board—decides whether to count provisional ballots. You should never tell anyone their ballot will or will not be counted. That is the Electoral Board's decision!

PROVISIONAL VOTERS

ADDITIONAL INFORMATION ABOUT PROVISIONAL BALLOTS

Both the voter AND the election officer must sign the front of the provisional envelope, by law.

The Electoral Board cannot open a provisional envelope until they have decided to count it. Therefore, put any additional information about why the voter is voting provisionally on the OUTSIDE of the envelope. You can write it on the envelope or tape notes to the envelope.

Once someone has voted provisionally, they CANNOT vote normally later that day. A provisional vote counts as the voter's one vote for the day.

IMPORTANT: If a voter is in the wrong precinct, make sure they understand that Virginia law requires a voter to vote in their registered precinct on election day for their vote to count. Strongly encourage such voters to go to the correct precinct, if possible. If the voter is unable or unwilling to go to their registered precinct, offer them a provisional ballot.

VOTERS WITHOUT ACCEPTABLE ID

A voter may complete an ID Confirmation Statement, which functions as an acceptable ID. They may vote normally, including being checked in on the Poll Pad and casting their ballot on the DS200 scanner.

It is very rare, but if the voter declines to complete an ID Confirmation Statement, you may offer them a provisional ballot. In this case, give them the version of the provisional notice that is specifically for no-ID voters. This notice informs the voter of multiple options of providing a copy of their ID within three days of the election so their vote may be counted.

The easiest option for the voter is to use their phone to later take a picture of their ID and email it to the Office of Elections. Alternatively, a no-ID provisional voter may later return in the day with a copy of their ID, which you can attach to the outside of their provisional envelope. But you cannot open or discard the provisional envelope and let the voter vote normally, per state law. They have already cast their ballot for this election.

COURT EXTENDS HOURS

Completed provisional ballots are sealed in a small green provisional ballot envelope, and then placed in the large green **Envelope #1A Non-SDR** or **Envelope #1A SDR** (for same day registration provisional ballots). The only exception is if a court order extends voting hours. In that case, ballots cast after regular hours should be deposited in the large green **Envelope #1B** (located in the **Emergency Envelope**).

PROVISIONAL VOTERS

PROVISIONAL CHECKLIST (formerly A/B/C)

1. **Seat the voter with you at the Chief's table.** They must remain there until they have given you their sealed provisional envelope.
2. **Ask the voter for an ID.** If no acceptable ID is presented and the voter declines to sign an ID Confirmation Statement, that reason must be checked off on the back of the provisional envelope in addition to other reasons why the voter is casting a provisional ballot.
3. **If voter is not in the pollbook, confirm the voter resides in your precinct. If so, this is an SDR voter. Stop and see the Same Day Registration section for instructions.**
4. If the voter is in the pollbook but must vote a provisional ballot for other reasons as per the *What-Ifs*, the voter completes the envelope but does not complete a voter registration application.
5. **Give the provisional envelope to the voter and instruct them to fill it out.**
 - The voter must complete the voter information on the front of the envelope.
 - The voter must sign at the bottom.
6. **You (the election officer) complete part of the provisional envelope.**
 - On the front:
 1. Write the precinct number at the top.
 2. Sign and date at the bottom.
 - On the back:
 1. Mark the reason for issuing a provisional ballot.
 2. Write any additional explanatory information on the outside of the envelope.
7. **Issue a provisional ballot to the voter and instruct them to fill it out.**
 - The voter must remain at the Chief's table to fill out the ballot.
 - Stay with the voter while still allowing them privacy.
8. **Have the voter seal the marked ballot inside the provisional ballot envelope.**
 - Do not allow the voter to cast their ballot on the DS200 ballot scanner.
 - Do not put anything other than the ballot in the provisional ballot envelope.
9. **Give the correct provisional notice to the voter.** Most provisional voters will receive the standard notice. Give the no-ID voter the no-ID notice. Inform the voter that the Electoral Board will adjudicate their provisional ballot and, if counted, it will be included in the official vote totals for the election. The voter may leave the polling place now.
10. **Add the voter to the electronic provisional log on the Admin Tablet.**
 - Put a checkmark on each envelope after entering that voter into the provisional log.
 - If the electronic log does not work, use the backup paper log instead. It is stored in the "Emergency" envelope in the black kit.
11. **Place the provisional ballot envelope in the large green Envelope #1A Non-SDR.**
 - For SDR ballots, follow instructions in Same Day Registration section.

PROVISIONAL VOTERS

PROVISIONAL REASON CODES

On the back of each provisional ballot envelope, an officer must select the reason for why the voter had to use a provisional ballot. There are 7 different reason codes:

- **Reason Code 1:** This code is generally no longer used. See note below.
- **Reason Code 2:** This code is generally no longer used. See note below.
- **Reason Code 3:** Voters who are voting after normal closing time due to a court order extending voting hours (*this is extremely rare*).
- **Reason Code 4:** Voter was issued an absentee ballot but does not have it with them (but remember, if voter has their absentee ballot, they can surrender it and vote normally).
- **Reason Code 5:** Voter is shown on pollbook as having already voted. (*This might happen when a voter with a similar name was checked in as the provisional voter.*)
- **Reason Code 6:** Any reason that does not fit into any other code. You must include an explanation (e.g. “SDR”).
- **No ID:** Voter did not have an acceptable form of ID and declined to sign an ID Confirmation Statement. Select this reason code even if one of the other reason codes was also selected.

NOTE: Reason Codes 1 and 2 were previously used for situations when a voter’s name was not on the pollbook but they believed they were registered to vote.

However, with the introduction of same day registration, these reason codes are almost never needed now. A voter can simply complete a same day registration if they are otherwise eligible.

If you have a voter who insists they should already be registered in your polling place and declines to do a same day registration, call Voter Support for verification before selecting reason codes 1 or 2.

PROVISIONAL VOTERS

PROVISIONAL BALLOT ENVELOPE (small green envelope)

The voter and the election officer must complete all information and sign the envelope.

Return non-SDR provisional envelopes in large green **Envelope #1A Non-SDR** and SDR provisional envelopes in large **Envelope #1A SDR**.

Provisional Vote Precinct **100 PATRIOT**

Voter: fill in your information on this side.

1 Voter name
Last name Citizen Middle Henry
First name Jonathan Suffix Jr

2 Birthdate 01/01/1960

3 Address
Address 1 Bird St Apt. number A
City/Town Fairfax State VA Zip Code 22030

4 Phone 703-324-4735

5 Social Security number (last 4 digits required) 1234

Statement of voter
To the best of my knowledge, I am a registered voter of this locality and I am eligible to vote in this election. I hereby affirm that I have read the Privacy Act Notice and Warning. Your address information will be used to update your voter registration record.

Voter: sign here
X Jonathan H. Citizen, Jr

Election officer: sign here
X Olivia Officer

Today's date

1 2 3 4 5 6
Place voted ballot in this envelope.

Privacy Act Notice: This form requires personal information, including the last four (4) digits of your Social Security number, for identification purposes and to prevent fraud. Providing your full Social Security number, though not required, may prove helpful in the determination of your eligibility to vote. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2; Title 24.2 of the Code of Virginia; and the Virginia Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only. Failure to provide the requested information may prevent determining your eligibility to vote and result in your provisional ballot not being counted.

WARNING: Intentionally making a materially false statement on this form constitutes the crime of election fraud, punishable as felony in Virginia. Violators may be sentenced up to 10 years in prison, or up to 12 months in jail and/or fined up to \$2,500. SBE-653 REV 5/18

Officer

Voter

We think the wrong voter was checked in by mistake. The voter's father lives at the same address and voted earlier in the day.

Officer

Provisional Vote

Election Officer: use this envelope when the voter is NOT in the pollbook or there is some other issue.

1. Have the voter fill in the other side.
2. Ask the voter to check all information, and sign the front.
3. You sign the front too, below the voter's signature.
 - a. DO NOT mark the pollbook for this voter.
 - b. In the Provisional Ballot Log, enter the voter's information.
4. Issue a paper ballot to the voter.
5. Tell the voter to put the voted ballot into this envelope, seal the envelope, and hand to you.
6. Provide a voter registration application.

Electoral Board:
1. If the voter returns with proper identification, check this box and sign:
Election Official: sign here _____
2. Attach a copy of the identification document.

Voter's name IS NOT on pollbook. Voter:
1 is resident of the precinct, or has been since the November general election last year
OR
2 has been a resident of the precinct for the last 2 federal elections, is now a resident of the county or city, and current residence is in the same congressional district as this precinct
Voter's name IS on the pollbook, and voter:
3 is voting after normal poll closing time due to court order
OR
4 applied for an absentee ballot but does not have the ballot
OR
5 is shown in the pollbook as already having voted
OR
6 other (any reason not captured in the other codes)
OR
No ID: voter also did not show required ID

SBE-653 REV 5/18

PROVISIONAL VOTERS

PROVISIONAL NOTICE (may be on green paper)

Give this notice to a provisional voter. In many cases, you may need to give them a **Voter Registration Application** to update their registration status.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Provisional Voter Notice – 12:00 p.m.
§ 24.2-653, Code of Virginia

Dear voter,

You voted a **provisional ballot** today.

Your local electoral board decides which provisional ballots will be counted, and will meet to make this determination starting at 12:00 p.m. the day after the election.

To attend this meeting, go to Suite 323 in the Fairfax County Government Center, 12000 Government Center Pky, Fairfax, VA, and you will be directed to the meeting location.

Election officer:

Give this notice to voters when:

- Their name is not on the poll book
- They voted after normal poll closing
- We do not have their absentee ballot
- The poll book shows they have already voted
- One of the reasons above **and** they didn't show proper ID or sign the ID confirmation statement.

At this meeting, you can provide proof that you are qualified to vote in this precinct. Most people do not need legal counsel, but you may bring a lawyer with you.

After vote counting is completed, you can find out if your ballot was counted by calling the toll free number 866-839-2556; ask for locality #059.

If you have questions, call your General Registrar's office at 703-222-0776.

Reasons you received a provisional ballot

_____ Your name was not on the poll book

_____ You applied for an absentee ballot, but you do not have the ballot

_____ You voted after the polls closed because of a court order

_____ Our records show that you have already voted

_____ Other: _____

If you registered at DMV or other government agency:

- Provide the name of the agency, its location, and date you registered.
- Show a receipt, if you have one, either to the precinct election officer or General Registrar.


If you learned that your registration was cancelled,

but you think it should not have been, call your General Registrar.

PROVISIONAL VOTERS

PROVISIONAL NOTICE – ID ONLY (may be on green paper)

Give this notice to anyone who voted provisionally because they did not have an acceptable ID and declined to complete an **ID Confirmation Statement**.


	★ VIRGINIA ★ DEPARTMENT of ELECTIONS	Voter ID Provisional Voter Notice – 12:00 p.m. § 24.2-643 and 24.2-653, Code of Virginia
<p>Dear voter,</p> <p>You voted a provisional ballot because you did not show proper identification or sign an ID Confirmation Statement.</p> <p>Providing proper identification</p> <p>For your vote to count, you must provide a copy of an acceptable form of ID or a signed ID Confirmation Statement to your local electoral board.</p> <p>The deadline is 12:00 p.m. on the third day after the election. You can provide your ID in-person or by a method listed below any time before the deadline.</p> <p>Your local Electoral Board decides which provisional ballots will be counted and will meet to make this determination starting at 12:00 p.m. the day after the election. You can attend the Electoral Board meeting to deliver your identification. Most people do not need legal counsel, but you may bring a lawyer with you. To attend this meeting, go to Suite 323 in the Fairfax County Government Center, 12000 Government Center Pkwy, Fairfax, VA, and you will be directed to the meeting location.</p> <p>After vote counting is completed, you can find out if your ballot was counted by calling the toll-free number 866-839-2556; ask for locality #059.</p> <p>How and where to deliver your ID</p> <p>Provide a copy of your identification by any one of these methods:</p> <ol style="list-style-type: none">1) By email: voting@fairfaxcounty.gov2) By fax: 703-324-22053) In person to the Electoral Board/General Registrar: 12000 Government Center Pkwy Suite 323 Fairfax, VA 220354) By mail to the Electoral Board/General Registrar: Office of Elections P.O. Box 10161 Fairfax, VA 22038-8061 <p>If you have questions, call your Registrar's office, 703-222-0776.</p>	<p>Election officer:</p> <p>Give this notice to voters if they did not show acceptable ID.</p>	<p>Acceptable forms of identification</p> <ul style="list-style-type: none">• Voter confirmation documents• Valid Virginia driver's license*• Virginia DMV-issued photo ID• Valid United States passport• Employer-issued photo ID• Student ID issued by any community college or university located in the United States• Other U.S. or Virginia government-issued photo ID• Tribal enrollment or other tribal photo ID• Virginia Voter Photo ID card• A copy of a current utility bill, bank statement, government check, paycheck, or other government document containing the name and address of the voter <p>*"Valid" means the document is genuine and is not expired for more than twelve months EXCEPT for a Virginia driver's license, for which the expiration date should NOT be considered when determining its validity.</p> <p>If you do not have one of these forms of identification, you can sign an ID confirmation statement.</p>
<small>Voter ID Provisional Voter Notice – 12:00 p.m.</small>		<small>Rev 09/2020</small>

PROVISIONAL VOTERS

PROVISIONAL NOTICE – HAVA ID ONLY (may be on green paper)

This notice is only used in federal elections for voters who do not have acceptable ID and are a HAVA voter. A HAVA voter is someone who registered to vote using the Help America Vote Act of 2002 and must show an ID that meets HAVA requirements before voting for the first time.

The Poll Pad will display a special message if someone is a HAVA voter.

	★ VIRGINIA ★ DEPARTMENT of ELECTIONS	HAVA-ID Provisional Voter Notice – 12:00 p.m. § 24.2-643 and 24.2-653, Code of Virginia
Dear voter, You voted a provisional ballot because you did not show proper identification.		Election officer: Give this notice to voters if they did not show acceptable ID and they are a HAVA voter.
Providing proper identification For your vote to count, you must provide a copy of an acceptable form of ID to your local Electoral Board.		
The deadline to provide your ID is 12:00 p.m. on the third day after the election. You can provide your ID in-person or by a method listed below any time before the deadline.		
Your local Electoral Board decides which provisional ballots will be counted and will meet to make this determination starting at 12:00 p.m. the day after the election. You can attend the Electoral Board meeting to deliver your identification. Most people do not need legal counsel, but you may bring a lawyer with you.		
To attend this meeting, go to Suite 323 in the Fairfax County Government Center, 12000 Government Center Pkwy, Fairfax, VA, and you will be directed to the meeting location.		
After vote counting is completed, you can find out if your ballot was counted by calling the toll-free number 866-839-2556; ask for locality #059.		
How and where to deliver your ID		Acceptable forms of identification <ul style="list-style-type: none">• Virginia DMV driver's license or state ID• Valid United States passport• Photo identification card issued by the federal government, the Commonwealth of Virginia, or one of its political subdivisions• Valid student photo identification card from a college, university, or public or private high school located in Virginia• Valid student photo identification issued by a college or university outside of Virginia• Valid employee photo identification card issued in the normal course of business• Tribal enrollment or other tribal ID• Current utility bill, bank statement, government check, paycheck or other government document containing your name and address
Provide a copy of your identification by any one of these methods:		
<ol style="list-style-type: none">1) By email: voting@fairfaxcounty.gov2) By fax: 703-324-22053) In person to the Electoral Board/General Registrar: 12000 Government Center Pkwy Suite 323 Fairfax, VA 220354) By mail to the Electoral Board/General Registrar: Office of Elections P.O. Box 10161 Fairfax, VA 22038-8061		
If you have questions, call your Registrar's office, 703-222-0776.		
HAVA-ID Provisional Voter Notice – 12:00 p.m.		Rev 09/2020

PROVISIONAL VOTERS

ELECTRONIC PROVISIONAL BALLOT LOG (on Admin Tablet)

This electronic form is found on the **Admin Tablet**. Enter each provisional voter on this electronic log.

Election Day Provisional Ballot Log (June 2023 Primary)

1. Precinct *

+ Add

2a. Last Name *

2b. Middle Name

2c. First Name *

2d. Suffix

3. Voter's Year of Birth *

(Ex. 1960)

PROVISIONAL VOTERS

PAPER PROVISIONAL BALLOT LOG (may be on green paper)

If the electronic provisional ballot log is not working for any reason, enter each provisional voter's information on this paper log. If used, return the paper log in **Envelope #1A Non-SDR**.

If voting hours are extended by court order (very rare): begin a new page of the log.

PROVISIONAL BALLOT LOG		RETURN IN #1A ENVELOPE	
Precinct: 100 PATRIOT (Jan 2023)		Fairfax County – Special Election – Jan 10, 2023	
1.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
2.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
3.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
4.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
5.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
6.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
7.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
8.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
9.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		
10.	Last name _____ Suffix _____	SSN# last 4: _____	Reason code (circle): _____
	First name _____ Middle _____	_____	1 2 3 4 5 6 No ID
	Address _____	Notes: _____	
	City/town _____, State _____ Zip code _____		
	Phone: _____ * _____ * _____ Birth year _____		