
**Rules of
Elected Officials
Division 30—Secretary of State
Chapter 8—Provisional Voting Procedures**

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Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 8—Provisional Voting Procedures

15 CSR 30-8.010 Provisional Ballots and Envelopes

PURPOSE: This rule ensures the uniform application of section 115.430, RSMo.

(1) The following steps will be taken to determine whether a person may vote a provisional ballot:

(A) The election judge shall examine the precinct register. If the voter's eligibility cannot be immediately established, then—

(B) The election judge shall contact the election authority. If the election authority cannot immediately establish the voter's eligibility upon examination of its records on file, or if the election judge is unable to make contact with the election authority immediately, then the voter will be entitled to a provisional ballot.

(C) In the case of a voter requesting an absentee ballot, such voter shall be entitled to a provisional ballot when the voter's qualifications cannot be immediately established upon examination of the records on file with the election authority.

(2) No person shall be entitled to receive a provisional ballot until they have completed a provisional ballot affidavit on the provisional ballot envelope. The secretary of state shall produce two (2) sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. One (1) size, three and five-eighths inches by seven and three-fourths inches (3 5/8" × 7 3/4") shall be distributed to jurisdictions using punch card and manual tabulating systems and a second size, fourteen and one-half inches by nine and one-fourth inches (14 1/2" × 9 1/4") shall be distributed to jurisdictions using optical scan. All provisional envelopes shall be printed on a distinguishable color of paper.

(A) On each side of the outside of the provisional envelopes, produced by the secretary of state, there shall appear information in substantially the format available at the secretary of state's website. A copy of the form may be requested in writing from the Elections Division, PO Box 1767, Jefferson City, MO 65102 or in person at the Elections Division, 600 W. Main, State Information Center, Jefferson City, Missouri.

(3) After the provisional ballot is voted, it shall be placed in the provisional ballot envelope

and sealed. The sealed envelope shall be placed in the ballot box.

(4) The certificate of ballot cards shall:

(A) Reflect the number of provisional envelopes delivered; and

(B) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

(5) Upon the election authority's determination of the eligibility of the voter, each rejected provisional envelope shall be marked "rejected" with reason for rejection noted. If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material and the copy of the envelope shall be used by the election authority for registration record keeping.

(6) Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible. All provisional ballots cast by voters, whose eligibility has been verified, shall be counted in accordance with the rules governing ballot tabulation.

(7) If a provisional ballot is cast in the wrong congressional district, the incorrect congressional vote shall not be counted but all other votes cast on that ballot shall be counted.

*AUTHORITY: section 115.430, RSMo Supp. 2002. * Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, terminated Oct. 25, 2002. Emergency rule filed Oct. 25, 2002, effective Nov. 4, 2002, expired April 18, 2003. Original rule filed Oct. 25, 2002, effective April 30, 2003.*

**Original authority: 115.430, RSMo 2002.*

15 CSR 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be Counted

PURPOSE: This rule sets out the procedures for provisional voting in addition to those found in Chapter 115, RSMo.

(1) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the provisional ballot envelope by the provisional voter is consistent with the identification provided by such person pursuant to section 115.427, RSMo.

(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional

ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one (1) member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed, by the team, in a sealed container and shall remain therein until tabulation.

(3) Prior to any provisional ballots being counted, the election authority shall determine the eligibility of the provisional voter. The eligibility of provisional voters shall be determined according to the requirements for a voter to cast a ballot in the election as set out in sections 115.133 and 115.135, RSMo.

(4) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is duly registered and qualified to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is duly registered and qualified to vote in the election.

(5) If the election authority determines that the provisional voter is registered and qualified to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (A) Name of provisional voter;
- (B) Name of reviewer;
- (C) Date and time; and
- (D) Description of evidence found that supports the voter's eligibility.

(6) If the election authority determines that the provisional voter is not registered and/or qualified to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (A) Name of the provisional voter;
- (B) Name of reviewer;
- (C) Date and time; and
- (D) Description of why voter is ineligible.

(7) After the election authority completes its review of the provisional voter's eligibility pursuant to sections (4), (5), and (6), of this rule, the election authority shall deliver the

provisional ballots, and copies of the provisional ballot envelopes which include the eligibility information, to bi-partisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two (2) judges, one (1) from each major political party. The election authority shall provide each team with a ballot box, and material necessary for tabulation.

(8) Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bi-partisan counting teams are reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority. The election authority shall notify the county chair of each major political party of the time and location when the bi-partisan counting teams will be reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority.

(9) If the person named on the provisional ballot affidavit is found to have been duly qualified and registered to cast a ballot in the election, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

(10) If the person named on the provisional ballot affidavit is found to have not been duly qualified and registered to cast a ballot in the election, or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened and the person's vote shall not be counted. The members of the team shall then follow the procedures set out in 15 CSR 30-8.010(5) for rejected provisional ballots.

(11) The vote shall then be tallied and the returns made as provided in sections 115.447 to 115.525, RSMo for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "voted provisional ballots and ballot envelopes from the election held _____, 20____." All rejected provisional ballots, ballot envelopes and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked

"rejected provisional ballots and ballot envelopes from the election held _____, 20____." On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional vote.

AUTHORITY: section 115.430, RSMo Supp. 2002. Emergency rule filed Oct. 21, 2002, effective Oct. 31, 2002, expired April 28, 2003. Original rule filed Oct. 22, 2002, effective April 30, 2003.*

**Original authority: 115.430, RSMo 2002.*