The Political Geography of Provisional Ballots

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Paper presented at the Annual Meeting of the American Political Science Association
Boston, MA, August 2008

Abstract

Provisional voting is a voting option required in most states by the Help America Vote Act of 2002. It is meant to serve as a safety valve for voters who claim to be registered but whose names do not appear on voting lists at their polling place on Election Day. We examine geographic patterns of the casting and counting of provisional ballots in precincts in Cuyahoga County, Ohio, Duval County, Florida, and Baltimore City, Maryland in the 2006 general election. Resource and mobility theories of participation suggest that provisional voting should be concentrated in areas with a large share of groups likely to trigger the provisional ballot option (e.g., voters who move a lot, people who are not registered, or groups that tend to lack resources or civic skills). We argue that geographic concentration of provisional voting is mitigated by ambiguous laws defining provisional voting, decentralized election administration, and a high degree of discretion left to poll workers in implementing provisional voting. As a result, we observe a limited amount of spatial clustering in the casting and counting of provisional ballots.

We thank Denise Lieberman and Elizabeth Westfall of the Advancement Project for assistance in obtaining the provisional voting data used in this study. We alone are responsible for the analyses and interpretations made in this study.

Several recent election reforms in the United States have been implemented to improve the fairness and efficiency of elections. Many were adopted in response to problems exposed by the extremely close presidential election in 2000. One reform, provisional voting, is designed to address disputes about the eligibility and registration status of potential voters on Election Day. By one estimate, between 1.5 million and 3 million votes were lost in 2000 because of registration problems – as when voters believe they are registered but their names do not appear on a list of registered voters at their polling place (CalTech/MIT Voting Technology Project 2001).

One key feature of the Help America Vote Act of 2002 (HAVA) mandates provisional voting in states without Election Day registration as a form of insurance for potential registration mix-ups. Section 302 of HAVA requires states to provide provisional ballots to voters who believe they are registered but whose names are missing from the registration list used at their polling place. If the voter's eligibility is confirmed, then the provisional ballot is counted. If the voter's eligibility is not confirmed, then the provisional ballot is not counted. In the 2004 presidential election (the first national election after passage of HAVA), over 1.9 million provisional ballots were cast and over 1.2 million provisional ballots were counted as valid ballots (Kimball, Kropf and Battles 2006). In the 2006 general election, over 791,000 provisional votes were cast in the United States and over 629,000 provisional ballots were counted (U.S. Election Assistance Commission 2007).

These figures suggest that the provisional voting mandate has helped count many valid votes that otherwise would have been lost. However, the figures also indicate that many voters depend on the provisional balloting process for their votes to count, suggesting that official voter registration lists used on Election Day still have imperfections. Provisional voters are those who

fall through the cracks of the traditional system of registration lists provided at polling places on Election Day. Therefore, it is important to examine areas where provisional voting tends to occur, and to examine the disposition of provisional ballots and the reasons they are counted or rejected.

In addition, provisional ballots could become the next "hanging chad" election controversy. Because of the uncertain status of provisional ballots on Election Day, provisional ballots are a likely source of post-election controversy in the event of a recount in a very close election. The number of provisional ballots cast in the 2004 election is similar to the number of residual votes in the same presidential election, another source of post-election litigation. Like many areas of election law in a competitive and polarized political environment, provisional voting has received increasing attention from political parties, election lawyers, and scholars in recent years. With tens of thousands of provisional ballots cast in several recent competitive state general elections, they can potentially affect the outcome of a very close contest (Foley 2008). For example, in the likely battleground state of Ohio, the rate of provisional voting has increased in recent elections (Huefner, Tokaji, and Foley 2007:32, Tokaji 2008).

In the two general elections since passage of HAVA, the vast majority of provisional ballots have been cast in states with past experience enforcing a provisional voting system similar to the one mandated by HAVA. In addition, most provisional ballots are cast in urban jurisdictions with large populations (Kimball et al. 2006). We examine the casting and counting of provisional ballots in three heavily populated metropolitan counties in the 2006 general election. All three jurisdictions are in states with prior forms of provisional voting before the passage of HAVA.

A closer examination of provisional voting can also shed light on theories of voter participation and election administration Consistent with theories emphasizing resources and residential stability, voter turnout tends to exhibit spatial autocorrelation (e.g., neighborhoods with high turnout rates are clustered with other high-turnout neighborhoods). One might similarly hypothesize that provisional voting will be concentrated in certain geographic areas populated by groups likely to trigger the provisional voting option. However, we argue that this is mitigated by the fact that election administration is decentralized and poll workers have a fair amount of discretion in enforcing provisional voting. As a result, we observe positive but rather weak correlations between demographic variables and rates of casting and counting provisional ballots. In addition, we observe limited geographic clustering of provisional voting in all three jurisdictions.

Participation and Provisional Voting

One theoretical perspective on political participation emphasizes resources, such as money, civic skills, and experience, as key predictors of participation. People who lack resources are less likely to vote and participate in politics (Verba and Nie 1972; Verba, Schlozman, and Brady 1995; Conway 2000). Given that demographic measures of socioeconomic status are geographically clustered, voter turnout also tends to be geographically clustered, with high turnout areas near other high turnout areas, and low turnout areas near other low turnout areas (Gimpel, Dyck and Shaw 2006), although demographics may not explain all geographic clustering in other forms of political participation (Cho and Rudolph 2008). Similar patterns hold with respect to ballots with unrecorded or "residual" votes (the difference between the number of

ballots cast and the number of valid votes cast in a particular contest). Residual vote rates are strongly correlated with measures of race and income, especially when voting machinery or ballot design add confusion to the voting process (Herron and Sekhon 2003; Buchler, Jarvis and McNulty 2004; Sinclair and Alvarez 2004; Tomz and Van Houweling 2003; Kimball and Kropf 2008). As a result, there is heavy geographic clustering of residual vote rates across voting precincts (Donohue et al. 2003).

Since provisional balloting tends to ensnare voters who otherwise might have fallen through the cracks of the registration system, one might hypothesize that provisional voting will be more common in areas with large concentrations of disadvantaged groups (e.g., low income voters or racial and ethnic minorities). Since race and poverty tend to be geographically concentrated in metropolitan jurisdictions, then we should observe geographic concentrations of provisional voting in those same neighborhoods.

A related theoretical perspective points out that voter turnout is a product of connections to social structures. For example, increased residential mobility has contributed to the turnout decline in the United States (Teixeira 1987). Mobility is likely to influence provisional voting, since each time a person moves requires updating one's voter registration or registering anew. Two common conditions that trigger provisional voting is if the voter is at the wrong precinct or is not on the registration list for the precinct – both conditions commonly associated with moving to a new address. Thus, we hypothesize that higher rates of provisional voting will occur in neighborhoods with more mobile residents.

However, the administration of provisional voting is important too. Federal and state legal requirements for provisional voting are vague, inviting litigation (Foley 2005, 2008) and allowing for considerable discretion in its enforcement. In many of its key elements, HAVA

gives discretion to the states to craft election laws and procedures (Montjoy 2005). Provisional voting is no different. For example, there is variation among states in terms of whether ballots must be cast in the correct precinct in order to count, the amount of time allotted to verify the eligibility of provisional voters, and in the situations that necessitate a provisional ballot. As a result, provisional voting rates vary from state to state (Foley 2008).

There also is ambiguity about provisional voting laws in many state laws. For instance, state laws are often vague about what it means to be a "registered" voter. As a result, there is a significant amount of variation in the casting and counting of provisional ballots among jurisdictions in the same state. Foley (2008) speculates that variation within states is a function of different provisional voting practices adopted by local election authorities. We can further extend the analysis of administration of provisional ballots. An important area of public administration emphasizes the influence of "street-level bureaucrats" who have direct interactions with the public and thus make practical decisions about the enforcement of laws every day (Lipsky 1980). Local election officials, and especially Election Day poll workers, are street-level bureaucrats of elections who play a critical role in implementing provisional voting.

Furthermore, poll workers are typically not full-time election employees – they are the ultimate part-time workers, usually paid a modest amount for one day's work to help run an election. Alvarez and Hall (2006) note many potential problems election officials face in hiring and monitoring Election Day poll workers, leaving poll workers with considerable discretion when administering voting procedures at a polling place. Many poll workers may have experience working in previous elections, but they may not be familiar with the relatively new requirements for provisional voting. Given that provisional voting is a new federal mandate, and

given the ambiguity in state and federal laws, the casting and counting of provisional ballots may be heavily influenced by on-the-ground decisions of poll workers.

Poll workers make critical decisions about whether to issue provisional ballots to voters. Do poll workers consistently recognize each situation that triggers a provisional ballot? Do poll workers offer a provisional ballot, a regular ballot, or any ballot in those situations? In addition, while the eligibility of provisional voters is verified later by election officials rather than poll workers, poll workers play an important role in the verification process. Do poll workers prompt voters to provide information (such as a signature, address, birth date, or identification) that will increase the chances that officials will verify the voter's eligibility? It is easy to imagine variation among poll workers and polling places in the handling of provisional voting. In fact, one study notes reports of poll worker confusion about laws governing provisional voting (Alvarez and Hall 2006). This may suggest less geographic concentration and a more random spatial distribution of the casting and counting of provisional ballots.

Table 1 provides a typology to formalize some of these expectations. The degree of centralization in enforcing provisional voting is a key factor in determining whether we observe geographic clustering in the casting and counting of provisional votes. People likely to cast a provisional ballot are unregistered citizens, voters who have recently moved, and voters who lack resources or civic skills to know their voting rights and responsibilities. If those voters are concentrated in certain geographic areas, and if there is centralized administration of provisional voting (e.g., clear rules, uniform training, and consistent monitoring of poll workers), then we should observe concentrated areas of provisional voting with much of the variance explained by the presence of those demographic groups. On the other hand, given the renewed emphasis on provisional voting since the passage of HAVA, it is likely that enforcement of provisional voting

is decentralized and subject to the street-level decisions of poll workers. Will all poll workers know when to give a voter a provisional ballot? Will they assign a provisional ballot in the same circumstances? Will they ask voters to record the same information on the provisional ballot and envelope each time? If the enforcement of provisional voting depends more on the decisions of poll workers and their direct interactions with voters, then we may observe much less geographic clustering in the casting and counting of provisional ballots.

[Table 1 about here]

Data and Methods

We examine provisional voting in three large metropolitan counties (Cuyahoga County, Ohio, Duval County, Florida, and Baltimore City, Maryland) in the 2006 general election. Background information about each jurisdiction is listed in Table 2. We combine data on each voter who cast a provisional ballot with demographic and election data from the precinct in which each voter resides. Cleveland is the central city in Cuyahoga County and Jacksonville covers almost all of Duval County. The city of Baltimore is a county jurisdiction whose boundaries are identical to the city.[1] While Cuyahoga County is clearly more populous than the other two, all three jurisdictions had similar turnout rates in the 2006 election.

[Table 2 about here]

All three counties are in states with some kind of provisional voting mechanism prior to HAVA. Across the nation, roughly one percent of ballots cast were provisional ballots, and

[1] Baltimore City is not to be confused with Baltimore County, a separate suburban jurisdiction outside the city.

roughly eighty percent of provisional ballots were counted. Cuyahoga County and Baltimore City, like the states in which they reside, are well above the national average in provisional balloting. After the 2004 election, the Ohio legislature amended provisional voting laws to delineate fourteen different scenarios that would require a provisional ballot (Foley 2008). This helps explain the relatively high rate of provisional voting in Cuyahoga County.

Duval County, like Florida, is well below the national average in provisional voting. Provisional voting tends to be confined to Election Day, and Florida has a relatively low rate of provisional voting partly due to high levels of absentee and early voting in the state. In addition, Florida law defines only three situations that merit a provisional ballot (Eagleton Institute of Politics/Moritz College of Law 2006), which also helps explain the relatively low rate of provisional voting in Duval County. Baltimore counted a higher percentage of provisional ballots in part because Maryland does not require a voter to cast a provisional ballot in the correct precinct for the ballot to count, unlike Ohio and Florida. In each of the three jurisdictions, we observe a slightly higher rate of provisional voting than seen in the state overall, and we observe a slightly lower rate of provisional ballots counted than the statewide rate.

Because we combine a series of individual data and aggregate data at two different units of analysis, a geographic information system (GIS, in this case ArcView, produced by ESRI) was essential to complete the data tasks for this paper. Our data come from two primary sources: The boards of elections for the three jurisdictions and the U.S. Bureau of the Census. Through Freedom of Information Act requests, the Advancement Project obtained lists of the provisional ballots cast in each jurisdiction. These data were originally in paper format, listing the individual who requested the ballot and some other information. For our purposes the most important variables are the address of the requestor, whether or not the ballot was accepted by the

jurisdiction, and if rejected, the reason or reasons why. There were also some other variables available but they varied across the jurisdictions. For example, Cuyahoga and Duval Counties listed the requestor's party affiliation while Baltimore did not. Duval listed the requestor's race and sex but the others did not.

After transferring the data into electronic table format, we used GIS to place respondents at physical addresses (the term is geocoding or georeferencing). Because of mistakes in the data, missing information in the maps, or other problems, not all entries were successfully geocoded: In Baltimore City, 6% of the 5,497 entries were left unmatched; in Cuyahoga County, 1% of the 15,679 were unmatched; and in Duval County, 6% of the 880 records were unmatched.[2]

We then aggregated the individual level point data to the precinct level for each jurisdiction, and attached it to the 2006 precinct maps. The precinct maps, obtained from the boards of elections, also contained the 2006 aggregate election outcomes. A not trivial problem is that the 2006 precinct boundaries do not match the boundaries of the voting districts (or, for that matter, the block groups or tracts) provided by the 2000 census. However, 2000 census blocks are used to create precincts in all jurisdictions, so we downloaded the 2000 block features and short form attributes from the ESRI 2000 TIGER/Line Data website (ESRI 2008). Using GIS, we aggregated the blocks, including the attributes, into the 2006 precinct boundaries. Most of the analyses that follow are based on precinct-level data. In a few instances, we examine the individual data to see which types of provisional voters are more likely to have their ballot counted.

[Table 3 about here]

[2] Baltimore City's rate of missing data is high relative to others because almost 6 percent of provisional voters listed an address outside of Baltimore City as their primary address.

Results – Turnout

We begin by examining demographic correlates of voter turnout across precincts in two of the jurisdictions where we have adequate data to measure turnout at the precinct level. Turnout is measured as a percentage of registered voters in the precinct. The demographic measures we use are limited to questions from the short form census survey. We measure race by the percentage of a precinct's population that is non-white. Our proxy for poverty is the percentage of households with children and a single female head of household. We measure residential mobility by the percentage of households that are occupied by renters.

Table 3 shows the bivariate correlations between turnout rates and the three demographic measures. As expected, we observe similar patterns in Cuyahoga County and Duval County, where all three demographic measures (race, poverty, and residential mobility) are strongly and negatively correlated with turnout. The three demographic measures combined explain over sixty percent of the variance in voter turnout across precincts in both counties. This is consistent with previous studies of turnout and with resource theories of political participation.

Results – Casting Provisional Ballots

[Table 4 about here]

Next, we examine the percentage of ballots cast that are provisional votes at the precinct level in each of the three jurisdictions. Table 4 shows the bivariate correlations between rates of

provisional voting and the three demographic measures. We observe similar patterns in Cuyahoga County and Baltimore, the two jurisdictions with relatively high rates of provisional voting. In both counties, there is a modest positive correlation between provisional voting and the demographic measures. In Cuyahoga County and Baltimore, provisional voting is more common in precincts with larger concentrations of non-white residents, female-headed households with children, and especially rental-occupied households. The results in Duval County, where provisional voting is less common, are substantially weaker. In combination, the three demographic variables explain less than one-third of the variation in provisional voting rates in each of the three jurisdictions. While the results in Baltimore and Cuyahoga County appear to provide some support for resource and mobility theories of participation, the results indicate that demographic variables are much more successful as predictors of turnout than as predictors of provisional voting rates.

Results – Counting Provisional Ballots

We also examine the counting of provisional ballots. There is a substantial amount of variation in provisional ballot rejection rates across precincts. In fact, variance in provisional vote rejection is higher than the variance in voter turnout in jurisdictions where we can compare the two measures at the precinct level. Precinct-level variation in the counting of provisional ballots is especially high in Duval County (a standard deviation of 37.3). Under Florida law, county election officials verify the eligibility of each provisional voter by comparing signatures to registration records. Signature matching may involve a fair amount of discretion, as well as the question of whether poll workers make sure that provisional voters provide a

signature, which may explain the wide variation in percentage of provisional ballots that are counted in Duval County.

For the reasons described above, we expect that disadvantaged groups will also see higher rates of rejected provisional ballots. In addition, minority voters may be less likely to have the documentation needed to prove their eligibility as provisional voters (Hood and Bullock 2008). Table 5 shows the bivariate correlations between rates of rejected provisional ballots and the three demographic measures. Provisional ballots are somewhat more likely to be rejected in precincts with higher percentages of non-white residents and female-headed households with children. In all three counties we observe weak positive and statistically significant correlations between rejected provisional ballots and race as well as the proxy measure for poverty. The correlation between rejected provisional ballots and the percentage of rental-occupied households is weaker and statistically significant in only Cuyahoga County, suggesting that residential mobility is not a very good predictor of success in having provisional ballots counted. Overall, the three demographic variables explain less than fifteen percent of the variance in provisional ballot rejection rates within each jurisdiction. Unlike turnout, something other than demographics explains most of the precinct-level variation in the counting of provisional ballots.

[Table 5 about here]

In Cuyahoga County and Baltimore, we have additional information about the reason for rejecting each provisional ballot. In Cuyahoga County, voting in the wrong precinct and not being registered were by far the most common reasons for rejecting provisional ballots, accounting for 61 percent and 32 percent of rejected provisional ballots, respectively. In

Baltimore, the most common types of rejected provisional ballots were unregistered voters (45 percent of rejected ballots) and an unspecified "other" category (42 percent). In both jurisdictions rejection rates for lack of registration are not correlated with our demographic measures. The absence of voter registration does not seem to be the reason why provisional ballots are less likely to be counted in precincts with concentrated poverty or racial minorities. In Baltimore, rejection of provisional ballots for "other" reasons is correlated with race ($r=.31$, $p<.001$) and female-headed households with children ($r=.26$, $p<.001$). In Cuyahoga County, rejection of provisional ballots for voting in the wrong precinct is correlated with race ($r=.18$, $p<.001$) and female-headed households with children ($r=.22$, $p<.001$). Again, while these correlations are statistically significant, they are not nearly as strong as the correlations with turnout.

We do not have data noting the reasons certain provisional ballots were rejected in Duval County. However we can examine race and the disposition of provisional ballots directly since the race of each voter is included in registration records in Florida. Therefore, we know the race of each voter who cast a provisional ballot in Duval County. White provisional voters were more likely to have their ballots accepted in the 2006 election in Duval County. Our data indicate that 39% of provisional ballots cast by non-white voters were rejected, as compared to a 23% rejection rate for white voters, a difference that is statistically significant ($p<.001$). This is our strongest evidence that there may be racial disparities in the outcomes of provisional voting.

Finally, Cuyahoga County and Duval County record the party affiliation of provisional voters. Most high-profile campaigns in the United States are dominated by the Democratic and Republican parties. As a result, Independents or followers of third parties tend to be less connected to politics and less likely to participate in elections (Teixeira 1987). If we extend this logic to provisional voting, we expect that Independents and nonpartisans are less likely to have

their provisional ballots counted than Democrats or Republicans. Table 6 provides evidence of the disposition of each provisional ballot we examined in both counties by the party affiliation of the voter. As expected, Democrats and Republicans were more likely to have their provisional ballots counted than Independents and nonpartisans, but Republicans tended to be more successful than Democrats. In Cuyahoga County, provisional voters of all persuasions were roughly equally likely of having their ballots rejected for casting them in the wrong precinct. However, Independents and especially nonpartisans were more likely than Democrats and Republicans for seeing their provisional ballots rejected due to not being registered.

[Table 6 about here]

Visualizing the data in maps provides another way to examine patterns in provisional voting. Figure 1 shows four maps of Cuyahoga County precincts. One map shows the percentage of non-white residents in each precinct. It provides strong evidence of racial segregation, with high percentages of non-white residents concentrated in many interior Cleveland precincts. The top right map in Figure 1 shows voter turnout percentages in Cuyahoga County precincts. The top two maps in Figure 1 indicate considerable overlap between race and voter turnout, with higher turnout in heavily white precincts. As a result, turnout is geographically clustered, although not quite to the degree as race. By comparison, there is less clustering of provisional voting. The bottom two maps in Figure 1 show rates of casting and counting provisional ballots in Cuyahoga County. Both of these maps indicate that variation in provisional voting is not much related to geography. Provisional voting is more common in precincts around the center of the city and less common in some areas near the edges of the city. While we can identify areas in the

map with large non-white populations and heavy provisional voting, as well as areas with largely white populations and low rates of provisional voting, the provisional voting maps do not overlap much with the map of the racial composition of precincts. There are other factors besides race that explain the patterns of provisional voting we observe.

[Figure 1 about here]

Figure 2 shows the same four types of maps for Duval County, Florida. The top left map in Figure w shows a relatively high degree of racial segregation in Duval County, with non-whites concentrated near the center of Jacksonville. The top right map of turnout in Figure 2 shows a somewhat similar pattern, indicating that precincts with large non-white populations tend to have low turnout rates. Again, the provisional voting data charted in the bottom two maps in Figure 2 indicate little discernable geographic pattern and little overlap with the map of race. In fact, there are many largely white precincts on the edges of Duval County with relatively high rates of provisional voting. As Table 4 shows, the casting of provisional ballots in Duval County precincts is uncorrelated with race or the measure of female-headed households with children, and only weakly correlated with the share of renter-occupied households in a precinct.[3] When comparing the top left and bottom right maps in Figure 2, we see a bit more similarity between race and the rejection of provisional ballots, but just a bit. As indicated in Table 5, provisional ballots tend to be rejected at a higher rate in precincts with higher concentrations of non-white

[3] Our measure of race does not necessarily include Hispanic residents. In other words, Hispanic residents may be white or non-white. We computed the percentage of Hispanic residents in each precinct in Duval County, which has a significant Hispanic population (although not as large as the African-American population). As with the other demographic measures, the Hispanic population in a precinct is only weakly correlated with the casting and counting of provisional ballots in Duval County, although it is negatively correlated with overall turnout.

residents. Overall, though, race is more closely associated with turnout than with the casting and counting of provisional ballots.

There are other factors besides race that explain much of the variance in provisional voting we observe.

[Figure 2 about here]

Figure 3 provides a similar map for Baltimore, except without a map of voter turnout. The top left map in Figure 3 again provides strong evidence of racial segregation, with two clusters on largely non-white neighborhoods extending from the city center – one denser cluster of precincts on the west side of Baltimore and another cluster on the east side of Baltimore. The second map in Figure 3 shows the percentage of provisional ballots cast in each precinct. By comparison to race, there is less clustering of provisional voting. Provisional voting is more common in precincts around the center of the city and less common in some areas near the edges of the city. While we can identify areas in the map with large non-white populations and heavy provisional voting, as well as areas with largely white populations and low rates of provisional voting, the two maps do not overlap that much. The third map in Figure 3 records rates of rejecting provisional ballots in Baltimore, indicating even less geographic clustering and at best a modest association with race.

[Figure 3 about here]

We conclude our precinct-level analyses with more formal calculations of geographic clustering. Table 7 provides statistical measures of geographic concentration in turnout and provisional voting. We compute Moran's I, a measure of spatial autocorrelation, to determine whether precincts with similar rates of provisional voting tend to cluster together. Higher positive values of Moran's I indicate higher levels of geographic clustering (Fotheringham, Brunsdon and Charlton 2000). As a basis for comparison, we also report Moran's I coefficients for the percentage of non-white residents in each county's precincts. In this case, the statistics indicate that there is some positive clustering of provisional voting, and a bit less in rates of rejecting provisional ballots, but not a lot.

[Table 7 about here]

The relatively large coefficients and the statistical significance of Moran's I for the percentage of non-white residents confirm that all three counties are racially segregated. The fact that the Moran's I coefficients for the percentage of provisional ballots cast are generally small suggests there is limited spatial clustering in the casting of provisional ballots. The weaker Moran's I coefficients for the percentage of provisional ballots rejected indicates even less of a spatial pattern in the counting of provisional ballots. We observe a middle level of geographic clustering in overall turnout rates, between the high level of clustering for race and relatively low levels for provisional voting. The maps and descriptive statistics indicate a fair amount of variation in rates of casting provisional ballots, particularly in Cuyahoga County and Baltimore. The fact that we observe a limited amount of geographic clustering in provisional voting is

consistent with our expectation that there is a lot of local discretion among poll workers in the implementation of provisional voting.

Conclusion

Even though provisional voting is new in many states, it is required by federal law and likely to remain as a voting option on Election Day. It is likely to remain a subject of election litigation as long as laws remain vague, parties remain polarized, and many elections are highly competitive. We hypothesize that geographic patterns in the casting and counting of provisional ballots depend on the spatial clustering of populations likely to qualify for provisional ballots and the degree of centralized administration of provisional voting.

Overall, we find evidence that provisional voting patterns provide some support for resource and mobility theories of participation. For the most part, we find that provisional voting is more common in precincts with large concentrations of non-white residents, female-headed households with children, and renter-occupied households. In addition, provisional ballots are more likely to be rejected in precincts with non-white residents and female-headed households with children. Where we have individual-level data on provisional voters, Independents and nonpartisans are more likely than partisans to see their provisional votes rejected, and non-white are more likely than whites to see their provisional ballots rejected.

However, the relationships we observe are not especially strong. Disadvantaged groups (particularly racial minorities and low-income citizens) tend to be geographically concentrated in particular neighborhoods or areas of metropolitan counties. Yet we find that provisional voting, and the rejection of provisional ballots, is not very concentrated geographically. Provisional

voting, and the share of provisional ballots that get counted, tend to be spread widely around the counties in this study. We believe that the wide latitude given poll workers in enforcing provisional voting is a key ingredient in the limited spatial clustering of the casting and counting of provisional ballots. This is an important consideration in light of proposed vote centers. In a few states, particularly Colorado and Indiana, some local jurisdictions are switching to a smaller number of vote centers operated more closely by election officials, in place of traditional polling places administered by poll workers. Such a move might ensure more uniform enforcement of provisional voting procedures, and might produce a different geographic pattern of provisional voting than we observe.

References

Alvarez, R. Michael, and Thad E. Hall. 2006. "Controlling Democracy: The Principal-Agent Problems in Election Administration." *Policy Studies Journal* 34:491-510.

Buchler, Justin, Matthew Jarvis, and John E. McNulty. 2004. "Punch Card Technology and the Racial Gap in Residual Votes." *Perspectives on Politics* 2:517-524.

Caltech/MIT Voting Technology Project. 2001. *Voting: What Is, What Could Be*. (accessed July, 2001: http://www.vote.caltech.edu/Reports/index.html).

Cho, Wendy K. Tam, and Thomas J. Rudolph. 2008. "Emanating Political Participation: Untangling the Spatial Structure Behind Participation." *British Journal of Political Science* 38:273-289.

Conway, M. Margaret. 2000. *Political Participation in the United States, 3rd ed.* Washington, DC: CQ Press.

Donohue, Jane, Barbara Grothe, David Kimball, and Ruth Sergenian. 2003. *Voting Reform in the St. Louis Region*. St. Louis: RegionWise.

Eagleton Institute of Politics, Rutgers University, and the Moritz College of Law, Ohio State University. 2006. *Report to U.S. Election Assistance Commission on Best Practices to Improve Provisional Voting*.

Environmental Systems Research Institute, Inc. 2008. "Download Census 2000 TIGER/Line® Data." http://arcdata.esri.com/data/tiger2000/tiger_download.cfm, accessed January and February 2008.

Foley, Edward B. 2008. "Uncertain Insurance: The Ambiguities and Complexities of Provisional Voting." In *Voting in America*, ed. Morgan E. Felchner. Praeger.

Foley, Edward B. 2005. "The Promise and Problems of Provisional Voting." *George Washington Law Review* 73:1193-1205.

Fotheringham, A. Stewart, Chris Brunsdon, and Martin Charlton. 2000. *Quantitative Geography*. Thousand Oaks, CA: Sage.

Gimpel, James G., Joshua J. Dyck, and Daron R. Shaw. 2006. "Location, Knowledge and Time Pressures in the Spatial Structure of Convenience Voting." *Electoral Studies* 25:35-58.

Herron, Michael C., and Jasjeet S. Sekhon. 2003. "Overvoting and Representation: An Examination of Overvoted Presidential Ballots in Broward and Miami-Dade Counties." *Electoral Studies* 22: 21-47. 2003.

Hood, M. V. III, and Charles S. Bullock III. 2008. "Worth a Thousand Words? An Analysis of Georgia's Voter Identification Statute." *American Politics Research* 36:555-579.

Huefner, Steven F., Daniel P. Tokaji, and Edward B. Foley. 2007. *From Registration to Recounts*. Columbus, OH: Ohio State University Moritz College of Law (accessed August 19, 2008: http://moritzlaw.osu.edu/electionlaw/joyce/index.php).

Kimball, David C., and Martha Kropf. 2008. "Voting Technology, Ballot Measures and Residual Votes." *American Politics Research* 36:479-509.

Kimball, David C., Martha Kropf and Lindsay Battles. 2006. "Helping America Vote? Election Administration, Partisanship, and Provisional Voting in the 2004 Election." *Election Law Journal* 5:447-461.

Lipsky, Michael. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.

Montjoy, Robert S. 2005. "HAVA and the States." In *Election Reform: Politics and Policy*, Daniel J. Palazzolo and James W. Ceaser, eds. Lanham, MD: Lexington Books.

Sinclair, D. E. "Betsy", and R. Michael Alvarez. 2004. "Who Overvotes, Who Undervotes, Using Punchcards? Evidence From Los Angeles County." *Political Research Quarterly* 57:15-25.

Stein, Robert M., and Greg Vonnahme. Forthcoming 2008. "Engaging the Unengaged Voter: Vote Centers and Voter Turnout." *Journal of Politics.*

Teixeira, Ruy A. 1987. *Why Americans Don't Vote: Turnout Decline in the United States, 1960-1984.* Westport, CT: Greenwood Press.

Tokaji, Daniel P. 2008. "Are We Condemned to Repeat It?" *Equal Vote Blog*. June 3, 2008 (accessed Aug. 19, 2008: http://moritzlaw.osu.edu/blogs/tokaji/).

Tomz, Michael and Robert Van Houweling. 2003. "How Does Voting Equipment Affect the Racial Gap in Voided Ballots?" *American Journal of Political Science* 47(1): 46-60.

U.S. Election Assistance Commission. 2007. *The 2006 Election Administration and Voting Survey*. Washington, DC, December 2007. (accessed March 28, 2008: http://www.eac.gov/clearinghouse/docs/eds-2006/edsr-final-adopted-version.pdf/attachment_download/file).

Verba, Sidney, and Norman H. Nie. 1972. *Participation in America*. New York: Harper and Row.

Verba, Sidney, Kay Lehman Schlozman, and Henry Brady. 1995. *Voice and Equality: Civic Volunteerism in American Politics*. Cambridge, MA: Harvard University Press.

Table 1
Hypothetical Distributions of Provisional Voting
Given its Administration and Distribution of Voters

Voters Likely Subject to Provisional Voting	Administration of Provisional Voting	
	Centralized	Decentralized/Discretionary
Segregated	Geographic clustering in provisional voting Variance related to degree of social clustering	High variance Some spatial clustering in provisional voting
Not segregated	Low variance No spatial clustering in provisional voting	High variance No spatial clustering in provisional voting

Table 2
Background Data on Provisional Voting in Three Jurisdictions
2006 General Election

County	Cuyahoga (Ohio)	Baltimore (Maryland)	Duval (Florida)
Main City	Cleveland	Baltimore	Jacksonville
Previous experience with provisional voting	Yes	Yes	Yes
Provisional ballots must be cast in correct precinct to count	Yes	No	Yes
Number of Precincts	1,434	290	285
Early/absentee voting in 2006	20.0%	7.8%	27.0%
Total ballots cast in 2006 (percent of registered voters)	468,056 (44.4%)	156,345 (47.1%)	227,365 (42.3%)
Provisional ballots cast in 2006 (percent of total ballots)	15,679 (3.4%)	5,497 (3.5%)	1,176 (0.5%)
Provisional ballots counted (percent of provisional ballots cast)	11,749 (74.9%)	4,412 (80.3%)	856 (72.8%)

Table 3
Correlations between Voter Turnout and Demographic Measures
2006 General Election

County	Cuyahoga (Ohio)	Baltimore (Maryland)	Duval (Florida)
Correlation with turnout:			
Percent of non-white population in precinct	-.62*	---	-.54*
Percent of households with female head and children	-.74*	---	-.62*
Percent of households with rental occupants	-.75*	---	-.60*
Number of precincts	1,434	290	285

Voter turnout is calculated as a percentage of registered voters. Observations (precincts) are weighted by the number of ballots cast. Data missing for Baltimore because we lack precinct-level data on registered voters.
*p<.05

Table 4
Correlations between Rate of Provisional Voting and Demographic Measures
2006 General Election

County	Cuyahoga (Ohio)	Baltimore (Maryland)	Duval (Florida)
Correlation with percentage of provisional ballots cast:			
Percent of non-white population in precinct	.23*	.27*	-.04
Percent of households with female head and children	.24*	.35*	.02
Percent of households with rental occupants	.57*	.36*	.10*
Number of precincts	1,434	290	285

Provisional balloting rates are calculated as a percentage of ballots cast. Observations (precincts) are weighted by the number of ballots cast.
*p<.05

Table 5
Correlations between Rate of Provisional Ballot Rejection and Demographic Measures
2006 General Election

County	Cuyahoga (Ohio)	Baltimore (Maryland)	Duval (Florida)
Correlation with percentage of provisional ballots rejected:			
Percent of non-white population in precinct	.23*	.21*	.13*
Percent of households with female head and children	.27*	.19*	.14*
Percent of households with rental occupants	.09*	.09	.08
Number of precincts with provisional ballots	1,420	289	220

Provisional ballot rejection rates are calculated as a percentage of provisional ballots cast.
Observations are weighted by the number of provisional ballots cast.
*p<.05

Table 6
Provisional Ballot Rejection by Party Affiliation
Cuyahoga and Duval Counties, 2006 General Election

Party Affiliation	Republican	Democrat	Independent /Other	No Party
Cuyahoga County				
Percent Rejected	16.8%	19.7%	24.0%	39.5%
Number of provisional ballots	1,000	3,602	7,560	3,607
χ^2=477.8, p<.001				
Duval County				
Percent Rejected	23.2%	31.8%	50%	34.8%
Number of provisional ballots	396	311	28	92
χ^2=15.2, p=.002				

Table 7
Moran's I Measures of Spatial Dependence in Casting and Counting Provisional Ballots
2006 General Election

County	Cuyahoga (Ohio)	Baltimore (Maryland)	Duval (Florida)
Percent non-white population	.90*	.73*	.76*
Voter turnout	.71*	----	.37*
Percent of provisional ballots cast in precinct	.10*	.13*	.10*
Percent of provisional ballots rejected in precinct	.09*	.07*	-.03

*p<.05

Figure 1
Geographic Distribution of Demographics and Voting in Cuyahoga County Precincts, Quantiles

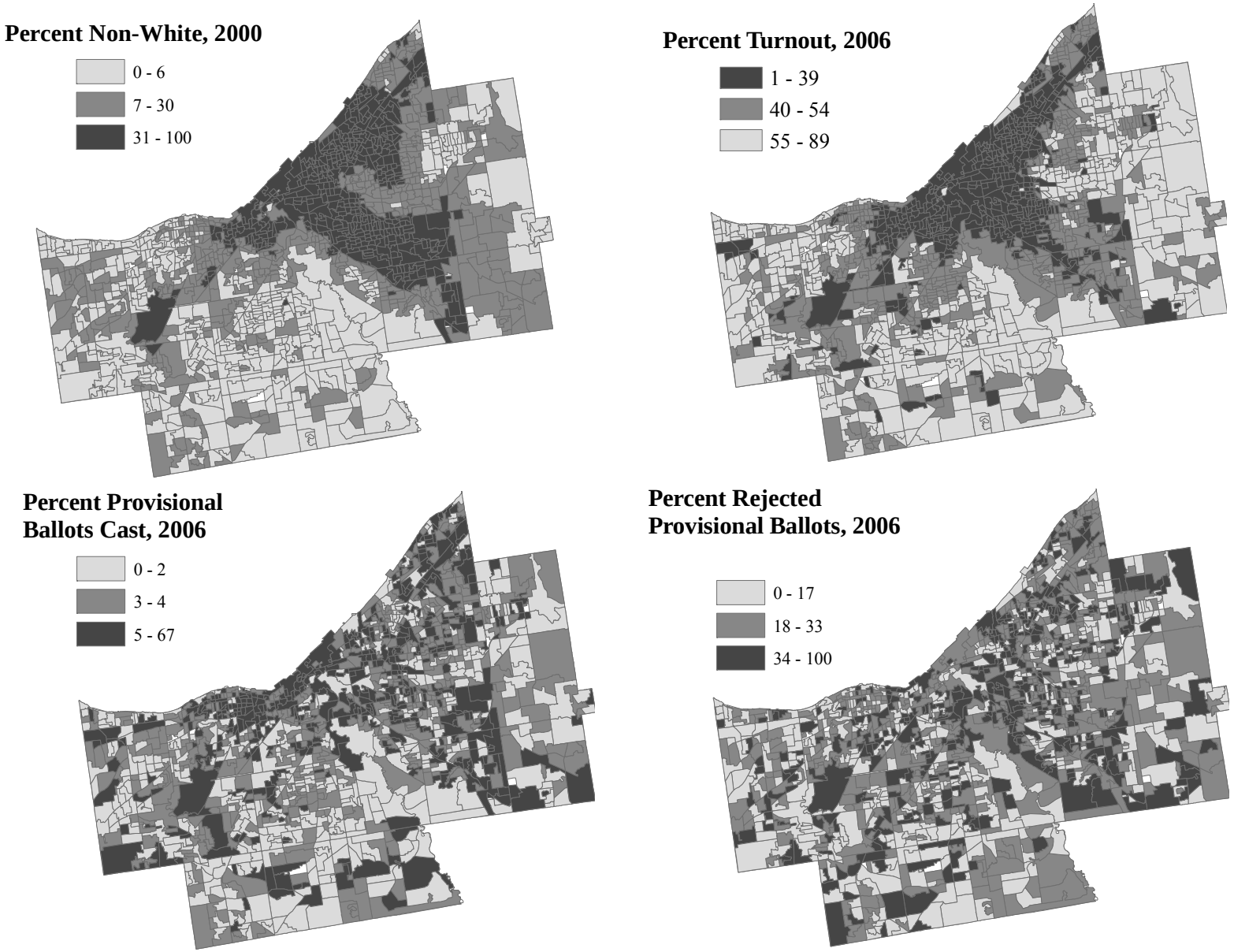


Figure 2
Geographic Distribution of Demographics and Voting
In Duval County Precincts, Quantiles

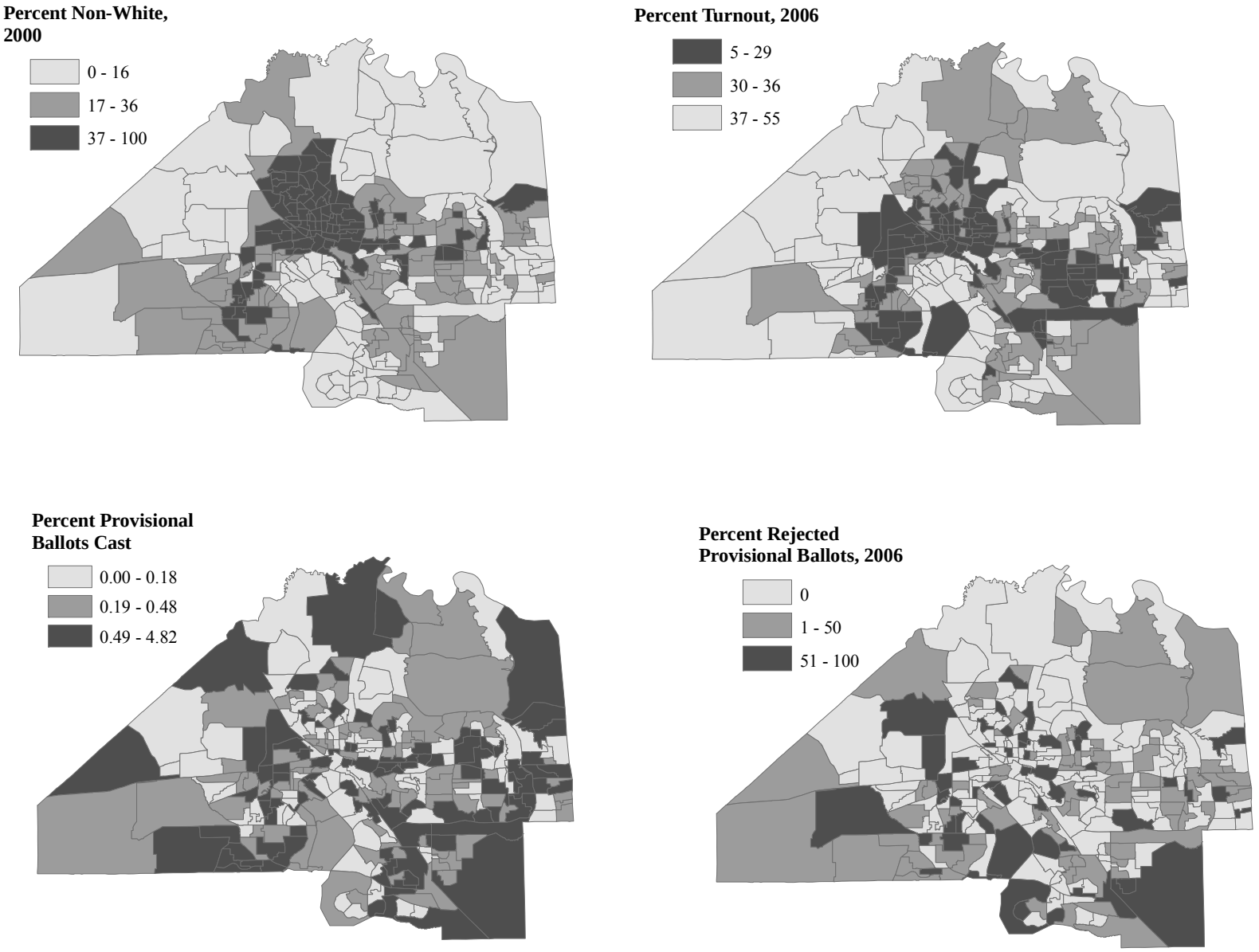
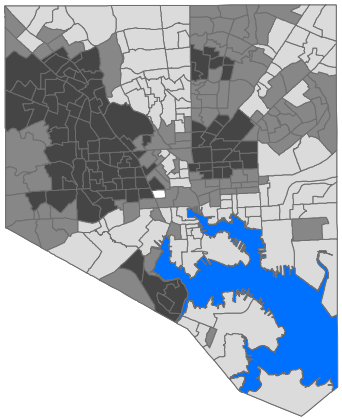
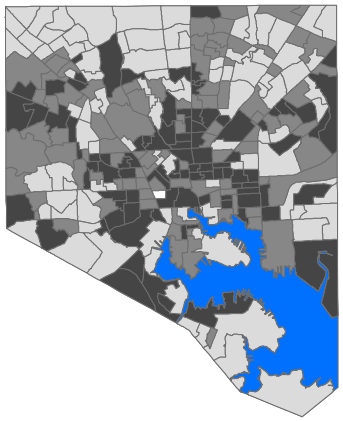


Figure 3
Geographic Distribution of Demographics and Voting in Baltimore City Precincts, Quantiles



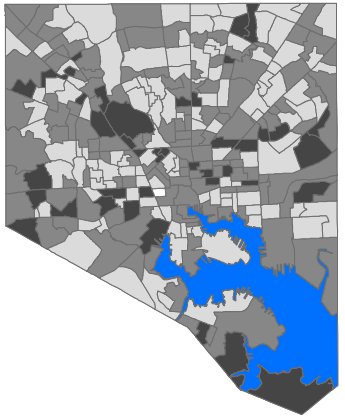
Percent Non-White

- 3 - 48
- 49 - 96
- 97 - 100



Percent Provisional Ballots Cast

- 0 - 3
- 4 - 5
- 6 - 18



Percent Provisional Ballots Rejected

- 0 - 16
- 17 - 36
- 37 - 100