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Comment from Merivaki, Thessalia

Submitter Information

Name: Thessalia Merivaki
Address:
Mississippi State, MS, 39762
Email: lia.merivaki@pspa.msstate.edu
Phone: 16623254160

General Comment

Recognizing that adding questions to the EAVS is no easy task, there are a few items that could help evaluate to what extent provisional voting is a failsafe, as well as how it is a secure way to ensure that ineligible voters do not vote:

Reasons why a provisional ballot is cast. Given the high acceptance rates of provisional ballots, it is important to assess why voters vote provisionally in the first place, and which policies states/localities can adopt – such as vote centers to eliminate out-of-precinct provisional ballots - to minimize the admittedly burdensome and often inefficient administration of provisional ballots.

Although the policy survey now asks the circumstances under which a state will issue a provisional ballot (Q32a), the item is not included in the survey, thus it is not possible to check which circumstances are more likely to result in an accepted provisional and which not. This would also facilitate the analysis of how many ineligible voters (non-citizens, not 18, non-residents) attempt to vote, are correctly issued a provisional ballot, but it is rejected, demonstrating that provisional ballots are an additionally security mechanism that protects the integrity of elections.

Who reviews and verifies provisional ballots: There is little insight as to which structures local jurisdictions have to verify provisional ballots. Many states have local canvassing boards, although it is not known if that is a common, and uniform, practice across all the states. It is also not known how these structures are made up. This information could potentially be incorporated into the policy survey. They can provide important insights on potential discretion by election officials, or other officials that may serve in them (see Merivaki and Smith 2016).

Challenged ballots and Conditional Ballots: As mentioned previously (accuracy and reliability), there are nuances in the administration of provisional ballots that the EAVS data do not capture. Specifically, regarding challenged ballots, it is important to have the ability to evaluate how many challenged voters vote provisionally, suggesting that poll workers have not resolved the challenge (as asked in Q32a), and how many of those have their provisional ballot accepted. This can be very useful in evaluating whether voter challenges are used frivolously and disproportionately in certain jurisdictions.

Distinguishing between provisional voters whose eligibility is not readily verified and conditional voters due to a state's availability of SDR, or other reason, is also important to understand how SDR is implemented and administered and evaluate whether the provisional voting process is effective in facilitating access to voting for those new registrants who utilize SDR to participate in elections.