Provisional Ballots: The Miner's Canary for Election Administration

Heather K. Gerken, J. Skelly Wright Professor of Law, Yale Law School

The Pew Center on the States has led the way in promoting data for democracy.   Its new study on provisional balloting, "Provisional Ballots: An Imperfect Solution," provides important evidence of the weakness in our current data-collection practices and the need to do better. As the collection of papers assembled by Pew reveals, provisional ballots offer a window on a larger set of problems in election administration. They confirm the need for data-driven management by showing that even a rough cut on a rough set of data can help us spot, surface, and solve problems in our election system.

Election administration: A world without data

The significance of Pew's report can only be understood against the background of current data-collection practices. Election administration is a world without data. We lack even the most basic information on how well the system is functioning, let alone the type of comparative data that would help us identify the drivers of performance. We know more about our dishwashers, our local baseball team, even (God help us) the companies in which we invest than we do about how our election system is working. One in five states can't even tell you how many people showed up at the polls on Election Day. Many can't tell you how many people are registered to vote or how many poll workers showed up to work. Most states can't tell you whether voters find it easy to register or what kinds of ballots people use.

Data-driven analysis is so common in the business sector that Walmart can tell you that when a hurricane approaches, people purchase not just generators and flashlights, but strawberry Poptarts.[1] But while much of the public sector relies on data-driven management, election administration – an area that all but lends itself to measurement – lags far behind. The result is that we have less information about our most precious noncommodity – the vote – than we do about strawberry Poptarts.

More data, better data

The papers amply confirm the woeful state of election data. Pew has assembled an impressive data set on provisional ballots, but the data Pew gathered are only as good as the data-collecting practices that generated them. Here we find significant shortcomings. As the papers confirm, some jurisdictions don't collect or disclose the right data. Others collect it, but do so inconsistently, precluding sensible comparisons. Still others provide data that don't pass the smell test. As a result, almost every author notes that we would need more and better data to draw firm conclusions about how well the system is working.

Provisional ballots – the miner's canary

Despite the obvious shortcomings in the data, it is quite remarkable how much we can learn from the information we do have. Indeed, provisional ballots look to be the miner's

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[1] Constance L. Hays, "What Wal-Mart Knows About Customers' Habits," *The New York Times*, November 14, 2004, Business Section, http://www.nytimes.com/2004/11/14/business/yourmoney/14wal.html

canary in voting. As Foley and Kimball point out in "Unsuccessful Provisional Voting in the 2008 General Election," precisely because provisional ballots offer a fail-safe when the election system breaks down, they represent a warning sign that the system is under stress. After all, if the election system were working perfectly, we would expect precious few provisional ballots to be cast.

The data on provisional ballots not only suggest that the system sometimes breaks down, but help us pinpoint where those breakdowns are occurring. For instance, some authors point to problems in the registration process; others point to poorly trained poll workers. Some of the papers raise further paths for inquiry, suggesting that the source of the problem may be resource disparities or a failure to adapt to the needs of the population the system is serving.

The papers also suggest that the problems in election administration fall along two dimensions. The first is simply execution: can a voter who wants to cast a ballot do so successfully? The data suggest that a fair number of voters who tried to cast a ballot encountered a roadblock somewhere along the way. That is to be expected even in the best-run systems, of course. For instance, we would expect voters who are ineligible to vote not to have their provisional ballots counted. Nonetheless, the number of provisional ballots cast and (not) counted suggests that many qualified voters are unable to vote even when they make the effort to do so, something that ought to be a source of concern for any well-functioning democracy. As "Provisional Ballots: An Imperfect Solution" reminds us, each of those ballots stands in for a voter who encountered a problem in carrying out his civic duty. At the very least, Pew's study suggests that there is a great deal more investigation to be done here.

The papers also reveal a second dimension along which our voting system may be failing: equality. The data reveal marked disparities in the number of provisional ballots cast and the share of provisional ballots counted. Four states accounted for two-thirds of all provisional ballots submitted nationwide. While some states count more than 75 percent of their provisional ballots; others count less than 45 percent. These disparities exist not just between states, but within them. For instance, Lonna Atkeson and her co-authors show in "Provisional Voting in New Mexico" that counties count between 13 and 96 percent of the provisional ballots cast. Moreover, several of the papers offer preliminary evidence that these disparities align with identity categories, like race and age. All of this means that similarly situated individuals may not have the same chance to have their ballots counted, another issue well worth further research.

Data-driven management

Finally, the papers offer a tantalizing glimpse of how useful data-driven management could be if we had more and better data. Alvarez and Hall's "Provisional Ballots in the 2008 Ohio General Election" offers an excellent example; it tries to discern whether voter mobility helps explain when and where the system is breaking down. It is a good example of the way in which data analysis can help election administrators identify the source of a problem, or at least eliminate one potential cause of that problem.

Similarly, as many of the authors noted, one of the key problems with the existing data is that it is impossible to identify either the reason a voter was given a provisional ballot or the

grounds for rejecting that ballot once cast. Imagine what we could do with such information. We might discover, for instance, that the reason states have a large number of provisional ballots is poorly trained poll workers or a registration system that isn't working.

Indeed, even when the data on provisional ballots show that the system worked as expected, the numbers still shed light on existing policy debates. Consider, for instance, the fact that 11 percent of provisional ballots were rejected because they were cast in the wrong precinct (the "right church; wrong pew" problem, to borrow the turn-of-phrase used by Doug Chapin, Director of PCS Election Initiatives phrase). That evidence should be extremely useful in evaluating whether this policy is worth the candle. Michael Pitts makes a similar point about the heated debate over voter ID in "Voter Identification."

More and better data on provisional ballots will do a good deal more than help us identify and fix discrete problems in the voting system. First, that data should enable us to benchmark. Benchmarking is a routine practice in the business world, as corporations constantly compare their performance with that of their competitors to identify best practices and figure out where they can improve. Election administrators who distribute – or fail to count – a large number of provisional ballots might look to other jurisdictions to figure out the source of the problem. Over time, election administrators might even develop a consensus on performance standards. For instance, cross-state comparisons might lead us to conclude that when a given percentage of provisional ballots are cast, it is a sign that the registration system isn't working properly.

Second, dependable data on provisional ballots should help jumpstart the most important conversation we can have in election administration: how to build a robust system capable of self-correction so that problems can be avoided rather than corrected. Precisely because provisional ballots are the miner's canary in the election system, they can help us figure out what drives performance overall. For instance, reliable, comparative data on provisional ballots might suggest that disparities in resources are the central cause of inequality in a voting system. Or the data might show us that the systems with the fewest problems are those that are highly centralized or run by nonpartisans.

Conclusion

Election administrators are far behind their public and private sector counterparts in taking advantage of the benefits of data-driven management. Pew's "Provisional Ballots: An Imperfect Solution" study confirms both the sad state of elections data and the many reasons that we ought to do better. That is why the most important discussion in this collection may be "What a better election data system might look like." It identifies the steps we need to take to improve on this sorry state of affairs and move toward creating an election system worthy of the democracy it serves.