

ADOPTED**AMERICAN BAR ASSOCIATION****STANDING COMMITTEE ON ELECTION LAW****REPORT TO THE HOUSE OF DELEGATES****RECOMMENDATION**

1 RESOLVED, That the American Bar Association adopts the following amendments to the
2 *Election Administration Guidelines and Commentary*, dated August 2008.

3 Page 4 – 2.2 c. Voter Registration Drives . . .

4 4. Volunteer registrars should be required to adhere to a strict code of
5 conduct during all aspects of the voter registration procedure.

6 i. Volunteer registrars should not engage in any discriminatory
7 practices in the dissemination, acceptance and submission of
8 registration forms (*e.g.*, refusal to disseminate, accept and submit
9 registration forms on the basis of race or partisan affiliation).

10 ii. Volunteer registrars should not attempt to influence, through force
11 or intimidation, the decisions of applicants.

12 ~~iii. Volunteer registrars should refrain from any electioneering activity~~
13 ~~during the execution of the voter registration form.~~

14 Page 9 - 5.6 *Provisional Ballot*

15 In situations where voter registration is in dispute, a voter has applied for an absentee
16 ballot and then seeks to vote at the polling place, or a voter has been denied the opportunity to
17 vote by an election official on the grounds of any other ineligibility, the voter must be ~~allowed to~~
18 ~~vote with~~ offered a provisional ballot. The provisional ballots should be segregated and secured
19 until a determination of validity is made. Where mechanical or electronic voting machines are
20 used, an alternative method for segregating the provisional ballots should be established.
21 Election officials should provide assurance that eligibility issues will be dealt with promptly and
22 that voters will be notified of the disposition of the ballot in question.
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119A

23 States and localities should not vest poll workers with duties that allow them the capacity
24 to invalidate a provisional ballot; including, but not limited to, procedures requiring a poll
25 worker to sign a provisional ballot application or affidavit in order for the ballot to be counted.
26 The information relating to the decision whether to count or reject provisional ballots must be
27 publicly available, so that administrative errors can be identified and poll worker training can be
28 improved.

29 In jurisdictions that require the voter to cast the ballot in the precinct to which the voter is
30 assigned, resources should be made available to the poll worker to make every practicable effort
31 to direct the voter to the correct precinct.

32 See Appendix A, *Model Statutory Language on Provisional Balloting and Commentary*,
33 dated August 2003, for specific details and model language.

