



**SUMMARY: STATE LAW REGARDING NUMBER OF BALLOTS ORDERED FOR AN ELECTION**

**November 15, 2010**

**State Law Regarding Number of Ballots Ordered for an Election**

State	
Alabama	
Alaska	Alaska law does not prescribe the number of ballots that must be ordered for an election
Arizona	
Arkansas	Yes, see A.C.A. §7-5-602
California	<p>In California, every county uses optical scan voting equipment for vote-by-mail ballots. Additionally, 56 of the 58 counties use an optical scan voting system to tabulate precinct ballots. The two counties that do not use optical scan equipment to tabulate precinct ballots use direct recording electronic (DRE) voting machines, but are required to have paper ballots on hand at the polling location for any voter who requests to vote on paper.</p> <p>California law does not prescribe the number of ballots that must be ordered for an election, except in the case of the two counties using DREs for all polling place voting. For counties using DREs, California law states the following:</p> <p>(a) In the case of an election for a state or federal office, each polling place using a direct recording electronic voting system, as defined by Section 19251, the elections official shall provide paper ballots equivalent to the following percentages:</p> <ol style="list-style-type: none"> <li>(1) For a statewide general election, no less than 10 percent of the registered voters in the polling place.</li> <li>(2) For a statewide direct primary election, for each partisan ballot form for which at least 10 percent of the registered voters in the polling place are eligible to request, no less than 5 percent of the registered voters in the precinct eligible to request that ballot form at the polling place. For nonpartisan voters, the total number of paper ballots among all ballot forms that they are eligible to request shall be no less than 5 percent of registered nonpartisan voters at the polling place.</li> <li>(3) For any other state or federal election contest, no less than 5 percent of registered voters at the polling place.</li> <li>(4) For purposes of this section, the number of registered voters shall be based on the registration on the 88th day prior to the day of the election.</li> </ol> <p>(b) The elections official shall establish procedures for the use of the paper ballots described in this section in the event the direct recording electronic voting system becomes nonfunctional.</p> <p>(c) Upon request, the precinct board shall provide a paper ballot to a voter, regardless of the availability of the direct recording electronic</p>

	<p>voting system, as long as supplies remain available.</p> <p>(d) The paper ballots described in this section may consist of provisional ballots.</p> <p>(e) Any vote cast on a provisional ballot subject to this section by an otherwise qualified voter shall be counted as a regular ballot and shall not be subject to the requirements of Section 14310.</p>
Colorado	State law does not prescribe the number of ballots that must be ordered by the counties
Connecticut	State law does not prescribe the number of ballots that must be ordered for the election.
Delaware	State uses optical scan voting systems for absentee balloting. Delaware prints all ballots in-house on an as needed basis.
District of Columbia	District law does not specify the number to be ordered. It is at the discretion of the Board based on our needs and budget.
Florida	Their statute does not delineate a certain requirement for the number of ballots to be ordered.
Georgia	The State uses DREs for in-person voting. For mail-in and provisional balloting O.C.G.A. § 21-2-290 provides, “The superintendent shall provide, for each precinct in which a primary or election is to be held, a sufficient number of ballots equal to the number of active registered electors.” However, there is no specific number of paper ballots that must be ordered for an election.
Hawaii	
Idaho	Idaho’s does use optical scan tabulation equipment but does not prescribe the number of ballots to be ordered.
Illinois	
Indiana	Yes, Indiana statute does prescribe the number of ballots ordered for the election.
Iowa	Only for general elections. The legal requirement is to order at least 55 ballots for every 50 ballots cast in the precinct at the preceding similar (i.e. presidential or gubernatorial) general election.
Kansas	The county election officer is authorized under state law to determine the number of ballots needed for each polling place.

Kentucky	<p>31 KAR 2:010. Preparation of ballots and voting systems prior to election day.</p> <p>Section 3. Number of Ballots to be Printed. In addition to the requirements established in KRS 117.145, the county clerk shall provide a sufficient number of printed ballots for each precinct in a county that uses scan voting systems for each election. The number of ballots required to be printed and distributed to each precinct with scan voting systems shall be determined as follows:</p> <p>(1) For a primary, the number of ballots shall be at least ten (10) percent more than the total number of votes cast in each party's primary and nonpartisan race in the most recent presidential primary election;</p> <p>(2) For the general election, the number of ballots shall be at least ten (10) percent more than the total number of votes cast in the most recent general election in which votes were cast for the electors for the President of the United States; and</p> <p>(3) For a special election, the number of ballots shall be a sufficient number as determined by the county clerk considering the number of registered voters in the precinct and the type of special election to be held.</p>
Louisiana	We are required to order 10% of the registered voters in the election for paper ballots. Most of the voters cast vote on DRE's or electronic voting equipment.
Maine	<p><a href="#">Title 21-A §606</a> sub-§1</p> <p>1. Number of ballots furnished. The Secretary of State shall review the number of votes cast at the last election of that type as well as current registration and enrollment statistics in each voting district when determining the number of ballots to be furnished to each municipality. If the clerk believes that extra ballots will be needed, the clerk must request them from the Secretary of State a reasonable time before the election. The Secretary of State may send the requested number to the clerk and may furnish as many additional ballots as the Secretary of State believes necessary.</p>
Maryland	Maryland uses optical scan voting equipment for absentee and provisional voting only. They do not have a law prescribing the number of ballots that must be ordered.
Massachusetts	
Michigan	State law says you they must order enough ballots for 100% of registered voters in the precinct for a general election. For a primary election, must have not less than 35% more than the total number of ballots cast at the corresponding primary held four years ago.
Minnesota	<p>204B.29 ELECTION JUDGES; ELECTION SUPPLIES; DUTIES Subdivision 1. Securing election materials.</p> <p>... Each precinct shall be furnished with 100 ballots of each kind for every 85 individuals who voted in that precinct at the last election for the same office or on similar questions, or with ballots of each kind in an amount at least ten percent greater than the number of votes which are reasonably expected to be cast in that precinct in that election, whichever supply of ballots is greater.</p>
Mississippi	

Missouri	<p>Section 115.247.3 RSMo governs the number of ballots to be provided at each polling location for general elections:  3. For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. For each election, except a general election, held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.</p> <p>Section 115.393 RSMo governs the number of ballots to be provided at each polling location for primary elections:  115.393. Prior to the primary election, each election authority shall correct any errors or omissions on the sample ballots and cause official ballots to be printed. For each party having a ballot at the primary election, the election authority shall deliver to each polling place a number of ballots equal to at least one and a half times the number of ballots cast in the voting district for the party at the next to last primary election. If no ballots were cast for a party in a voting district at the last primary election, the election authority shall deliver to the polling place a number of ballots estimated to be sufficient for the party.</p>
Montana	Montana state law does not prescribe the number of ballots to be ordered for each election
Nebraska	Nebraska statutes do not prescribe the number or % of ballots the local election officials order.
Nevada	
New Hampshire	New Hampshire uses optical scan voting equipment in those cities and towns that elect to use it. The state law gives the Secretary of State discretion on the number of ballots to be printed to meet the needs of a general election.
New Jersey	
New Mexico	New Mexico law does not prescribe the number of ballots to be ordered for each election.
New York	

North Carolina	<p>08 ncac 06B .0101      GENERAL BALLOT GUIDELINES</p> <p>The responsible board of elections shall prepare ballots in a number equal to 100% of the number of registered voters in the primary or election and shall furnish each precinct voting place with each kind of ballot to be voted in the primary or election in a number equal to at least 70% of the number of persons registered to vote in the primary or election in the precinct, keeping the balance in reserve in such a manner that is secured yet easily accessible if needed. If a second primary or runoff election is necessary, the responsible board of elections shall prepare and fully distribute, without a reservation, ballots in a number equal to at least twice the number of ballots issued for that particular race in the first primary or election but in no case more than a number equal to 100% of the number of registered voters in the primary or election.</p>
North Dakota	<p>No state law, but the Secretary's office recommends that counties order at least 125% of what they used in the last similar election because it is far less costly to recycle unused ballots than it is to deal with a ballot shortage.</p>
Ohio	<p>OH state law (Ohio Revised Code 3505.11) provides the following:</p> <p>(A) The ballots, with the stubs attached, shall be bound into tablets for each precinct, which tablets shall contain at least one per cent more ballots than the total registration in the precinct, except as otherwise provided in division (B) of this section. Upon the covers of the tablets shall be written, printed, or stamped the designation of the precinct for which the ballots have been prepared. All official ballots shall be printed uniformly upon the same kind and quality of paper and shall be of the same shape, size, and type.</p> <p>Electors who have failed to respond within thirty days to any confirmation notice shall not be counted in determining the number of ballots to be printed under this section.</p> <p>(B)(1) A board of elections may choose to provide ballots on demand. If a board so chooses, the board shall have prepared for each precinct at least five per cent more ballots for an election than the number specified below for that kind of election:</p> <p>(a) For a primary election or a special election held on the day of a primary election, the total number of electors in that precinct who voted in the primary election held four years previously;</p> <p>(b) For a general election or a special election held on the day of a general election, the total number of electors in that precinct who voted in the general election held four years previously;</p> <p>(c) For a special election held at any time other than on the day of a primary or general election, the total number of electors in that precinct who voted in the most recent primary or general election, whichever of those elections occurred in the precinct most recently.</p> <p>(2) If, after the board complies with the requirements of division (B)(1) of this section, the election officials of a precinct determine that the precinct will not have enough ballots to enable all the qualified electors in the precinct who wish to vote at a particular election to do so, the officials shall request that the board provide additional ballots, and the board shall provide enough additional ballots, to that precinct in a timely manner so that all qualified electors in that precinct who wish to vote at that election may do so.</p>
Oklahoma	<p>The law provides: "The county election board shall cause a sufficient number of ballots to be printed for each precinct, taking into account the highest percentage of registered voters likely to vote in a given election based on historical experience and other factors, but shall not necessarily require a ballot to be printed for each registered voter." (26 O.S. §6-104)</p>
Oregon	
Pennsylvania	<p>Pennsylvania must print 50 ballots for every 45 registered voters in a precinct.</p>

Rhode Island	Our law does not dictate how many ballots must be ordered, the SOS Elections Division uses its best judgment based upon the candidates and the issues of the day.
South Carolina	Optical scan ballots are used for absentee (by mail), provisional and emergency voting.  Absentee - not to exceed 15% of the registered voters in the county (7-15-360) Emergency/ Provisional - not to exceed 10% of the registered voters in a precinct (7-13-430 A) Failsafe - not to exceed 5% of the registered voters in a precinct. This ballot must contain only federal, statewide, countywide, and municipal-wide offices (7-13-430 C)
South Dakota	SDCL 12-16-17 "The quantity provided for a primary election shall be at least ten percent more than the number of votes cast for the gubernatorial candidate of the respective parties in the preceding gubernatorial primary election. The quantity provided for a general election shall be at least ten percent more than the number of votes cast for all candidates for Governor as shown by the returns of the last preceding gubernatorial election."
Tennessee	Tennessee has two counties that utilize optical scanners on Election Day. In those counties they are required to print enough ballots to equal 104% of registered voters.
Texas	
Utah	
Vermont	
Virginia	
Washington	The counties decide how many ballots to order.
West Virginia	
Wisconsin	Wisconsin simply requires that "sufficient ballots" be provided.
Wyoming	No, but many of the Clerk's have Ballot on Demand and they can use that process using Rules and Regulations that can be accessed at: <a href="http://soswy.state.wy.us/Rules/RULES/7658.pd">http://soswy.state.wy.us/Rules/RULES/7658.pd</a>