

**DUTIES OF ELECTION COMMISSIONERS**

**2014 ECAM Orientation**

*Presented By:*

*Hawley Robertson*

*Senior Attorney,*

*Elections Division*

*Mississippi Secretary of State's Office*



**DELBERT HOSEMANN**  
*Secretary of State*

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**Once Elected . . .**

- Upon taking office, the County Board of Election Commissioners shall organize by electing a chairman and a secretary.
- It is the duty of the chairman to have the official ballot printed and distributed at each general or special election.

Reference: Miss. Code Ann. § 23-15-213



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**Duties of Chairperson**

- Conduct meetings of commission in a democratic and businesslike manner.
- Share all correspondence and pertinent information with commission.
- Order ballots and supplies for election.
- Maintain good relations with supervisors.



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**Duties of Chairperson (Ctd.)**

- Make certain a quorum is present for official business to be conducted.
- Make certain the commission meets on days as specified by State law.
- Order pollbooks from circuit clerk.
- Work with commissioners in preparing annual budget.



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**Duties of Secretary**

- Keeps accurate minutes of each meeting which reflect business, decisions, etc. of the commission and list the names of commissioners attending all meetings.
- Keeps election commission files updated and in good order.
- Makes file copies of all correspondence.
- Notifies the commissioners of meetings.



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**Duties of Secretary (Ctd.)**

- Keeps accurate records of days worked and copies of payroll.
- Submits payroll, if requested by chairperson.
- Maintains records to help with the efficiency of the commission.
- Keeps list of voters purged. This list should be a part of the minutes.
- Keeps list of all inactive voters. This list should be part of the minutes.



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**Compensation of Election Commissioners**

- Election Commissioners are entitled to receive a per diem of \$84.00 for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks.

Reference: Miss. Code Ann. § 23-15-153(2)



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**Compensation of Election Commissioners:  
Election Day**

- Election Commissioners are entitled to receive a per diem in the amount of One Hundred Fifty Dollars (\$150.00) for the performance of their duties on the day of any general or special election.

Reference: Miss. Code Ann. § 23-15-153(4)(b)



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**Voter Roll Maintenance**

- One of the most important duties of Election Commissions is maintaining accurate voter rolls and pollbooks.
- The voter roll should only contain the names of voters presently qualified to vote.
- Voter roll maintenance is an ongoing duty of the Election Commission and should be performed throughout the year, subject to the maximum number of days for which the Election Commission is allowed to be compensated. Mississippi law provides certain days upon which the Election Commission must meet to purge the rolls.

Reference: Miss. Code Ann. § 23-15-153



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**Revision of Registration Books and Pollbooks**

- Election Commissioners meet at the office of the registrar or their own designated office and carefully revise the registration books and the pollbooks, and remove the names of all persons erroneously on the books, or who have died, removed or become disqualified as electors for any cause.
- Election Commissioners register the names of all persons who have applied to be registered but have been illegally denied registration.

Reference: Miss. Code Ann. § 23-15-153



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**Revision of Registration Books and Pollbooks**

- When an elector is disqualified from voting, Election Commissioners record the reason for the removal of his name from the voter registration books and remove his name from the rolls.
- Criminal convictions are compared to the voter registration rolls by the Election Commissioners.
- The names of the persons convicted of disenfranchising crimes must be removed from the voter registration records by the Election Commissioners.

References: Miss. Code Ann. § § 23-15-19; 23-15-125; 23-15-161



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**Automatic Review:  
Denial of Voter Registration**

- In the event an applicant is denied registration, there is an automatic review by the County Election Commissioners under the procedures provided in Sections 23-15-61 through 23-15-79.
- It is not the purpose of this section to indicate the decision which should be reached by the election commissioners, but to define which applicants should receive further examination by providing for an automatic review.

Reference: Miss. Code Ann. § 23-15-43



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**Notice of Registration Denial**

- In the event registration is denied pending automatic review by the county election commissioners, the registrar must immediately inform the applicant his registration is denied and advise the applicant of the date, time, and place of the next meeting of the election commission.
- At which time, the applicant may present such evidence either in person or in writing as he deems pertinent to the question of residency.

Reference: Miss. Code Ann. § 23-15-45



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**Appeal By Person Denied Registration**

- Any person denied the right to register as a voter may appeal from the decision of the registrar to the Board of Election Commissioners by filing with the registrar, on the same day of such denial or within five (5) days thereafter, a written application for appeal.

Reference: Miss. Code Ann. § 23-15-61



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**Determination of Appeals**

- The Board of Election Commissioners must meet at the courthouse of its county on the second Monday in September preceding any general election.
- The Election Commissioners hear and determine all appeals from the decisions of the registrar of their county, allowing or refusing the applications of electors to be registered.

Reference: Miss. Code Ann. § 23-15-65



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### Bill of Exceptions

- Any elector aggrieved by the decision of the Election Commission has the right to file a *bill of exceptions*, to be approved and signed by the Election Commissioners within two (2) days after the rendition of the decision.
- The elector may appeal to the circuit court upon the execution of a bond
  - Two (2) or more sufficient sureties to be approved by the Election Commissioners (\$100)
  - Conditioned to pay all costs in case the appeal shall not be successfully prosecuted.
  - In case the decision of the Election Commission is affirmed, judgment shall be entered on the bond for all costs.

Reference: Miss. Code Ann. § 23-15-71



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### Duty of Commission Upon Appeal

- In case of appeal from its decision, the Election Commission shall return the *bill of exceptions* and the appeal bond to the circuit court of the county within five (5) days after the filing of the same with them.
- The circuit courts shall have jurisdiction to hear and determine these appeals.

Reference: Miss. Code Ann. § 23-15-73



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### Automatic Review: Denial of Application for Voter ID

- In the event an elector is denied issuance of a Mississippi Voter ID Card, there shall be an automatic review by the county election commissioners and appeal process available to the elector pursuant to Miss. Code Ann. § § 23-15-61 through 23-15-79.

Reference: Miss. Code Ann. § 23-15-7(8)



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**Cancellation and Surrender of Mississippi Voter ID Card**

- The Registrar of each county may cancel and require surrender of a Mississippi Voter ID Card upon confirmation the card was issued to a person not entitled to one.
- Any Registrar who cancels and/or requires surrender of a Mississippi Voter ID Card shall immediately record the event in SEMS.
- The voter has the right to appeal the cancellation and required surrender of the Voter ID Card to the Election Commission.

Reference: Miss. Code Ann. § 23-15-7(8)



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**Alteration of Boundaries**

- Once notified by the board of supervisors of a change in boundaries, Election Commissioners shall at once cause the registration books of voting precincts affected to be changed to conform to the change of districts, and to contain only the names of the qualified electors in the voting precincts as made by the change of the boundaries.

Reference: Miss. Code Ann. § 23-15-283



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**Conducting Elections**

- County election commissioners are responsible for conducting all general and special elections.
- The only exception to conducting a general election is if there is only one (1) person duly qualified for each and every office on the general election ballot, the election for all offices on the ballot shall be dispensed with, and the election commission shall declare each candidate elected without opposition if the candidate meets all requirements and qualifications to hold the office as determined by the election commission and filed all required campaign finance disclosure reports.

Reference: Miss. Code Ann. § 23-15-359(9)



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### Conducting Elections (Ctd.)

- A county executive committee may enter into a written agreement with the Circuit Clerk or County Election Commission to perform certain specified statutory duties in a primary election.
  - The county executive committee must notify the state executive committee and the Secretary of State of the agreement.

Reference: Miss. Code Ann. § 23-15-266



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### Written Agreements

- The six (6) duties concerning primary elections which may be performed by County Election Commissions or Circuit Clerks following the signing of a written agreements are:
  - Appointing of poll managers; § 23-15-265(2)
  - Training of poll managers; § 23-15-239(2)
  - Distributing ballot boxes; § 23-15-267(4)
  - Printing of ballots; § 23-15-333(4)
  - Distributing ballots to poll managers; § 23-15-335(2) and
  - Canvassing and certifying the election. § 23-15-597(2)



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### Determining Candidate Qualifications

- The Election Commission in general and special elections shall determine whether each candidate is:
  - A qualified elector of the state, state district, county or county district they seek to serve;
  - Meets all qualifications to hold the office he is seeking or presents absolute proof he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election;
  - Has not been convicted of any felony in a court of this state; or has not been convicted on or after 12/8/1992 of any offense in another state which is a felony under the laws of this state; or has not been convicted of any felony in a federal court on or after 12/8/92.

Note: The Secretary of State's Office has a detailed "Elections Qualifying Guide" on our website at [www.sos.ms.gov](http://www.sos.ms.gov).  
Reference: Miss. Code Ann. § 23-15-359(8)



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**Exhibition of Voting Machine Containing Sample Ballot**

- Officials in charge of the election shall designate suitable and adequate times and places where voting machines containing sample ballots, showing titles of offices to be filled, and the names of candidates to be voted for at the next election, shall be exhibited for the purpose of giving instructions on the use of voting machines to all voters.
- Prior to each election, the voting devices are to be placed on public display for the education of the voters.

References: Miss. Code Ann. § 23-15-419, 23-15-475



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**Demonstration of DRE Voting System**

- The officials in charge of the election shall place on public exhibition and demonstrate the use of the voting system throughout the county and offer a series of demonstrations and organized voter education initiatives to educate electors on how to use the voting system.

Reference: Miss. Code Ann. § 23-15-531.7



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**Testing and Sealing of DRE Voting Machines**

- Prior to delivery of voting machines to the precincts, the Election Officials are required to have each DRE unit thoroughly tested, inspected and sealed.
- The Election Officials are to provide ample protection against molestation of and injury to the DRE units.

Reference: Miss. Code Ann. § 23-15-531.8



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**Testing of Tabulating Equipment**

- Prior to counting of the ballots, the Election Commissioners must test the automatic tabulating equipment to ensure it will accurately count the votes cast for all offices and on all measures.
- An errorless count shall be made and certified before the count is started.

References: § 23-15-481, 23-15-521



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**Appointing Poll Managers**

- Election Commissioners shall appoint a minimum of three (3) poll managers to be designated managers for each precinct. The managers of a general or special election cannot all be of the same political party if suitable persons of different political parties can be found.
- One of the appointed managers shall be designated by the commissioners of election as bailiff.
- If commissioners fail to appoint a bailiff, the managers appoint one from among their number.

References: Miss. Code Ann. § 23-15-231; 23-15-241,243



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**Appointing Additional Poll Managers**

- Election Commissioners may, in their discretion, appoint additional poll managers based on the number of registered voters in the given precinct. (Miss. Code Ann. § 23-15-235)

Registered Voters in a Precinct	Minimum Number of Poll Managers	Number of Optional Poll Managers	Maximum Number of Poll Managers
0-500	3	0	3
501-1500	3	3	6
1501-2500	3	6	9
2501-3500	3	9	12
3501-4500	3	12	15
4501-5500	3	15	18



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### Poll Manager Training

- The election commissioners of each county, in conjunction with the circuit clerk, shall sponsor and conduct, not less than five (5) days prior to each election, training sessions to instruct managers as to their duties in the proper administration of the election and the operation of the polling place.
- No manager or clerk shall serve in any election unless he has received instruction once during a twelve (12) month period. The commissioners of election shall train a sufficient number of alternates to serve in the event a manger or clerk is unable to serve for any reason.

Reference: Miss. Code Ann. § 23-15-239



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### Poll Manager Training (cont.)

- At least twenty-one (21) days before each election, the poll managers are to be appointed and instructed in the use of the voting machine used in their precinct.  
– After completion of the training, the poll manger is given a certificate.

Reference: Miss. Code Ann. § 23-15-417



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### Compensation of Poll Managers

- Poll Managers must be paid \$75 for an election.
- A manager who is designated to be the Receiving and Returning Manager is entitled to an additional \$10 for carrying the boxes to the polling place and another \$10 for returning the boxes after the election.
- The County Board of Supervisors may pay managers an additional amount not to exceed \$50 per election.

Reference: Miss. Code Ann. § 23-15-227



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**Poll Manager Training Materials**

- The Secretary of State's Office provides the following Poll Manager Training Materials:
  - Mississippi Poll Manager Guide on Election Day Operations
  - Online Poll Manager Training
  - County and Municipal Election Handbooks
  - Materials may be downloaded from the Secretary of State's website from any computer



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**Pre-Election Day Duties**

- Commissioners obtain a sufficient number of secured ballot boxes and distribute them before the opening of the polls.
- Commissioners appoint one manager to receive and distribute official ballots at the precinct and return all used and unused ballots and other materials to the Circuit Clerk's office after the election has been held.
- Record to be kept of the number of official ballots printed and furnished to each precinct, and all ballots shall be accounted for.
- Commissioners furnish stationery and blank forms for making returns of the election for all precincts.

References: Miss. Code Ann. § § 23-15-247; 23-15-251; 23-15-253



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**Pre-Election Day Duties (Ctd.)**

- The Commission Chairman has ballots printed and receives a record of how many ballots are printed. The printer shall deliver to the Election Commission a certificate of the number of ballots printed for each precinct and shall not print any additional ballots.
- Ballots shall have all candidates' names whether they are candidates by party nomination or independent candidates by petition.

References: Miss. Code Ann. § § 23-15-351; 23-15-353



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**Pre-Election Day Duties (cont.)**

- In case the official ballots are lost or destroyed, the Commissioners shall have like ballots furnished in place of those lost or destroyed.
- Appoint Resolution Board members.
- Ensure Resolution Board members receive the same training, as required by statute.

References: Miss. Code Ann. § 23-15-371; 23-15-601; 23-15-523



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**Post Election Duties**

- After each election, make a list of all persons who served as managers at the election, designating for what service each is entitled to be paid, certify to the correctness of the same, and file it with the clerk of the board of supervisors.
- An allowance shall not be made to any officer unless his service is certified.
- Commissioners meet and canvass the returns and announce the names of candidates who have received a majority of votes cast.

Reference: Miss. Code Ann. § 23-15-261



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**Counting Votes**

- All proceedings at the counting center are under the direction of the election commissioners or officials in charge of the election, and are conducted under the observation of the public, but no persons except those authorized shall touch any ballot.

Reference: Miss. Code Ann. § 23-15-523



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**Affidavit Ballots**

- In canvassing the returns of the election, the Election Commissioners examine the records and allow each affidavit ballot to be counted, or not counted, as it appears to be legal.

Reference: Miss. Code Ann. § 23-15-573



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**Canvass of Returns**

- The Election Commissioners canvass the returns, ascertain and declare the result, and within ten (10) days after the day of the election, deliver a certificate of election to the person having the greatest number of votes for representative in the Legislature of districts composed of one (1) county or less, or other county office, board of supervisors, justice court judge and constable.
- If it appears that two (2) or more candidates for Representative of the county or part of the county, or for any county office, board of supervisors, justice court judge or constable standing highest on the list, and not elected, have an equal number of votes, the election shall be decided by lot fairly and publicly drawn by the commissioners, with the aid of two (2) or more respectable electors of the county, and a certificate of election shall be given accordingly.

Reference: Miss. Code Ann. § 23-15-601(1)



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**Delivery of Returns to the Secretary of State**

- The commissioners of election shall transmit to the Secretary of State a statement of the total number of votes cast in the county for each candidate for each office and the total number of votes cast for such candidates in each precinct in the district in which the candidate ran within ten (10) days of the election.

Reference: Miss. Code Ann. § 23-15-601(2)



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**Election Contest**

- The Election Commissioners attend primary election hearings and sit with the judge or chancellor as advisors or assistants.
- Election Commissioners are compensated for their services in hearing election contests.

Reference: Miss. Code Ann. § 23-15-931



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**Contact Information**

Mississippi Secretary of State's Office

*Elections Division*

P.O. Box 136  
Jackson, MS 39205  
601-359-1350

Election's Division Hotline  
(800)829-6786  
[www.sos.ms.gov](http://www.sos.ms.gov)



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