# DELBERT HOSEMANN
## *Secretary of State*

**TO:** Municipal Clerks, Municipal Election Commission Members, & Municipal Party Executive Committee Members

**CC:** Kim Turner, Assistant Secretary of State for Elections; Lindsay Leonard, Elections Training Coordinator;

**FROM:** Matt Grubbs
Director of Elections Administration/HAVA Administrator

**DATE:** 11.14.2012

**SUBJECT:** 2013 Municipal Election Officials Mandatory Certification Training Sessions

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Please be advised: The Secretary of State's Office will hold mandatory Municipal Elections Certification Training Sessions, in preparation for the 2013 Municipal Primary and General Elections, beginning in January 2013. The mandatory training sessions are required for all Municipal Election Commissioners and Party Executive Chairs, or designee, who will be running the Municipal Elections in 2013. Municipal Clerks are also encouraged to attend.

Please note: A special training session ***(for Municipal Clerks and Deputy Clerks only)*** will take place in association with the Mississippi Municipal Clerks and Collectors Association and the Center for Governmental Training in the Mississippi State University Extension Service from December 12 - 14, 2012 in Jackson. Please contact Janet Baird for further details at janetb@ext.mstate.edu or (662) 325-3141.

***Pursuant to Miss. Code Ann. Section 23-15-211, Party Executive Committee Chairs, or their designee, shall be required to attend one Certification Training Session per year, in Primary Election years. Also, State law requires Election Commissioners to attend at least one elections certification training session per year, i.e., within 12 months prior to conducting an election.*** No other Municipal Certification Training Sessions will be offered in the 2013 calendar year, beyond the dates of the below-scheduled sessions. Each participant shall receive a certificate from the Secretary of State, upon completion, indicating that the named participant has received the elections training seminar instruction and that each participant is fully qualified to conduct the upcoming Municipal Elections in 2013.

Attached you will find the pre-registration form for the Municipal Certification Training sessions. ***Pre-registration is imperative.*** To reserve seating, each participant should complete and submit the attached pre-registration form. To reiterate, all members of the Municipal Election Commission and the Chairs of both Municipal Party Executive Committees must attend training, pursuant to state law. We highly recommend that the Municipal Clerk attend certification training as well.

Please coordinate with your associates in your city to determine who will attend. The sooner you register, the more likely you will be able to attend the session of your choice. ***Pre-registration is mandatory based on limited seating availability.***

To ensure our office reaches out to all current Municipal Party Executive Committee Chairs and Municipal Election Commissioners, ***I am requesting that the City Clerks please forward copies of this memo and registration forms to chairs of the Municipal Democratic and Republican Executive Committees, as well as all Municipal Election Commissioners, in your respective Municipality.***

Municipal Election Officials Certification Training dates are as follows (please see attached registration form for locations, times and registration deadlines):

**January 3, 2013, Starkville**
**January 8, 2013, Jackson**
**January 30, 2013, Indianola**
**February 5, 2013, Natchez**
**February 7, 2013, Hattiesburg**
**February 15, 2013, Grenada**
**February 20, 2013, Meridian**
**February 28, 2013, Summit**
**March 6, 2013, Corinth**
**March 20, 2013, Senatobia**
**March 26, 2013, Tupelo**
**March 28, 2013, Biloxi**

**REMEMBER: ANY SESSION DATE AND TIME IS SUBJECT TO CHANGE.**

**IMPORANT: Each attendee will need to bring a hard copy of the materials to the training session in which they are attending. The training materials can be found at the following link on our website:**
http://www.sos.ms.gov/elections_elections_officials_center2.aspx

**DIRECTIONS: Please click on "2013 Training Sessions, then "Municipal Election Officials", followed by "Municipal Election Officials Certification". Materials will be linked at the bottom of the page. *Please Note: All materials will be posted to the above website by December 1, 2012.* If you have any trouble accessing or printing materials, please give our office a call at 601-359-9372.**

**Please fax or mail your completed registration form by the indicated deadline to the attention of:**
**Lindsay Leonard, Elections Training Coordinator**
**MS Secretary of State's Office**
**401 Mississippi Street**
**Jackson, MS 39205**
**Lindsay.Leonard@sos.ms.gov**
**Phone: 601-359-6687**
**Fax: 601-576-2545**
**Fax #2: 601-359-5019**
**Fax #3: 601-359-1499**

**Please remember: Pre-Registration is Mandatory!**

We look forward to working with you as we prepare for the upcoming Municipal Election Season. Thank you for all you do in serving Mississippi!

DELBERT HOSEMANN
*Secretary of State*

**PRE-REGISTRATION FORM**

**Municipal Election Officials Mandatory Certification Training Sessions, 2013 Municipal Elections**

***PLEASE PRINT***

***Please pre-register for the session you wish to attend as space is limited, pre-registration is mandatory (submit one form for each person attending).***

Pursuant to Mississippi Statute, all members of the Municipal Election Commission and Chairs of both Municipal Party Executive Committees are required to attend certification training. The Secretary of State's Office encourages the Municipal Clerk to attend training as well.

**NAME:** _____

**MAILING ADDRESS:** _____

**CITY:** _____ **STATE:** _____ **ZIP:** _____

**PHONE:** _____ **SECONDARY PHONE:** _____

**COUNTY:** _____

**EMAIL ADDRESS:** _____

**CHECK ONE OF THE FOLLOWING THAT DESCRIBES YOUR POSITION/TITLE IN ELECTIONS:**

_____ **CITY CLERK**

_____ **MUNICIPAL ELECTION COMMISSIONER**

_____ **MUNICIPAL PARTY EXECUTIVE COMMITTEE MEMBER**

**(PLEASE CIRCLE BELOW)**

**DEMOCRATIC**

**REPUBLICAN**

_____ **OTHER (Please specify)** _____

**PLEASE MARK THE TYPE OF VOTING DEVICE USED:**

_____ **TOUCH SCREEN / DRE, TSX STATEWIDE VOTING SYSTEM**

_____ **WINVOTE ADVANCE SYSTEM (CITIES WITHIN HINDS COUNTY – POSSIBLY)**

_____ **IVOTRONIC VOTING MACHINE (CITIES WITHIN RANKIN COUNTY – POSSIBLY)**

_____ **M100 PRECINCT SCANNER (CITIES WITHIN LEE, YALOBUSHA, HARRISON AND DESOTO COUNTIES – POSSIBLY)**

_____ **HAND COUNT PAPER BALLOTS**

_____ **PUNCH CARDS**

_____ **OTHER**

**PLEASE CHECK THE BLANK BY THE TRAINING SESSION YOU PLAN TO ATTEND:**

_____ **JANUARY 3, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Dec 14)**
Sportsplex Complex – 405 Lynn Lane, Starkville

_____ **JANUARY 8, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Jan 4)**
Mississippi Public Broadcasting Auditorium – 3825 Ridgewood Road, Jackson

_____ **JANUARY 30, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Jan 4)**
The Capps Center – 920 Hwy 82 West, Indianola

_____ **FEBRUARY 5, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Jan 18)**
Copiah-Lincoln Community College Satellite Campus – 11 Co-Lin Circle, Natchez

_____ **FEBRUARY 7, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Jan 18)**
Lake Terrace Convention Center - 1 Convention Center Plaza, Hattiesburg

_____ **FEBRUARY 15, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Feb 1)**
Holmes Community College Satellite Campus - 1060 JK Avent Drive, Grenada

_____ **FEBRUARY 20, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Feb 1)**
Meridian Community College Workforce Development Center – 910 Hwy 19 N, Meridian

_____ **FEBRUARY 28, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Feb 15)**
Southwest Mississippi Community College – 1034 College Drive, Summit

_____ **MARCH 6, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Feb 15)**
Northeast Community College Satellite Campus at Corinth – 2759 S. Harper Rd, Corinth

_____ **MARCH 20, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Mar 1)**
Northwest Mississippi Community College – 4975 Hwy 51 N, Senatobia

_____ **MARCH 26, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Mar 1)**
Itawamba Community College Satellite Campus – 2176 S. Eason Blvd, Tupelo

_____ **MARCH 28, 2013 FROM 9:00 AM – 5:00 PM (Registration must be received by Mar 1)**
Mississippi Gulf Coast Community College, Advanced Manufacturing and Tech Center - 10298 Express Drive, Gulfport

**PLEASE NOTE:**

**1. If you are unable to attend the training session in its entirety, you will not receive certification, or may be asked to attend a subsequent make-up session to fulfill statutory obligation.**
**2. All formal certificates will be mailed to your city clerk's office on completion of certification.**
**3. Training on your voting system will not be offered at your designated session if we do not receive a pre-registration form indicating which method of voting you will use for the 2013 Elections.**
**4. Lunch will not be provided.**

**Please fax, mail or email your pre-registration form to the attention of:**
**Lindsay Leonard**
**MS Secretary of State's Office**
**401 Mississippi Street**
**Jackson, MS 39205**
**Lindsay. Leonard@sos.ms.gov**
**Phone: 601-359-6687**
**Fax # 1: 601-576-2545 or Fax#2: 601-359-5019**

***Important: Pre-registration forms are due no later than the indicated deadline for registration (designated next to each session above)! Please remember space is limited so pre-registration is absolutely mandatory!***

# Municipal Elections

**Presented By:**
**The Mississippi Secretary of State's Office**
**Elections Division**

**2013 Municipal Elections**
**Certification Training**

DELBERT HOSEMANN
*Secretary of State*

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## Overview of Training

- Miscellaneous
  - *Federal Compliance*
  - *Canvassing results*
  - *Reporting*
  - *Campaign Finance*
- Absentee Ballots
- Affidavit Ballots
- Poll Manager Duties

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## Why are you being trained?

- You must be certified to run the election.
- You must provide training to the poll workers you hire.

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*Secretary of State*

## Touch-Screen Voting

- You are not required to use any particular type of voting technology.
- Touch-screen voting is utilized in federal elections.
- You may use any voting method, but your municipality will bear the cost.

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## Voter Registration

- A municipal clerk is still a registrar for voter registration.
- Municipalities must coordinate with circuit clerk to have the registered voter put in SEMS.
- Effective January 1, 2010, all municipalities must have their voter rolls incorporated into SEMS.

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## Section 5, Voting Rights Act

*Any changes to the elections process must be pre-approved by the U.S. Department of Justice.*

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*Secretary of State*

## Section 5, Voting Rights Act

"It is important to understand that Section 5 applies only to changes in practices or procedures affecting voting. Continuous use of a voting practice in effect since the jurisdiction's coverage date does not implicate Section 5, nor does continued use of a practice already pre-cleared under Section 5."
(http://www.usdoj.gov/crt/voting/sec_5/types.htm)

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## US Department of Justice Pre-Clearance

- Redistricting
- Changing Polling Places
- Modifying the Voting Method (e.g., OMR Scanner to Hand Count)

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*Secretary of State*

## US Department of Justice Pre-Clearance

For more information, please contact:
U.S. Department of Justice, Civil Rights Division, Voting Section
950 Pennsylvania Ave., NW; Voting Section, NWB; Washington, DC 20530
Phone: (800) 253-3931
Fax: (202) 307-3961

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## Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

- Absentee ballots will be received (and cast) by fax or email.
- The ballots must be prepared 45 days prior to election.
- The ballots must be transmitted 45 days prior to election, if a valid request has been received.
- Military personnel will have until 10 days prior to election to register to vote.
- Federal Postcard Application (FPCA)
- Federal Write-In Absentee Ballot (FWAB)

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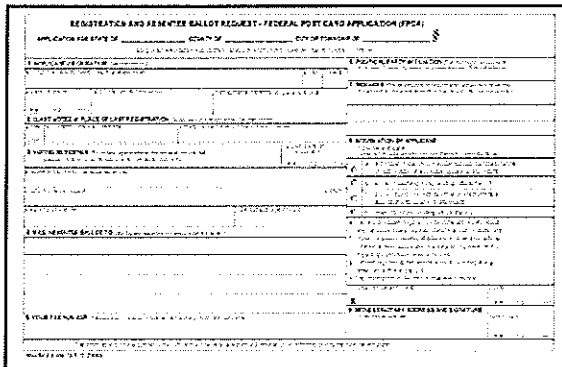

## Canvassing Results

- The Municipal Election Commission must "canvass" the results of the election.
- Canvassing requires accepting or rejecting affidavit ballots.
- Canvassing requires verifying the tallying conducted by the poll workers on election day (hand-count jurisdictions).

Reference:

Miss. Code Ann. §23-15-573

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# Recapitulation

- Uniform Reporting
- Recapitulation must be completed correctly by Municipal Election Commissioners.
- **ON-TIME Certification.**
  - Election Commissions have five (5) Days, post-election, to certify properly.
  - Please forward a copy to Secretary of State's Office.

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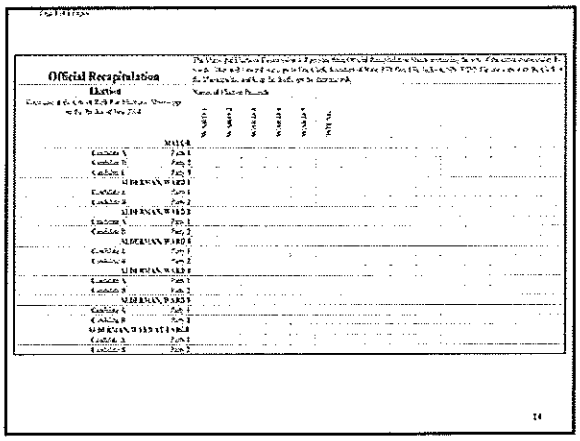

**Official Recapitulation**

**Election**

# Campaign Finance

- Candidate's campaign finance report ***MUST*** be filed prior to taking office.
- Candidate's position will not be certified until their report is filed.
- Candidates will not be paid until their report is filed.
- All reports must be filed with the Municipal Clerk.

Reference: Miss. Code Ann.
§ 23-15-801 through 23-15-817

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## Contact Information

***The Mississippi Secretary of State's Office***
***Elections Division***
***Kim Turner, Assistant Secretary of State, Elections Division***

*P.O. Box 136*
*Jackson, MS 39205*
(601) 359-1350
Elections Hotline (800) 829-6786
www.sos.ms.gov

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# Municipal Poll Manager Training

**Presented By:**
**The Mississippi Secretary of State's Office**
**Elections Division**

**2013 Municipal Elections**
**Certification Training**

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## Types Of Poll Managers

- Bailiff-Manager
- Receiving and Returning Manager
- Initialing Manager/Alternate Initialing Manager

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## Compensation of Poll Managers

- Poll Managers are paid $75 for an election.
- Municipality's governing authorities can approve a supplement of $25.00 per day; for a maximum of $100.00 for each 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 box(es) after the election.

.Reference: Miss. Code Ann. § 23-15-227 and 229

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## Qualifications of Poll Managers

- Poll Managers must be registered voters of the municipality in which they are to serve.
- Poll Managers should be, but are not required to be, registered voters of the precinct in which they serve.

Reference: Miss. Code Ann. § 23-15-231

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## Municipal Executive Committee

- A political party that does not have a Municipal Executive Committee may establish a temporary committee to conduct a primary election and to serve until a permanent committee is elected in the primary.

References: Miss. Code Ann. § 23-15-313; 315

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## Municipal Executive Committee

- A Municipal Executive Committee shall have as many members as there are elected officers of the municipality.
- Members of the Municipal Executive Committee (of each political party) shall be elected in the primary election.
- The remaining Committee members will fill vacancies on the Municipal Executive Committee.

Reference: Miss. Code Ann. § 23-15-171

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## Who Appoints Poll Managers

- In primary elections, the Municipal Party Executive Committee appoints the Poll Managers.
- In general and special elections, the Municipal Election Commission appoints the Poll Managers.

Reference: Miss. Code Ann. § 23-15-231

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## Poll Manager Party Affiliation

- The managers of general or special elections cannot all be of the same political party if suitable persons of different political parties can be found.

Reference: Miss. Code Ann. § 23-15-231

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## Training Poll Managers

- The appropriate election official (the Executive Committee for primary elections and the Election Commission for other elections), in conjunction with the Municipal Clerk, are responsible for conducting training sessions not fewer than five (5) days before the election to instruct the Poll Managers as to their duties in the proper administration of the election and the operation of the polling place.

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

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## Emergency Appointments

- The Mississippi Code requires that "Alternate Poll Managers" be utilized in the event a Poll Manager is unable to serve for any reason.

Reference: Miss. Code Ann. § 23-15-231

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## Poll Watchers Or Candidate Representatives

- Each candidate on the ballot shall have the right to be represented at the polling place, or his representative.
- Political parties may have two (2) representatives present at general and special elections only.

Reference Miss. Code § 23-15-245; 23-15-577

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## Poll Watchers Or Candidate Representatives

- A candidate or his representative, who has written credentials, shall be allowed to challenge the qualifications of any person offering to vote or any absentee voter. The challenge shall be considered and acted upon by the managers.
- Poll watchers or candidate representatives may also be present at the public counting of the ballots.

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## Voter Verification

- Under federal and state laws, unverified first time voters, who registered by mail-in application, after January 1, 2003, may have to present a HAVA approved form of identification on Election Day in order to cast a regular election day ballot.
- Your poll books should indicate these voters clearly.

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## Curbside Voting

- A physically disabled voter who does not vote by absentee ballot, or who drives, or is driven to the polling place, but is unable to enter the structure where the actual voting is taking place may be provided necessary assistance in voting.
- If the Poll Managers, in exercising sound discretion, determine that the voter is actually at the polling place, they will take the poll book and receipt book outside for the voter to cast his / her ballot.

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## Voter Assistance

- It is extremely important a voter's right to vote by secret ballot is preserved.
- Applicable to any voter who says he/she is
  - Blind;
  - Physically disabled; or,
  - Cannot read or write.

Reference: Miss. Code Ann. § 23-15-549

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## How Does A Voter Get Assistance?

The voter must:

- Tell the managers he/she needs help to mark ballot;
- State one of the above reasons as to why help is needed; and,
- Pick someone to help him/her.

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*Secretary of State*

## Who Can Not Assist A Voter In The Voting Booth?

- The voter may have anyone help him/her mark his/her ballot, except the following:
  - His/her employer
  - The employer's representative, or a representative of any union of which the voter is a member

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## Instruction of Voters

- In case any voter, after entering the voting machine, shall ask for further instruction concerning the manner of voting, two (2) election officers may, if necessary, enter the booth and give him such instructions.
- No manager or person assisting a voter shall, in any manner request, suggest, or seek to persuade or induce any voter to vote any particular ticket, issue or candidate.
- After giving instructions and before the voter cast his vote, the officers or person assisting him shall leave, and the voter shall then register his vote in secret as he may desire.

References: Miss. Code Ann. § § 23-15-437; 23-15-477; 23-15-517

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## Voting Rules

- A voter may not occupy a voting booth already occupied by another voter.
- The voter may not remain in a voting booth longer than ten (10) minutes, if other voters are not waiting and not longer than five (5) minutes if other voters are waiting.

Reference: Miss. Code Ann. § 23-15-551

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*Secretary of State*

## Who Can Challenge A Ballot?

- A candidate
- The candidate's official poll watcher
- A political party's official poll watcher (not applicable for party primary)
- Any qualified voter from that precinct
- Any poll worker in the polling place

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*Secretary of State*

## What Are The Bases For A Challenge?

A vote can be challenged if the voter:

- Is not a registered voter in the precinct
- Is not the registered voter under whose name he/she has applied to vote
- Has already voted in the election
- Does not live in the precinct where he/she is registered

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## What Are The Bases For A Challenge ? (Cont.)

A vote can be challenged if the voter:

- Has illegally registered to vote
- Has taken his/her ballot from the polling place
- Has cast an absentee ballot but is ineligible to do so
- Has been convicted of a disenfranchising crime

***There are no other reasons for a challenge.***

*Reference: Miss Code Ann. § § 23-15-571; 23-15-641;23-15-643; 23-15-731*

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## Disenfranchising Crimes

**Section 241, MS Constitution; *Cotton v. Fordice* (1998); AG Opinion Karrem, 2004; Heggie, 2009**

- Arson
- Armed Robbery
- Bigamy
- Bribery
- Embezzlement
- Extortion
- Felony Bad Check
- Felony Shoplifting
- Forgery
- Larceny
- Murder
- Larceny under lease
- Obtaining Money or Goods Under False Pretense
- Perjury
- Rape
- Receiving Stolen Property
- Robbery
- Theft
- Timber Larceny
- Unlawful Taking of a Motor Vehicle
- Statutory Rape
- Carjacking

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## Process for Handling Challenges

- Poll workers unanimously consider the challenge frivolous or not made in good faith:

  *The voter votes a regular ballot.*

- Poll workers unanimously consider the challenge well-taken:

  *The voter votes a paper ballot which is placed in an envelope and marked "REJECTED".*
  *Write the name of the voter on the back of the ballot.*
  *Place the ballot in a strong envelope marked rejected and seal it.*

- Poll workers divided on whether the challenge is valid:

  *The voter votes a paper ballot which is placed in an envelope and marked "CHALLENGED".*

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## Challenged Ballots

- At the close of the polls AND after all the unchallenged ballots have been counted, tallied, and totaled, ***the challenged ballots are separately counted, tallied and totaled, with a separate return made of the challenged ballots.***

Reference: Miss. Code Ann. § 23-15-579

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## Polling Place Signs

- A sample ballot
- Hours during which the polling place will be open
- Instructions on how to cast a provisional ballot
- Instructions for mail-in registrants who are unverified first-time voters
- General information on voting rights under federal and state laws
- General information on prohibitions on fraud and misrepresentation

Reference: Miss. Code Ann. § 23-15-255

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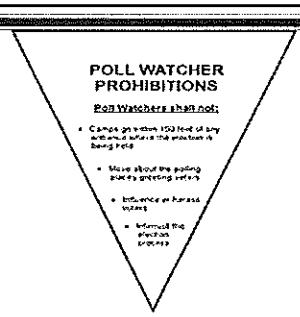


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## Prohibitions at the Polls

**LOITERING**

- No loitering is allowed within 30 feet of the polling place.

**DISTURBANCES**

- If anyone becomes unruly or abusive, the bailiff may ask him to leave. If he will not leave, call the sheriff, constable or police. All managers and persons in the voting place are to aid in keeping the peace.

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## Prohibitions at the Polls (Cont.)

**NO LIQUOR / ALCOHOL**

- All intoxicated or disorderly persons disturbing the peace by noise or violence in the polling place shall be arrested, jailed, or kept in custody. Such persons may be permitted to vote, if otherwise qualified, while in custody.

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## Prohibitions at the Polls (Cont.)

**GENERAL PROHIBITIONS**

- Posting or distributing cards, posters, or other campaign literature within one hundred and fifty (150) feet of any entrance to a building in which an election is being conducted is strictly prohibited.
- It is the position of the Secretary of State that the wearing of a T-shirt with a candidate's name and/or picture on it within one hundred and fifty (150) feet of any entrance to a building in which an election is being conducted constitutes the posting of campaign literature and is prohibited.

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## Prohibitions at the Polls (Cont.)

- A person can not appear at any polling place armed or uniformed, or to display any badge or credentials, except as may be issued by the Poll Managers of the precinct.

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## Prohibitions at the Polls (Cont.)

**USE OF SAMPLE BALLOTS**

- It is permissible for an individual voter to bring a sample ballot into the polling place for their personal use as a reminder of the candidate(s) for whom he/she intends to vote.
- The voter may not use the sample ballot as campaign literature in attempting to influence other voters within the polling place.

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## Prohibitions at the Polls (Cont.)

**PRIVATE PROPERTY**

- If a polling place is within 150 feet of private property, the owner of the property may display campaign literature.
- Polling places that are held on private property are leased to the city for the day of the election, wherein the 150 feet rule applies.

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## Security And Accounting Of Ballots

**Elections Commissioners in general and special elections (and Executive Committee Members in primary elections) should:**

- Ensure all ballots, both voted and un-voted, are kept secure and are carefully accounted for.
- Poll Managers must be thoroughly trained in their responsibility to fully account for every ballot.

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*Secretary of State*

## Student Poll Worker Program

- *Section 23-15-240* of the Mississippi Code allows Junior and Senior High School students to be poll worker interns; this law allows teenagers to become more acquainted with their community and the officials serving them.

DELBERT HOSEMANN
*Secretary of State*

## Contact Information

***The Mississippi Secretary of State's Office***
***Elections Division***
***Kim Turner, Assistant Secretary of State, Elections Division***
P.O. Box 136
Jackson, MS 39205
Elections Hotline (800) 829-6786
(601) 359-1350
www.sos.ms.gov

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*Secretary of State*

# Affidavit Ballot Procedures

**Presented By:**
**The Mississippi Secretary of State's Office**
**Elections Division**

**2013**
**Municipal Elections**
**Certification Training**

DELBERT HOSEMANN
*Secretary of State*

## Introduction

- Any person who desires to vote and whose name does not appear on the poll books must be afforded the opportunity to cast an affidavit/provisional ballot.
- Under federal law, affidavit ballots are referred to as "provisional ballots."
  - The terms affidavit ballot and provisional ballot have the same meaning and are used interchangeably.

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

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## Affidavit Ballots Are Used When:

- The prospective voter's name does not appear on the pollbook.
- The voter has moved within the county, district, or municipality and did not notify the Circuit Clerk, Municipal Clerk, or Election Commission.
- The voter's name was erroneously purged.
- The voter has been illegally denied registration.
- The voter is a first time unverified mail-in voter, and does not have a HAVA approved form of identification.

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*Secretary of State*

## Voter Verification for First-time Mail-in Registrants

- Under federal and state laws, voters who registered by mail-in application after January 1, 2004, may have to present a form of identification on Election Day in order to cast a regular election day ballot.
- Only applies to unverified first-time mail-in registrants.
- Pollbooks should clearly indicate these voters.

DELBERT HOSEMANN
*Secretary of State*

## HAVA Approved Forms of Identification

- Current valid photo ID
- Current utility bill with voter's name and address
- Current bank statement with voter's name and address
- Current paycheck or Government check with voter's name and address
- Any other government document exhibiting voters name and address

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## Affidavit Must Include:

- Complete name
- All required addresses and telephone numbers
- Signature of the affiant
- Signature of one (1) of the election managers

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

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## Affidavit Ballot Checklist #1

Voter appears at the polling place and Poll Manager determines that voter's name is not on the pollbooks.

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## Affidavit Ballot Checklist #2

Poll Managers must then determine if the voter should be voting at another polling place by referring to a master list of all municipal voters or by contacting the Municipal Clerk, Municipal Election Commission, or Municipal Executive Committee, and simply ask where the voter resides.

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## Affidavit Ballot Checklist #3

- If the voter resides in another precinct, tell the voter he/she must go to that precinct's polling place.
- <u>Why?</u> If the voter casts a ballot at a precinct other than where the voter resides, the entire ballot must be rejected.

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## Affidavit Ballot Checklist #4

- If the Poll Managers establish that the voter is in the correct precinct but voter's name does not appear on the pollbook, they should advise the voter that he/she may vote by affidavit ballot.
- The voter must sign a separate sign-in sheet (Receipt Book).

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

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## Affidavit Ballot Checklist #5

- The voter and Poll Manager complete the appropriate sections of the affidavit ballot envelope.
- The Poll Manager checks the type of election, the name of the municipality, the reason for using an affidavit ballot, and print the name of the precinct and date.
- The voter provides as much of the identifying information as possible and checks the appropriate box under "Affidavit of Voter."

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## Completing Affidavit Ballot Envelope

- The voter signs the envelope.
- The Poll Manager signs the envelope.

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## Affidavit Ballot Checklist #6

- The Poll Manager provides the blank ballot to the voter.
- The voter is provided a suitable place where he/she can mark the ballot in secret.

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## Affidavit Ballot Checklist #7

The voted ballot is folded by the voter and handed to the Poll Manager who places it in the ballot envelope and seals the envelope.

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## Affidavit Ballot Checklist #8

The affidavit ballot envelope is then sealed and placed in the ballot box.

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## Affidavit Ballot Checklist #9

The voter is provided written information on how to ascertain whether his/her affidavit ballot was counted, and if not, why it was not counted.

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## Help America Vote Act

***Due to the federal mandates of the Help America Vote Act (HAVA) and Miss. Code Ann. 23-15-573 (4), the existing affidavit procedure must now include giving the voter written instructions on how to ascertain if their vote was counted, and if not, why not.***

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## Instructions For Voters Who Cast Affidavit Ballots

- **INSTRUCTIONS FOR VOTERS WHO CAST AFFIDAVIT BALLOTS:**
- You have had to cast an affidavit ballot because you certified that:
- I am not registered to vote because I have been illegally denied registration; or,
- I am eligible to vote in this election; I am a resident of this precinct and lawfully registered to vote in this municipality at least 30 days prior to this date, and:
- I have moved recently from the old street address written above to the new address written above; or,
- I have *not* moved recently, but my name is not on the pollbook; or,
- I do not otherwise qualify under state or federal law to cast a *regular election day ballot*.
- Under new federal law, the Help America Vote Act of 2002, you are entitled to discover the disposition of your affidavit ballot. Please contact your Municipal Clerk, Municipal Election Commissioners, or Municipal Party Executive Committee Members to determine whether your affidavit ballot counted and if not, why not. Please contact:
- CONTACT:_____
  (Name of Municipal Elections Commissioner or Party Chair)
- PHONE:_____

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*Secretary of State*

# Contact Information

***The Mississippi Secretary of State's Office***
***Elections Division***
***Kim Turner, Assistant Secretary of State, Elections Division***
Post Office Box 136
401 Mississippi Street
Jackson, MS 39205
Phone (601) 359-1350
Elections Hotline 1-800-829-6786
www.sos.ms.gov

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*Secretary of State*

# Absentee Ballots

Presented By:
The Mississippi Secretary of State's Office
Elections Division

2013 Municipal Elections
Certification Training

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## Who evaluates absentee ballots?

- Poll managers have the final word on absentee ballots.
- Absentee ballots are not "re-counted" during canvassing.
- Poll managers must be trained to handle absentee ballots appropriately.

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## Who is Eligible:

***Only those voters who fall into certain statutorily approved categories in Mississippi are eligible to vote by absentee ballot.***

References: Miss. Code Ann. § 23-15-673
Miss. Code Ann. § 23-15-713

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## Who is Eligible:

- Any enlisted or commissioned member of any component of the U.S. Armed Forces and a citizen of MS, or spouse or dependent of such member.
- A member of the Merchant Marine or the American Red Cross and a citizen of MS or spouse or dependent of such veteran.

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## Who Is Eligible:

- A disabled war veteran who is a patient in any hospital and a citizen of MS or spouse or dependent of such veteran.
- A civilian attached to and serving outside the U.S. with any branch of the Armed Forces or with the Merchant Marine or American Red Cross, and a citizen of MS or spouse or dependent of such civilian.

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## Who Is Eligible:

- Those citizens of Mississippi who are temporarily residing outside the territorial limits of the United States and the District of Columbia.

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## Who Is Eligible:

- A student, teacher, or administrator at any college, university, junior college, high, junior high, or elementary school whose studies or employment at such institution necessitates his absence from the municipality of his voting residence on the date of any primary, general, or special election; the spouse or dependents if the spouse or dependent maintain a common domicile, outside of the municipality of his voting residence, with voter.

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## Who Is Eligible:

- Persons who will be outside their municipality of residence on election day for any reason.
- Persons who have a temporary or permanent physical disability.
- Persons sixty-five (65) years of age or older.

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## Who Is Eligible:

- The parent, spouse, or dependent of a person with a temporary or permanent physical disability, who is hospitalized outside of his municipality of residence more than fifty (50) miles from his residence; if the parent, spouse or dependent will be with such person on election day.

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## Who Is Eligible:

- Any member of the MS Congressional Delegation absent from MS on election day, and the member's spouse and dependents.
- Persons required to be at work on election day during the times which the polls will be open.
- Any citizen of MS enrolled as a student at a U.S. Military Academy.

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## Absentee Ballot Applications

- The registrar is responsible for printing applications 60 days prior to any election in which absentee voting is provided by law.
- In the event a special election is called and set at a date which makes it impractical or impossible to print 60 days before, it should be as soon as practicable.

Reference: Miss. Code Ann. § 23-15-625

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## Additional Responsibilities of Registrar:

- The registrar shall keep a permanent ledger for the purpose of showing the number of applications and the persons to whom the applications were given.

Reference: Miss. Code Ann. § 23-15-625

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## Distribution of Absentee Ballot Applications

- The registrar shall be responsible for furnishing an absentee ballot application to any elector authorized to receive an absentee ballot; upon the oral or written request of the elector who seeks to vote by absentee ballot.
- The parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector may orally request an absentee ballot application on behalf of the elector.

Reference: Miss. Code Ann. § 23-15-627

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## Agents and Skilled Nursing Homes

- To obtain an application, an agent must have a written designation by the elector. It must be witnessed and have the address of the witness.
- The written designation is valid for one year.
- Skilled nursing residents-no one may request except for family or "a person designated."

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## Seal of the Municipal Clerk

- An absentee ballot application must have the seal of the Municipal Clerk affixed to it and be initialed by the registrar or his deputy in order to be utilized to obtain an absentee ballot.

Reference: Miss. Code Ann. § 23-15-627

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## Absentee Ballot Application

- A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the original seal and initials of the registrar or deputy registrar.

Reference: Miss. Code Ann. § 23-15-627

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## "Certificate of Delivery"

- Third parties procuring applications for others must complete and sign a new section of the application designated **"CERTIFICATE OF DELIVERY"** on each application the third parties are procuring, identifying themselves and the voters for whom they are acquiring the applications.

Reference: Miss. Code Ann. § 23-15-625

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## "Request for Absentee Ballot Application by Third Person"

- If the third party person acquiring an application for a voter is unable to write the information required, the Municipal Clerk or Deputy Clerk may write the information on the form.

Reference: Miss. Code Ann. § 23-15-625

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## Notarizing Applications

- Applications must be notarized or sworn and subscribed to by another official authorized to witness absentee balloting.

Reference: Miss. Code Ann. § 23-15-715(b)

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## Exceptions to Notarizing Applications

- Applications of the temporarily or permanently disabled are **NOT** required to be notarized but must be:
  - Witnessed and signed by a person eighteen (18) years of age or older.
  - This person does not have to be a registered voter.

Reference: Miss. Code Ann. § 23-15-715(b)

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## Who can automatically receive Absentee Ballots?

- An application for an absentee ballot of a person who is permanently physically disabled may be accompanied by a statement signed and sworn to by a physician or nurse practitioner indicating the person is permanently physically disabled, may automatically receive an absentee ballot for all elections on a continuing basis without the necessity for reapplication.

Reference: Miss. Code Ann. § 23-15-629

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## Request by Telephone

- The registrar is authorized to accept requests for absentee ballots by telephone.
- The registrar shall ascertain the name and complete address of the person making the telephone request and print on the application, the name and complete address of the requestor, the relation to the voter if other than the voter, and the date the request was made.

Reference: Miss. Code Ann. § 23-15-657

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## Delivery of Ballots to Applicant

- The registrar shall only deliver the ballots to the applicant by mail or to the applicant in the registrar's office
- The elector shall fill in his ballot in secret, then fold the ballot and deposit it in the envelope furnished by the registrar.
- After sealing the envelope, the voter shall swear to an affidavit printed on the back of the envelope containing the applicant's signature.

Reference: Miss. Code Ann. § 23-15-719

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## Absentee Voting by Mail

Miss. Code Ann. 23-15-715(b)

**Voters eligible to vote by mail:**

1. Voters who are temporarily residing outside the municipality.
2. Voters who are temporarily or permanently physically disabled.
3. Voters who are Sixty-five (65) years of age or older.
4. The parents, spouse, or dependents of temporarily or permanently disabled persons who are hospitalized outside of their counties of residence or more than 50 miles away from their residence if those persons will be with them on election day.

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## Instructions to Absent Electors

- **The registrar shall enclose with each ballot provided to an absent elector separate printed instructions furnished by him containing information provided in Miss. Code Ann. § 23-15-631.**

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## Voter Receiving Assistance

- If the voter has received assistance in marking his ballot, the person providing assistance shall complete the CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE, which shall be printed on the back of the envelope containing the applicant's ballot.

Reference: Miss. Code Ann. § 23-15-719

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## Signatures of Elector and Attesting Witness

- On any envelope where the elector's signature and the signature of the attesting witness are required, the signature lines and the signatures shall be across the flap of the envelope to insure the integrity of the ballot.

Reference: Miss. Code Ann. § 23-15-633

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## Unverified Absentee Ballots

- All absentee ballots received from unverified voters shall be treated as affidavit/provisional ballots as provided in HAVA.
- Local election officials shall certify that the absentee voter was properly legally registered and qualified to cast an absentee ballot by mail for the election.
- The municipal clerk shall also provide instructions to voters who cast affidavit/provisional ballots to the unverified voter so that he/she may ascertain if their ballot was counted, and if not, why not.

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## Timely Casting of Ballots

- Absentee ballots received **by mail**, must be received by the registrar by 5:00 p.m. on the date preceding the election.
- Any ballots cast by the absent elector **appearing in person in the office** of the registrar shall be cast not later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days.

Reference: Miss. Code Ann. § 23-15-637

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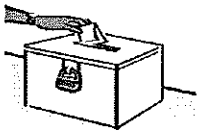
## Timely Casting of Ballots

- The registrar shall deposit all absentee ballots which have been timely cast in the ballot boxes upon receipt.



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## Disposition of Absentee Ballots Received After Applicable Deadlines

- The registrar shall keep safely and unopened all official absentee ballots which are received subsequent to the applicable cutoff period establishing its validity.
- The registrar shall write the day and hour of receipt of ballot on its envelope.

Reference: Miss. Code Ann. § 23-15-647

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## Preservation of Materials of Absentee Voters

- After the votes have been counted the officials shall preserve all applications, envelopes and the list of absent voters along with the ballots and other election materials and return the same to the registrar.

Reference: Miss. Code Ann. § 23-15-645

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## Prohibitions

- In the state of Mississippi, it is illegal to hand deliver absentee ballots.
- Unless an absentee ballot is being properly voted in the Municipal Clerk's office, it must be mailed by the clerk to the voter and the voter must return the voted absentee ballot by mail to the municipal clerk.
- A person who is a candidate for public office may not be an attesting witness for any absentee ballot upon which the person's name appears.

References: Miss. Code Ann. § 23-15-631
Miss. Code Ann. § 23-15-719

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## Evaluating Absentee Ballots

- Read voter's name, address and precinct aloud.
- Allow challenges by poll watchers, if any are made.
- Determine if application is present.
  - Remember permanently excused voters.
  - Remember rules for disabled voters and UOCAVA voters.

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## Evaluating Absentee Ballots (Cont.)

- Determine if signature(s) are across flap.
- Determine if it is otherwise a valid ballot.
- Mark the ballot appropriately as the following:
  - "Rejected" or "Accepted" (DRE)
  - "Rejected" or opened (non-DRE)

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## Contact Information

***The Mississippi Secretary of State's Office***
***Elections Division***
***Kim Turner, Assistant Secretary of State, Elections Division***

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Jackson, MS 39205
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# Resolution Boards

Presented By: The Mississippi Secretary of State's Office
Elections Division

2013 Municipal Elections
Certification Training

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*Secretary of State*

## Resolution Board Statutes

- Electronic voting system tabulating equipment:

  *Miss. Code Ann. § 23-15-483*

- OMR tabulating equipment:

  *Miss. Code Ann. § 23-15-523*

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## Purpose of a Resolution Board

- The Resolution Board manually reviews all damaged, defective, blank or over-voted ballots that have been rejected by tabulating equipment.
- The board also determines the intent of the voter and records the vote intended by the voter.

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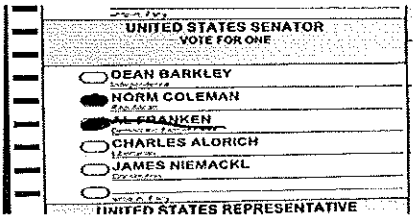
## Minnesota Senate Race

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## Composition of a Resolution Board

- Appointed by Election Commissioners
- Qualified electors of the municipality
- An odd number of not less than three (3) members
- Trained in the same manner as election managers
  - *Should be appointed well in advance of an election in order to allow time to attend the required training sessions*

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## Composition of a Resolution Board

- Resolution Board judges cannot be:
  - Election Commissioners
  - Candidates who are on the ballot
  - Parents, siblings or children of candidates on the ballot
- If the election is not a primary election, members of the Executive Committees cannot be appointed to the Resolution Board unless members of all of the party Executive Committees who have a candidate on the ballot are appointed.

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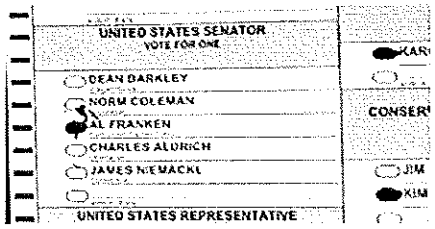
## Minnesota Senate Race

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## Manually Counting Ballots

- The Resolution Board manually counts ballots only when the ballots are:
  - Rejected by tabulating equipment because the ballots appear to be damaged, defective or for any other reason.
  - Rejected due to a malfunction in the tabulating equipment.

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## Manually Counting Ballots (cont.):

- Unless the ballot is damaged, defective, blank or over-voted, a Resolution Board does not count:
  - Absentee ballots
  - Affidavit ballots
  - Challenged ballots
  - Emergency ballots
  - Curbside ballots

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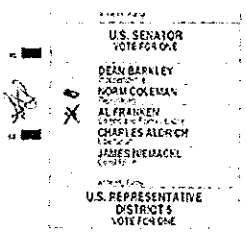
## Minnesota Senate Race

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## Procedure

- Ballots rejected by a voting machine must be deposited in an envelope marked "Resolution Board."
- The "Resolution Board" envelope is to be handled by the Election Commissioners or the officials in charge of the election.

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## Procedure (cont.)

- The Election Commissioners, or the officials in charge of the election, must then deliver the "Resolution Board" envelope to the judges on the resolution board.
- The Resolution Board judges manually review the damaged or defective ballots to determine the intent of the voter and record that vote accordingly.

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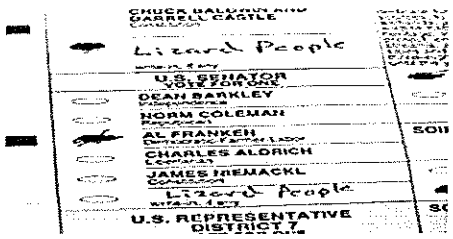
## Minnesota Senate Race

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## Alternative Procedure

- The Election Commissioners may instruct the Resolution Board to prepare a duplicate ballot to replace the damaged or defective ballot.
- This duplicate ballot can be processed through the tabulating equipment.

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## Preparing a Duplicate Ballot

To prepare a duplicate ballot:

- Make a copy of the original damaged or defective ballot.
- Mark the first original as "Original #1" and the copy as "Duplicate #1."

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## Preparing a Duplicate Ballot (cont.)

- Prepare subsequent originals and duplicates the same with sequential numbering.
- The Resolution Board must then insert the duplicate ballot into the voting machine to be counted.

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## Problems with Duplicate Ballots

- *Confusing and risky*
- *Room for error*
- *Double counting ballots*

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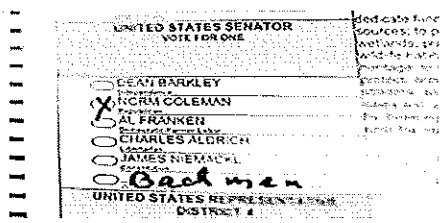
## Minnesota Senate Race

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## Blank Ballots

- Blank ballots are ballots that a voting machine rejects because it does not detect a vote on the ballot.
- The Resolution Board must examine a blank ballot to verify whether it is blank or marked with a "non-detectable" marking device.
- If marked with a "non-detectable" marking device, the Resolution Board may mark over the voter's mark with a detectable marking device then insert it into the voting machine for counting.

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## Blank Ballots

- Marking over a non-detectable marking will inevitably lead to fraud or accusations of fraud.
- Secretary of State's Office recommends that you prepare a duplicate ballot, instead of marking over voter's mark.
- Secretary of State's Office also recommends you put this practice in writing and record it in your minutes.

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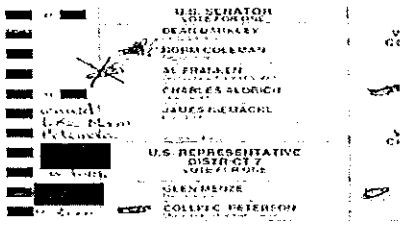
## Minnesota Senate Race



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## Overvotes

- Overvotes are ballots containing more votes for a particular race or measure than the voter is entitled to cast.
- All ballots rejected by the voting machines and containing over-votes shall be inspected by the Resolution Board.

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## Overvotes (cont.)

- If the voter's intent cannot be determined by the Resolution Board, the officials in charge of the election may use the voting machine to count the votes in the races which are unaffected by the over-vote.
- All other ballots which are over-voted shall be counted manually by the Resolution Board and voter intent shall be determined by following the provisions set forth in statute.

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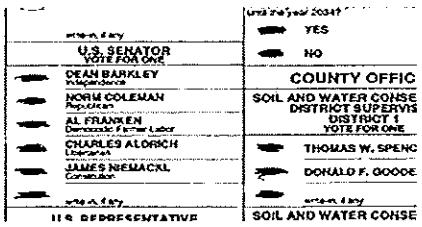
## Minnesota Senate Race



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## Evaluation Standards

1. An over-vote for any office or measure results in an invalid vote for that entire office or measure and the voter is deemed to have voted for none. An under-vote for a particular office or measure will be valid but no vote will be counted more than once.
2. If a voter casts more than one vote for the same candidate, the first vote is valid and the other votes for that candidate are invalid.

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## Evaluation Standards

3. A write-in vote for a candidate will not be considered to be defective if the name is misspelled or identified by an abbreviation so long as the intent of the voter can be ascertained.
4. When a voter writes in the name of a candidate for President of the United States whose name is printed on the ballot, the failure by the voter to write in the name of a Vice President choice does not invalidate the vote for the slate of electors.

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## Evaluation Standards

5. For any ballot measure in which the words "for" or "against" are used, the Resolution Board shall count a vote where a voter marks the ballot by writing the words "for" or "against" so long as it is not written next to the space that is contrary to the preference.
6. For any ballot measure in which the words "yes" or "no" are used, the Resolution Board shall count a vote where a voter marks the ballot by writing the words "yes" or "no" so long as it is not written next to the space that is contrary to the preference.

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## OMR Ballot
## Acceptable Marks

- In reviewing a ballot that a voter fails to fill in the circle, a Resolution Board shall count the vote if:
  1. The voter marks the circle with an (X) or checkmark and the lines intersect within or on the line of the circle by the ballot measure or candidate.
  2. The voter blackens the circle and the blackened portion extends beyond the boundaries of the circle.
  3. The voter marks the ballot with an (X) or checkmark and the lines that form the mark intersect adjacent to the ballot measure or the name of the candidate.

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## OMR Ballot
## Acceptable Marks (cont.)

4. The voter underlines the ballot measure or the name of a candidate.
5. The voter draws a line from the circle to a ballot measure or the name of a candidate.
6. The voter draws a circle around the ballot measure or the name of the candidate.
7. The voter draws a circle around the circle adjacent to the ballot measure or the name of the candidate.

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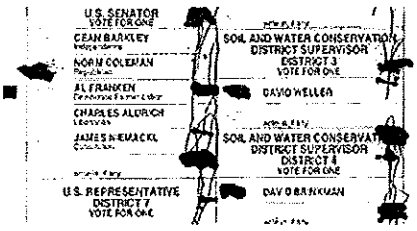
## Minnesota Senate Race

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*Secretary of State*

## Voting Equipment

- OMR and automatic tabulating equipment shall be programmed, calibrated, adjusted and set up to reject ballot cards that appear to be damaged or defective.
- Any switch, lever or feature on OMR or automatic tabulating equipment that enables or permits the equipment to override the rejection of damaged or defective ballot cards so that such cards will not be reviewed by the resolution board, shall not be utilized.

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## Minnesota Senate Race

For more information on the 2008 United States Senate Race in Minnesota visit:

http://minnesota.publicradio.org/features/2008/11/19_challenged_ballots/round1/

All ballot images used in this presentation were obtained through the website above.

DELBERT HOSEMANN
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## Contact Information

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# CONDUCTING AN ELECTION BY PAPER BALLOT

## 2013 MUNICIPAL ELECTIONS CERTIFICATION TRAINING

Presented by:
Liz Bolin
Special Assistant Attorney General
Opinions Division
Mississippi Attorney General's Office

Conducting an Election by Paper Ballot: Overview

- Poll Managers
- Voting Process
- Affidavit Ballots
- Challenges
- Counting the Vote
- Sealing the Box

## Appointment of Poll Managers

- Three (3) managers shall be appointed for each voting precinct (receiving/returning manager, initialing manager, bailiff)
- The "initialing requirement" of Section 23-15-541 must be complied with in order to insure the validity of the election.

## Bailiff

- Responsible for enforcing the following
- "150 foot rule"
- "30 foot rule"
- voter assistance
- keep the peace and prevent interference with the election

## The Voting Process

1) A poll manager checks to see that the voter's name appears on the pollbooks.

2) If the voter's name appears in the pollbooks, the poll manager checks to see in the pollbook if the voter is required to provide a Help America Vote Act (HAVA) form of voter identification.

The voter may be required to show an acceptable form of identification if the voter is an unverified first-time mail-in registrant after January 1, 2003. (THIS IS A FEDERAL LAW -NOT STATE.)

## Voting Process (continued)

- Acceptable Forms of HAVA Identification for Unverified First-Time Voters:
  - Current & valid photo ID;
  - Current utility bill with voter's name & address;
  - Bank statement with voter's name & address;
  - Gov't check with voter's name & address;
  - Paycheck with voter's name & address;
  - Any other gov't document that shows voter's name & address

## Voting Process (continued)

3) If the voter's name appears in the pollbooks (& shows ID if required), the voter signs his name in the receipt book;
4) The Initialing Manager initials the back of the blank ballot
5) The Initialing Manager gives the initialed ballot to the voter

## Voting Process (continued)

6) The voter goes into one of the voting compartments & marks his ballot.

   NOTE: A voter is not allowed to occupy a voting compartment longer than five (5) minutes if other voters are waiting, or longer than ten (10) minutes if no other voters are waiting.

   Before leaving the voting compartment, the voter must fold his ballot without showing his markings so that the words "Official Ballot," etc. are visible to the Initialing Manager or Alternate Initialing Manager.
   (MS Code Sect. 23-15-551)

## Voting Process (continued)

7) The voter casts his ballot by handing it to the Initialing Manager for deposit in the ballot box. (MS Code Sect. 23-15-551)

8) The Initialing Manager checks to see that the ballot bears the initials of the Initialing Manager. If it does, the ballot is deposited in the ballot box. (MS Code Sect. 23-15-541)

9) One of the poll managers writes the word "voted" opposite the voter's name in the pollbook. (MS Code Sects. 23-15-541, 23-15-545)

## Voting Process (continued)

- No person shall be allowed to remove any ballot from the polling place before the close of the polls.
  (MS Code Sect. 23-15-553)

## Voting Process (continued)

- Curbside Voting
- Allows a physically disabled voter to vote "curbside"
- Pollbook, receipt book, and ballot shall be carried to the vehicle by two or more pollmanagers. (Miss. Code Ann. Section 23-15-541)

## Voting Process (continued)

- If a voter spoils a ballot, he may obtain another upon returning the spoiled ballot. However, he may not exceed three (3) in all.

  (MS Code Sect. 23-15-553)

## Affidavit Ballots

- A person whose name does not appear in the pollbook is not permitted to vote a regular ballot. The person may vote by "affidavit" (provisional) ballot.
- Voter and pollmanager must complete affidavit ballot envelope. (See Miss. Code Section 23-15-573). Voter then completes ballot in private and returns folded ballot to manager when completed.
- Election Commission determines whether affidavit ballots will be counted after close of polls.
- The Poll Manager gives the voter written instructions on how to ascertain if his vote counted and if not why by contacting the Clerk's Office or Election Commission.

## Challenges

- Who can challenge a vote?
  - *A candidate whose name is on ballot;*
  - *Candidate's authorized pollwatcher;*
  - *Political party's authorized pollwatcher (not applicable for party primary election);*
  - *Any qualified voter from that precinct; or*
  - *Any poll manager in the polling place.*

(Miss. Code Section 23-15-571)

## Reasons for Challenge

- The person is not a registered voter in the precinct.
- The person is not the registered voter under whose name he has applied to vote.
- The person has already voted.
- The person is not a resident in the precinct where he is registered.
- The person has illegally registered to vote.
- The person has removed his ballot from the polling place.
- The person is otherwise disqualified by law.

(Miss. Code Section 23-15-571)

## Possible Rulings on Challenge

- Challenge determined to be frivolous.
- Challenge unanimously determined to be well taken. (Rejected)
- Challenge not unanimously determined to be well taken. (Challenged)

(Miss. Code Section 23-15-579)

## Frivolous Challenge

- If a majority of the Poll Managers believe the challenge is frivolous, disregard the challenge and accept the offered vote as if it had not been challenged by allowing the voter to vote a regular election ballot

## Challenge unanimously determined to be well taken

- If in the unanimous opinion of the Poll Managers the challenge is well taken, the ballot is rejected in the following manner:
  - Mark "rejected" on the back of the ballot
  - Write the name of the voter on the back
  - Place the ballot in a separate envelope marked "rejected"
  - Seal & return it in the ballot box.

## Challenge not unanimously determined to be well taken

- If the Poll Managers cannot unanimously agree:
  - Mark "challenge" on the ballot;
  - Place ballot in a separate envelope labeled "challenged"; and
  - At close of polls and after all the unchallenged ballots have been counted, tallied and totaled, the challenged ballots are separately counted, tallied and totaled with a separate return made of the challenged ballots.

## Counting the Vote

1. When the polls have been closed, the poll managers shall publicly open the boxes and immediately proceed to count the ballots.
2. The poll managers shall first take the envelopes containing absentee ballots from the box. (Miss. Code Section 23-15-639)
   a. Poll managers shall announce the name, address & precinct inscribed on each envelope.
   b. The signature on the application shall then be compared with the signature on the back of the envelope.
   c. If the managers find that the applicant is a registered voter of that precinct and that he has not appeared in person and voted, the envelope shall be opened and the ballot removed from the envelope without being unfolded, or permitted to be unfolded or examined.
   d. The ballot shall then be placed in the ballot box to be counted with the other ballots.
   e. The managers shall enter the voter's name on the poll list as if he had been present and voted in person.

## Counting the Vote (continued)

3. In counting the ballots, the poll managers must read aloud the names of the persons voted for, which shall be taken down and called by the designated manager.

   During the counting of the ballots, the whole proceedings must be in fair and full view of the voting public without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the managers. (MS Code Sects. 23-15-581, 23-15-639)

## Counting the Vote (continued)

4. When the votes have been completely and correctly counted and tallied by the managers, they must publicly proclaim the result of the election at their box and shall certify in duplicate a statement of the result. Must be signed by one of the managers. One of the certificates is to be enclosed in the ballot box, and the other to be delivered to and kept by one of the managers who shall allow any voter to inspect the certificate.

   (MS Code Sect. 23-15-591)

## Counting the Vote (continued)

- Candidates or their duly authorized representatives shall have the right to reasonably view and inspect the ballots as they are taken from the box and counted, and to reasonably view and inspect tally sheets, papers and other documents used in the election except, of course, the secret ballots being voted and placed and held in the ballot box.

  (Miss Code Ann Section. 23-15-581)

## Sealing the Ballot Box

- After the count of the votes and tally have been completed, the poll managers must place certain materials in the ballot box, which then must be locked and sealed.

## Materials to be sealed in the ballot box include:

- Ballots voted;
- Spoiled ballots;
- Unused ballots;
- One of the duplicate receipts given by the Receiving & Returning Manager;
- Tally list;
- Receipt book;
- If the total ballots and spoiled ballots and the unused ballots do not correspond in total with the duplicate receipt, a written statement, under oath of the managers, accounting for the discrepancy must also be enclosed in the box.
  MS Code Sect. 23-15-591)

The ballot boxes are to be returned to the Clerk's Office/Courthouse to be available to the election commission or party executive committee for their canvass of the returns on the day after the election.

## Questions?

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# Determining Candidate Qualifications for Office 2013

## Municipal Elections Certification Training

Presented by: Reese Partridge/Liz Bolin
Special Assistant Attorneys General
Mississippi Attorney General's Office

Jim Hood, Attorney General

## Candidate Qualifying

- Party candidates qualify by filing a small statutory fee and a statement of intent with the municipal clerk's office by March 8 at 5pm.
- The fees and statements of intent are forwarded promptly to the secretary of the municipal party executive committee. (23-15-309)
- Independent candidates qualify by filing a petition with the municipal clerk's office by March 8 at 5pm. Municipal clerk notifies election commission of all persons filing petitions within 2 business days. -361(3)

## Additional Candidate Requirements

- While not related to qualifications to hold office, there are other requirements candidates must fulfill:
- File Statement of Economic Interest with the Mississippi Ethics Commission within 15 days of qualifying.
- File periodic and pre-election Campaign Finance Disclosure reports with the municipal clerk's office, including termination report.

## Ruling on Candidate Qualifications-Party Candidates

- Party executive committees rule on each party candidate's legal qualifications. The names of candidates who are not qualified electors, who do not meet the other qualifications for the office, or have been convicted of disqualifying crimes, cannot be placed on the ballot.
- Before being disqualified, a candidate must be given notice and the opportunity for a hearing.

## 23-15-309: Party Executive Committee Duties regarding Candidate Qualifications

(4) Upon receipt of the above information, the proper municipal executive committee shall then determine whether each candidate is a qualified elector of the municipality, and of the ward if the office sought is a ward office, shall determine whether each candidate either meets all other qualifications to hold the office he is seeking or presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The executive committee shall determine whether the candidate has taken the steps necessary to qualify for more than one (1) office at the election. The committee also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the proper municipal executive committee finds that a candidate either (a) does not meet all qualifications to hold the office he seeks and fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, or (b) has been convicted of a felony as described in this subsection and not pardoned, then the name of such candidate shall not be placed upon the ballot. If the executive committee determines that the candidate has taken the steps necessary to qualify for more than one (1) office at the election, the action required by Section 23-15-905, shall be taken.

## 23-15-309(4) sentence 1

- the proper municipal executive committee **shall** then determine whether each candidate is a qualified elector of the municipality, *and* of the ward if the office sought is a ward office, shall determine whether each candidate either meets all other qualifications to hold the office he is seeking *or presents absolute proof that he will, subject to no contingencies, meet all qualifications* on or before the date of the general or special election at which he could be elected to office.

## 23-15-309(4) sentences 3 and 4

- The committee also shall determine whether any candidate has been **convicted** of any felony in a court of this state, *or* has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, *or* has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code *or* any violations of the tax laws of this state *unless* such offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office.

## 23-15-309(4) sentence 5

- If the proper municipal executive committee finds that a candidate *either* (a) does not meet all qualifications to hold the office he seeks *and* fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, *or* (b) has been convicted of a felony as described in this subsection and not pardoned, **then the name of such candidate shall not be placed upon the ballot.**

## Qualifying for more than one office.

- 23-15-905 and 23-15-309 provide that the executive committee shall determine if a candidate qualified for more than one office for an election held on the same day.
- If so, the executive committee shall determine which office the candidate last qualified for and the candidate shall be considered as qualifying for that office only.

## Ruling on Candidate Qualifications- General Election Candidates

- Election Commissions rule on each independent candidate's legal qualifications, AND rule on party nominees before their names are placed on the general election ballot. The names of candidates who are not qualified electors, who do not meet the other qualifications for the office, or have been convicted of disqualifying crimes, cannot be placed on the ballot.
- Before being disqualified, a candidate must be given notice and the opportunity for a hearing.

## 23-15-361: Election Commission Duties regarding Candidate Qualifications

(5) The municipal commission shall determine whether each party candidate in the municipal general election is a qualified elector of the municipality, and of the ward if the office sought is a ward office and shall determine whether each candidate either meets all other qualifications to hold the office he is seeking or presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office. The municipal election commission also shall determine whether any candidate has been convicted of any felony in a court of this state, or has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, or has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state unless such offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office. If the municipal election commission finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he seeks and fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected, or (c) has been convicted of a felony as described above and not pardoned, then the name of the candidate shall not be placed upon the ballot.

## 23-15-361(5) sentence 1

- The municipal commission shall determine whether each party candidate in the municipal general election is a qualified elector of the municipality, **and** of the ward if the office sought is a ward office **and** shall determine whether each candidate either meets all other qualifications to hold the office he is seeking *or* **presents absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general or special election at which he could be elected to office.**

## 23-15-361(5) sentences 2 & 3

- The municipal election commission also shall determine whether any candidate has been **convicted** of any felony in a court of this state, *or* has been convicted on or after December 8, 1992, of any offense in another state which is a felony under the laws of this state, *or* has been convicted of any felony in a federal court on or after December 8, 1992. Excepted from the above are convictions of manslaughter and violations of the United States Internal Revenue Code or any violations of the tax laws of this state *unless* such offense also involved misuse or abuse of his office or money coming into his hands by virtue of his office.

## 23-15-361(5) sentence 4

- If the municipal election commission finds that a candidate either (a) is not a qualified elector, (b) does not meet all qualifications to hold the office he seeks *and fails to provide absolute proof, subject to no contingencies, that he will meet the qualifications on or before the date of the general or special election at which he could be elected*, **or** (c) has been convicted of a felony as described above and not pardoned, **then the name of the candidate shall not be placed upon the ballot.**

## Qualifying for more than one office.

- 23-15-905 provides that the election commission shall determine if a candidate qualified for more than one office for an election held on the same day.
- If so, the election commission shall determine which office the candidate last qualified for and the candidate shall be considered as qualifying for that office only.

## Other qualifications you may need to determine.

- Refer to the Secretary of State's Qualifying Guide for qualifications of each office and the corresponding citations to state law.
- Durational residency requirements for some forms of municipal government (but NOT in code charter mayo alderman form of government).
- Special charter municipalities may have additional candidate qualification requirements.

## Qualifications of Candidates: When they must be met.

- On the date the Executive Committees and Election Commissions meet to rule on candidate qualifications, the candidate must meet all qualifications to hold the office he is seeking or must present absolute proof that he will, subject to no contingencies, meet all qualifications on or before the date of the general of special election at which he could be elected to office.

## Disqualifying crimes

- The candidate must not have been convicted in a Mississippi state court of any felony; or convicted in a federal court of a felony or convicted in the court of any other state of any felony that is a felony in Mississippi (other than manslaughter or IRS or other tax law violations, unless such offense also involved misuse or abuse of his/her office or many coming into his/her hands by virtue of his/her office) after December 8, 1992. *(§44, Miss. Constitution of 1890)*

## Nonadjudications

MS AG Op., Lagasse (Sept 27, 2002) & MS AG Op., Watts (Sept 24, 1999)

- Miss. Code Ann. Section 99-15-26 is the main nonadjudication statute.
- Pursuant to that statute's provisions the acceptance of the plea of guilty is being withheld pending the successful completion of the conditions set forth in the Order of ***Nonadjudication***.
- Therefore, there has been no conviction or acceptance of a guilty plea. If the candidate meets all other requirements to hold office, his name is eligible to be placed on the ballot.

## Expunged convictions

MS AG Op., Dees (June 2, 1997)

- Also called expungement and expunction.
- Once expunged, convictions are not public record.
- Miss. Code Ann. Section 41-29-150 (1972) is one of the statutory provisions for expungement.
- A court order ***expunging*** a criminal record made pursuant to Section 41-29-150 would restore such individual to the status that he occupied prior to such conviction, and would not act as a disqualification to running for public office.

## Qualifications: Residency

- The candidate must be a qualified voter and resident of the county, and if the office is elected from a county district, must be a resident of the county district.
- Determination of residency is a factual determination. There are some guidelines in court and AG opinions, but it will always be a question of fact decided by the executive committee in primaries and election commissions in general elections.

## Candidate Residency a Question of Fact

(Davies, 2-23-01)

- Residency of a potential candidate for public office is a question of fact that must be determined by the appropriate election commission and, in case of a primary, the appropriate party executive committee.

## Supreme Court on Residency

(Norwood, 9-5-97)

- The Mississippi Supreme Court (in *Hinds Co. Elec. Comm. v. Brinston(671 So.2d 667)*) has held that the county of domicile requires an actual residence be voluntarily established with a bona fide intention of remaining in that county for an indefinite period of time. If the election commission finds that an individual satisfies the residency requirements as a matter of fact, the commission must include that name upon the ballot. The election commission is authorized to inquire into the residency of a candidate prior to the printing of the ballots. If a candidate does not satisfy the residency requirement, then the burden shifts to the candidate to negate the finding of the commission.
- NOTE: Notice and opportunity for a hearing required.

## Homestead Exemption in Residency Issues

- The *Brinston* case from the Miss. Supreme Court also establishes how homestead exemption is to be weighed in determining residency:
- "There is a strong but rebuttable presumption of residency in the county where the homestead exemption is filed. The location of the homestead exemption creates this strong presumption because of the benefit in the form of tax relief one receives by filing."

## Residency and Abandonment of Old Residence

- Residency and domicile are synonymous. Domicile, once established, continues until removal to another locality with intent to remain there and abandonment of the old domicile without intent to return. MS AG Op., Conaway (September 20, 1989) quoting from:
- Hubbard v. McKey, 193 So.2d 129 (1966).

## If statements of intent conflict with the facts.

- In determining domicile, one's statements of intent are entitled to little weight when in conflict with the facts.
- Cheek v. Fortune, 341 F.Supp 729 (N.D.Miss., 1972)

## Long continued residence as a factor in the absence of avowed intention.

- Long continued residence is controlling and conclusive in determining the question of domicile in the absence of any avowed intention, and of acts which indicate a contrary intention.
- Stubbs v. Stubbs, 211 So.2d 821 (1968)

## Intention must be unqualified.

- The intention to make a home must be an unqualified one, not conditional on the happening of a future event.
- Jones v. State, 207 Miss. 208, 42 So.2d 123 (1949)

## Contesting candidate qualifications – Party candidates

- 23-15-961.
- A very short window to challenge a party candidate's statutory qualifications: Within 10 days after the qualifying deadline.
- The initial complaint is filed with the party executive committee, who must have a hearing on the matter within 10 days of receipt of complaint.
- Their decision, or failure to timely act, may be appealed to circuit court.

## Contesting candidate qualifications: General Election

- 23-15-963. The Miss. Supreme Court held in *Rogers v. Cain*, 9 So.3d 1124 (2009) that 23-15-963 does not apply to municipal elections.
- Accordingly, the pre-election remedy to challenge candidates who do not meet statutory qualifications is no longer available.

# Thank you.

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Visit our web site at :

- www.ago.state.ms.us

Other useful websites:

- www.msjrc.state.ms.us
- http://billstatus.ls.state.ms.us/
- http://cgt.msstate.edu/pdf/publications/
- municipal%20book%202011.pdf
- www.electionline.org
- electionlawblog.org

# Election Tips for the TSX

**Presented By: The Mississippi Secretary of State's Office, Elections Division**

**2013 Municipal Elections Certification Training**

DELBERT HOSEMANN
*Secretary of State*

## Agenda

- Election Prep Tips
- Election Prep/Election Day Tips
- Election Night Tips
- Questions/Answers

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*Secretary of State*

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*Secretary of State*

## Election Prep

**The Poll Managers Notebook Includes:**

- Forms/Poll Managers Guide
- Contact Names and Numbers
- Address Library List
- Trouble-shooting Section

DELBERT HOSEMANN
*Secretary of State*

## Election Day Prep

**TSX calibration is off:**

- Clean screen using an electronic solution.
- Go into System Setup with CA card.
- Go to Display Settings and recalibrate.
- If machine still will not hold calibration, call the ES&S help desk.

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*Secretary of State*

## Prep/Election Day

**TSX printer will not work:**

- Make sure smoky gray cover is closed all of the way (listen for click).
- Make sure paper is installed properly (Please note: Thermal paper only prints on one side).

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*Secretary of State*

## Election Day

**Check the power lights on the TSX:**

- Top Green light shows A/C Power.
- Middle blue light shows machine is on.
- Bottom flashing light – yellow means battery is charging and green means battery is charged.

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*Secretary of State*

## Election Day

**TSX on battery power may not recognize the memory card:**

- You may need to restart the TSX with the memory card in and A/C power connected.

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*Secretary of State*

## Election Day

**Location of the Poll Managers providing Voter Access Cards:**

- There must be a connection between the voter signing the Receipt Book and the poll manager issuing the card.
- Do not create Voter Access Cards in advance.

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*Secretary of State*

## Election Day

**Voter is not in the poll book:**

- This voter cannot vote on the TSX.
- This voter cannot vote on a REGULAR paper ballot.

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*Secretary of State*

## Election Day

**Use of Supervisor Cards:**

- Should be used to change the machine paper, clear certain paper jams and close or shutdown the machine at the end of the election.
- Inserting a Supervisor Card in an encoder will clear all ballots styles on the encoder.

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## Election Day

**Placement of the TSX machines:**

- Machine must be turned to allow privacy for the voter.

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## Election Day

**Smart card is stuck in TSX:**

- Reboot TSX machines and the card should pop out.
- Clean any debris from card using an electronic wipe (while avoiding the metal smart chip).

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*Secretary of State*

## Election Day

**TSX 'Freezes-up":**

- Remove the seal, power the unit off and then on again (reboot). Reseal and record seal number and reason.

(continued)

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*Secretary of State*

## Election Day

**Voting after TSX Reboot:**

- Re-insert the Voter Access Card and read the message:
  - Card already voted – the ballot was cast before the freeze.
  - Card was cancelled – re-code the card and allow the voter to continue voting.

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*Secretary of State*

## Election Day

**Encoder Screen keeps fading in and out:**

- Replace batteries (be careful not to apply too much force when installing the screws that hold the cover).
- Turn the encoder off when it is not in use.
- Do not leave card in encoder, even if it is off.

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## Election Night

**While closing out the election:**

- Remove the memory card as soon as the result tape is printed. With the memory card removed, only two options remain: to "Shut Down TSX" or go to "Election Archives."

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*Secretary of State*

## Election Night

**Don't Panic.**

- If the Poll Manager presses shutdown on the TSX before all the close out procedures are complete, just turn it back on and the system will start back at the place you left off.

DELBERT HOSEMANN
*Secretary of State*

## Questions and Answers

DELBERT HOSEMANN
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## Contact Information

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# Election Day Operations for TSX Counties

**Presented By: The Mississippi Secretary of State's Office**
**Elections Division**

**2013 Municipal Elections**
**Certification Training**

DELBERT HOSEMANN
*Secretary of State*

1

## OVERVIEW OF TOPICS

- TSX Opening & Closing Official's Duties
- Voter Information Requirements
- Ballot Cancellation Process
- Closing The Precinct
- Counting Votes & Determining Results
- Paper Jam Tips
- Ballot Status Review
- Securing TSX Units

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*Secretary of State*

2

## TSX Opening & Closing Official's Duties

- The opening and closing officials are appointed by the election officials in charge of the election.
- This role can be combined with other Poll Manager roles.
- Limited to two people per precinct.
- Be sure they know their duties.
- Trained in details of opening & closing procedures.

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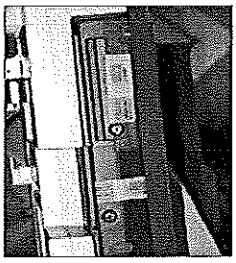
## Printing Zero Tapes Reminder

- Print three zero tapes.
- The first tape is to be posted for public view.
- The second tape will go in the memory card transport bag.
- A third tape will go in the take up canister.
- All tapes should be signed by at least two poll managers.





Applying Seals

- Be sure that seals are on the upper and lower door on the side. Record seal number on the Form 730.3 Precinct Opening and Closing Log.



## Voter Information Requirements

- **Direct voters to the sticker on the gray door of the printer instructing them to view their selection.**
- Post laminated instructions on the inside of the gray panel of the TSX unit.

## Printer Door Sticker Reads:

OPEN
DOOR
TO
VIEW
YOUR
SELECTIONS

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## Voter Leaving The Booth Without Completing Voting Process

- If the voter can't be located after leaving the booth, two Poll Managers enter the booth to cancel the ballot, *OR let the ballot time out and cancel on its own.*
- The poll managers must log this on the TSX Event Log Form # 740.2.
- Miss Code Ann. § 23-15-531.9 (2) allows for this in DRE elections only.

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## Ballot Cancellation

Occasions when a ballot would need to be canceled or is canceled automatically:

1. Voter leaves the booth without casting their ballot;
2. Voter received the wrong ballot;
   - Opening and Closing Manager, along with at least one other Poll Manager, must cancel ballot.

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## Ballot Status Review

3. If ballot is left un-attended during voting process for 2.5 minutes:
   - The opening and closing manager, along with at least one other Poll Manager, will insert the voter access card back into the TSX to review status.

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## Closing the Precinct & Printing Totals Tapes Reminder

- Print the first total tape which is the long report and it is rolled up into the printer roll canister
- Print a second one that goes in the memory card bag
- Print a third one that goes on the wall at the precinct
- All the tapes need to be signed by at least two poll managers

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## Closing The Precinct

- Be sure the number of ballots used at the precinct is the total number of ballots cast.
- Ballots cast should include TSX, emergency, curbside, affidavit, spoiled, rejected, challenged, & absentee ballots.
- If there is a discrepancy, election officials should be notified immediately.

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## Counting Votes And Determining Results

- After collecting votes off all memory cards & printing total tapes, you will sign the tapes, declare results, and post results.
- Enclose **ALL** memory cards & one of the signed totals tape for each machine in the Memory Card Transport Bag and seal it.
- Voted, spoiled, and unused ballots are to be placed in the appropriate envelope and placed in the ballot box and sealed.

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## Reminders To Prevent Paper Jams

- Please be sure that your poll managers know to closely monitor the printer.
- Be sure that you apply the stickers on the door of the printer to remind the voter to approve their ballot.
- These stickers were sent to the Circuit Clerk's Office previous to the 2006 Party Primary Election and **Hunters Orange** stickers were given to the clerks at the 2008 conference in Natchez.

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## Securing TSX Units

At the closing of the election at the precinct:

1. Put **ALL** TSX memory cards & one results tape per TSX in the memory card bag & seal it. **(Even if the machine was not used.)**
   - *The number of cards should match the number of TSX units.*
   - *Write the memory card bag seal number on the Receiving & Returning Manager Receipt Form # 710.2.*

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## Securing TSX Units

2. Seal the Secure Printer Canister Bag
   - *Record the seal number on the Precinct Opening & Closing Log Form # 730.3.*

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## Contact Information

***The Mississippi Secretary of State's Office,***
***Elections Division***
***Kim Turner, Assistant Secretary of State, Elections***
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601-359-1350
www.sos.ms.gov

Presented By: Derrick Cooper
Elections Systems Training Specialist
MS Secretary of State's Office
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## 2013 Touch Screen Voting Device Training

**Presented By: The Mississippi Secretary of State's Office,**
**Elections Division**

**2013 Municipal Elections**
**Certification Training**

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## Voting System Components
AccuVote TSX with
AccuVote Printer Module (AVPM)

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## Voting System Components
Visual Impaired Ballot Station (VIBS)

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## Voting System Components
TSX Memory Cards

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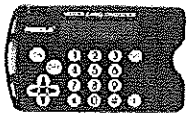
## Voting System Components
Encoder



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## Voting System Components
Voter Access Card

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## Voting System Components
Supervisor Card

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## Voting Machine Setup

- Should be completed prior to election morning.
- Remember to install VIBS Kit.
- Please ***do not*** force voting machine legs.

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## Election Day TSX Processes

- Pre-election procedures
  - Install memory cards and turn units on.
  - Print and post zero total reports.
  - Secure TSX Units for voting.
- Election Day processes
  - Program Voter Access Cards using the encoder.
  - Change printer paper.
  - Clear paper jam.
  - Cancel ballot on TSX Units.
- Post-election duties
  - End election on TSX Units.
  - Print and post vote total report.
  - Secure TSX Units for storage.

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## Security

| Item | Secured Through... |
|---|---|
| TSX Units | ▪ (2) Tamper Tape Seals (during transport and use).<br>▪ (1) Plastic "pull" seal (during transport only).<br>▪ Chain of Custody using the *Precinct Opening and Closing Log (Form 730.3).* |
| TSX Memory Cards | ▪ (1) Seal on the Memory Card Transfer Bag<br>▪ Chain of Custody using the *Receiving & Returning Manager Receipt Form (Form 710.2).* |

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## Opening the Precinct

- Install Memory Cards and Turn Units On:
  1. Record seal numbers.
  2. Unlock and open memory card compartment.
  3. Match memory card to TSX Unit.
  4. Turn unit on using red power button.
  5. Verify "Election Loading".
  6. Replace tamper tape seal.

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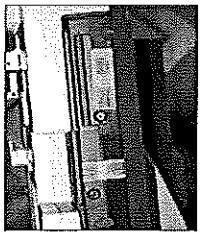
## Memory Card Compartment Seals



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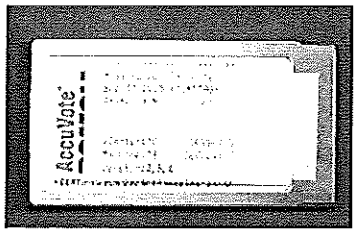
## Labeled TSX Memory Card

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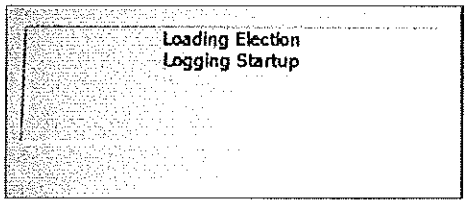
## Verify Election Loading

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## Opening the Precinct

- Print and Post Zero Totals Reports:
  1. Test printer.
  2. 1st zero report prints automatically – post in public view after two poll managers sign it.
  3. Print 2nd copy of zero report to be placed in Memory Card Transport bag after two poll managers sign it.
  4. Setup secure canister.
  5. Print 3rd copy of zero report to be taken up by the secure canister after it is signed by two poll managers.
  6. Apply seal to secure canister.
  7. Lock printer module.

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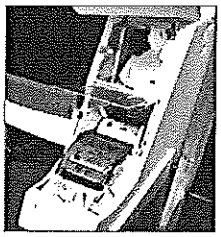
## Release Printer Paper



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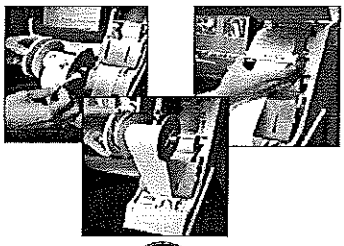
## Setup Secure Canister



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## Sealed Secure Canister

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## Opening the Precinct

- Secure TSX Units for Voting
  1. Close, lock, and seal the Election Data Compartment (Upper) and record the seal number of the *Precinct Opening and Closing Log (Form 730.3)*.
  2. Verify the that Election Data Transfer Compartment (Lower) is locked and sealed.
  3. Verify the printer module is locked.
  4. Record statistical information on *Precinct Opening and Closing Log (Form 730.3)*.

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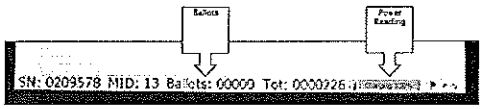
## TSX Statistical Information

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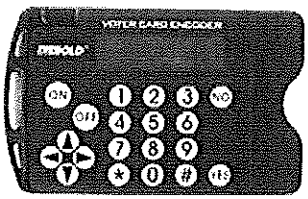
## Operating the Encoder

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## Operating the Encoder

- Programming Voter Access Card in precinct with only one ballot style:
  1. Turn encoder on.
  2. Insert Voter Access Card.
     - Encoder displays "Create?"
  3. Press "Yes."
     - Encoder displays "Clear?"

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## Operating the Encoder

- Programming Voter Access Card in precinct with more than one ballot style:
  1. Turn encoder on.
  2. Insert Voter Access Card.
     - Encoder displays "Create?"
  3. Select the appropriate ballot style using the number keys.
  4. Press "Yes."
     - Encoder displays "Clear?"

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## Operating the Encoder

- Programming Voter Access Card for a special needs voter.
  1. Turn encoder on.
  2. Insert Voter Access Card.
     - Encoder displays "Create?"
  3. Press the "*" button until the appropriate option is displayed.
  4. Press "Yes."
     - Encoder displays "Clear?"

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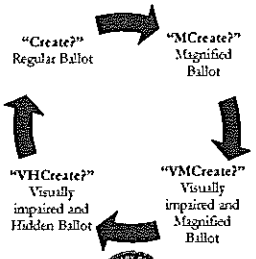
## Special Needs Ballots

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## Operating the Encoder

- Clearing a Voter Access Card
  1. Turn encoder on.
  2. Insert Voter Access Card.
     - Screen displays "Clear?"
  3. Press "Yes."
     - Screen displays "Create?"

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## Canceling a Ballot

- Two instances to cancel ballot
  - If a voter leaves the booth without casting his or her ballot, the ballot should be cancelled.
  - If a voter receives the wrong ballot style, the ballot should be cancelled.
- TSX Unit should be approached by two poll managers.
- Ballot can/ will also cancel automatically.
- Always record instance on *TSX Event Log (Form 740.2).*

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## Canceling a Ballot & Determining the Status of a Voter Access Card

- After a ballot is canceled, the screen will display the message below until the Voter Access Card is removed.
- The message below will also be displayed if the card is reinserted before it is reprogrammed.
- This method also works to verify if a Voter Access Card has been voted yet or not.

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## Clearing a Paper Jam

- The TSX Unit will not give an indication of the jam.
- To clear a paper jam:
  1. Unlock and open printer module.
  2. Press gray paper release button to release the smoky brown cover.
  3. Pull enough paper from the supply roll to clear the jam and press down on the smoky brown cover until it clicks.
  4. Manually advance excess paper into the secure canister and close and lock the printer housing.

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## Clearing a Paper Jam

- If the voter has not cast his or her ballot instruct them to reject the printed record and press "Print Ballot" again.
- Two mangers should perform this function.
- Always make a note of this on the *TSX Event Log (Form 740.2).*

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## Replacing Printer Paper

- TSX Unit will indicate that paper is low (pictured below).
- Two managers should use Printer Paper Replacement Kit to change paper.

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## Closing the Precinct

- End election on all TSX Units:
  1. Complete *Ballot Reading* column of the *Precinct Opening and Closing Log (Form 730.3).*
  2. Use Supervisor Card on first unit.
  3. Touch "End Election."
  4. Confirm that you want to end the election.
  5. Repeat on <u>ALL</u> TSX Units assigned to your precinct.

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## Closing the Precinct

- Print and post vote total reports:
  1. Open Printer Module when prompted.
  2. Print first long report to be signed by two poll managers and feed into the secure canister.
  3. Print second long report to be signed by two poll managers and place in the Memory Card Transport Bag.
  4. Print third long report to be signed by two poll managers and post it in public view.

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## Closing the Precinct

- Securing the TSX Units for Storage:
  - Verify the following:
    - All TSX Units are turned off and sealed.
    - All memory cards are in the memory card transport bag.
    - All sealed canisters are in the Secure Canister Transport Bag.

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## Contact Information

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***Kim Turner, Assistant Secretary of State, Elections Division***
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# Attorney General Opinions Municipal Elections 2013

## Municipal Elections Certification Training

Presented by: Reese Partridge/Liz Bolin
Special Assistant Attorneys General
Mississippi Attorney General's Office

Jim Hood, Attorney General

## Party candidates.

- In order for a political party to have nominees whose names are to be placed on the municipal general election ballot, there must be either a permanent or temporary municipal executive committee in place. (Gilless, April 1, 2005).
- Note: Since the issuance of this opinion, Section 23-15-313 has been amended to provide that if no municipal executive committee is selected or otherwise formed, the county executive committee may serve as the temporary municipal executive committee and exercise all of the duties of the municipal executive committee for the municipal primary election.

1

## Removal of executive committee members.

- There is no authority for a municipal party executive committee to remove one of its members on its own motion. If a member of such committee dies, is convicted of a felony, moves out of the municipality or is otherwise disqualified by order of a court of competent jurisdiction or by operation of law, the remaining members would be required to declare a vacancy and fill it in accordance with Section 23-15-171. (Martin, August 5, 2005).

2

## Poll book preparation.

- The statutory provision whereby the county registrar prepares poll books and the county election commissioners prepare the registration books of each municipality located within the county pursuant to an agreement between the county and each municipality in the county has gone back and forth between being discretionary and mandatory. At the time this opinion was issued the provision was discretionary. Since the issuance of the opinion, the Legislature amended Section 23-15-153. The amendment retained language that requires that the county election officials prepare the poll books and registration books of each municipality within the county. That language, as the latest expression of legislative intent, controls over the language in Section 23-15-137 which still makes it discretionary with the municipal governing authorities whether to enter such an agreement with the county election officials. (Hafter, May 30, 2008). 3

## Candidate who is child of municipal election commissioner.

- Municipal election commissioner may continue to serve even though her son is a candidate for a municipal office. She should recuse herself from participation in any decisions with respect to her son's candidacy and election results. (Ratcliff, March 10, 2009). 4

## Municipal clerk's husband appointed election commissioner.

- Board of aldermen may appoint municipal clerk's husband to the position of election commissioner. (Boren, May 2, 2008). 5

## Determination of alderman's residency.

- It is a factual determination to be made by the Mayor and Board of Aldermen, subject to judicial review, as to whether an alderman has moved out of the jurisdiction from which he was elected thereby vacating his office. It is the responsibility of the appropriate party executive committee to make factual determinations on questions of residency of candidates in primary elections and the municipal election commission to make such determinations in special and general elections. (Neely, November 21, 2008). 6

## Residency of voter.

- It is the responsibility of the municipal election commission to make factual determinations on questions of residency of voters displaced by natural disasters based on guidelines established by the Mississippi Supreme Court. The general rule is that "domicile, once established, continues until removal to another locality with intent to remain there and abandonment of the old domicile without intent to return." (Dulaney, November 2, 2011). 7

## Residency of candidates.

- The general rule on residency requirements of candidates for municipal office is that one must have established residency within the corporate limits of the municipality, has registered to vote by the time the appropriate election officials meet to rule on candidate qualifications and will have been so registered for thirty (30) days as of the date of the general or special election in which he could be elected. The qualifications of party nominees and independent candidates in a general election must be determined by the municipal election commission. (...) Hinds County Election Commission v. Brinston, 671 So.2d 667 (Miss. 1996). (Adams, March 6, 2012). 8

## Candidate substitution.

- If party nominee is disqualified, the municipal party executive committee could nominate a substitute nominee pursuant to Section 23-15-317 which authorizes such substitution when a nominee dies, is removed after his nomination or withdraws or resigns from his candidacy for legitimate non-political reason and such vacancy in nomination occurs between the primary election and the ensuing general election. (McInnis, April 13, 2005). 9

## Death of unopposed party candidate.

- When an unopposed candidate who has been declared the party nominee and then dies prior to the primary election, the appropriate executive committee may name a substitute nominee. (Clark, March 11, 1999) 10

## Municipal election commissioner compensation.

- Compensation of municipal election commissioners in code charter municipalities is set by the governing authorities. Special charter municipalities may have provision in their charter that sets such compensation. (Turnage, September 15, 2006). 11

## Refusing to place name on ballot.

- A municipal election commission may not lawfully refuse to place the name of a party nominee on a general election based on an irregularity in the process of qualifying as a candidate in a party primary provided he meets all the qualifications to hold the office he seeks. (White, November 22, 2006). 12

## Sufficiency of candidate petition.

- If signatures on an independent candidate's petition for alderman representing a ward appear on pages which lack the ward of the office sought or which misstate the date of the election, those signatures may not be counted toward the number of signatures required by Section 23-15-361. (Sorrell, March 23, 2009). 13

## Number of municipal election commissioners.

- Pursuant to Section 23-15-221 a municipality with less than 20,000 inhabitants shall have three (3) election commissioners. There is no authority for such municipality to appoint additional commissioners. There is no authority for such municipality to appoint "alternate" election commissioners. (Miller, June 12, 2009). 14

# Thank you.

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Lboli@ago.state.ms.us

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