

# Mississippi Poll Manager Guide

*Non-TSX Voting System Counties*

## Election Day Operations



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## **ABOUT THIS GUIDE**

### **2014 Revision**

The Mississippi Poll Manager Guide is published by the Secretary of State's Office as a resource guide for use on Election Day. In an effort to create uniformity and consistency throughout the state, this guide provides a wealth of information to assist in executing the responsibilities and duties of a Poll Manager.

The term "Poll Managers" is used throughout this publication even though they are sometimes referred to as "Poll Workers." General topics in this guide include Poll Manager Duties and Responsibilities, Managing the Polls, and Conducting the Election.

The Appendix includes informational documents such as Top Ten Do's and Don'ts on Election Day, Frequently Asked Questions and Primary Election Guidelines.

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## **SECTION I - TYPES OF POLL MANAGERS AND DUTIES**

The first section of this guide contains information on types of poll managers and their duties and responsibilities. The officials in charge of the election will select the poll managers and train them concerning their duties and responsibilities. For Primary Elections, the officials will be the Executive Committee or their designees. For General and Special Elections, the officials will be the Election Commission. After selecting poll managers, the officials will designate certain managers with specific additional duties, including the Receiving and Returning Manager, Initialing Manager, Alternate Initiating Manager and the Bailiff. These positions are covered in the following section:

- A. General Poll Managers
- B. Receiving and Returning Manager
- C. Initialing Manager (for paper ballots)
- D. Alternate Initialing Manager (for paper ballots)
- E. Bailiff
- F. General Prohibitions at the Polls
- G. Opening the Polls Procedures/Checklist

## **A. GENERAL POLL MANAGERS**

**All Poll Managers shall report to the polling place by 6:00 a.m. on Election Day.**

Poll managers shall ensure the election is conducted fairly and agreeably to law; and they shall be judges of the qualifications of electors. They resolve any challenges to voters and are responsible for processing absentee ballots along with the additional duties listed below. (*Miss. Code Ann. § 23-15-233*)

Poll Managers are primarily responsible for:

1. Safeguarding all election materials;
2. Ensuring only qualified voters are permitted to vote and each qualified voter is permitted to vote only once;
3. Verifying acceptable photo identification is presented by each voter;
4. Verifying the picture on the presented photo identification fairly depicts the voter;
5. Verifying the name on the presented photo identification is substantially similar to the voter's name as it appears on the pollbook;
6. Distributing ballots or the equivalent; and
7. Ensuring all votes are cast in secret.

Poll Managers are also responsible for the following:

1. Verifying each voter's name in the pollbook and writing "VOTED" in the appropriate space;
2. Having the voter sign the receipt book;
3. Providing voter information;
4. Deciding challenges to voters;
5. Providing voter instructions;
6. Completing reporting requirements at the end of the election; and
7. Processing absentee ballots and ruling on absentee voter challenges, if any.

## **B. RECEIVING AND RETURNING MANAGER**

The Manager designated by the officials in charge of the election as the Receiving and Returning Manager performs the following tasks:

1. On the day before the election obtain from the officials in charge of the election the box(es) for his/her polling place containing the ballots and all other necessary materials, including the pollbooks, blank tally sheets, blank forms to be used in making returns, cards of instruction, stationery, and supplies. (*Miss. Code Ann. § 23-15-251*)
2. Sign two copies of the Receiving and Returning Manager Receipt Form (or the locally designated form) stating the number of ballots and other related supplies received by the Poll Manager. An election official signs the forms. One receipt is maintained by the Circuit Clerk and the other is placed in the ballot box after the polls have been closed. (*Miss. Code Ann. §§ 23-15-335, 23-15-591*)
3. Ensure the box(es) and the contents are not tampered with prior to the opening of the polls by verifying the original seal shown by its number on the Receiving and Returning

Manager Receipt Form (the locally designated form) is still in place and exhibits no signs of tampering.

4. Open the box(es) and distribute the materials to each table.
5. Reseal the box(es) and voting machines.
6. After the polls are closed on Election Day, close the machines and process the paper ballots in accordance with county procedure. All used and unused ballots, tabulation forms, reports and other materials must be sealed in the boxes and returned to Election Central. (*Miss. Code Ann. § 23-15-531.10*)

### **C. INITIALING MANAGER (PAPER BALLOTS ONLY)**

The Initialing Manager is responsible for placing his/her initials in the appropriate area of each official blank ballot at the polling place. The Initialing Manager and the Receiving/Returning Manager cannot be the same person.

After a voter signs his/her name in the receipt book, the Initialing Manager writes his/her initials, in red ink, where appropriate on the official blank ballot so the initials may be seen after the ballot has been marked by the voter; and give the initialed blank ballot to the voter.

After the voter marks the ballot, a poll manager verifies the initials of the Initialing Manager on the ballot before it is placed in the ballot box or the precinct scanner. (*Miss. Code Ann. § 23-15-541*)

### **D. ALTERNATE INITIALING MANAGER (PAPER BALLOTS ONLY)**

In the absence of an Initialing Manager, the Alternate Initialing Manager performs the duties of the Initialing Manager as specified above. (*Miss. Code Ann. § 23-15-541*)

### **E. BAILIFF**

The Bailiff carries out a number of specific statutory duties and responsibilities to ensure a lawful, peaceful and orderly election.

The Bailiff is appointed by:

- The Party Executive Committee in primary elections,
- The Election Commission in general and special elections, or,
- If a Bailiff is not designated or fails to serve on Election Day, the poll managers select a Bailiff to serve at the precinct.

The Bailiff may also act as the Initialing Manager or the Alternate Initialing Manager.

#### **Duties of the Bailiff**

1. Open polls promptly at 7:00 a.m.
2. Keep order.



3. Verify photo identification fairly depicts the voter, but only if a poll manager already has determined the photo on the presented identification does not fairly depict the voter,
4. Verify the voter's name on the presented photo identification is substantially similar to the voter's name as it appears on the pollbook, but only if a poll manager already has determined the name on the presented identification is not substantially similar to the pollbook,
5. Line up voters waiting to vote. If someone is waiting to vote, the voter may occupy a voting booth for only five (5) minutes. If no one is waiting to vote, the voter may remain in the voting booth no longer than ten (10) minutes. (*Miss. Code Ann. § 23-15-435*)
6. Prevent campaigning and/or the distribution of campaign materials within one hundred fifty (150) feet of any entrance to the polling place, except, however, when campaigning and/or the distribution of campaign materials are taking place on private property which may be located within 150 feet of the entrance to the polling place;
7. Stand at the end of the line of voters at 7:00 p.m. and announce the close of polls, allowing those voters already in line at 7:00 p.m. to vote;
8. Check written credentials of poll watchers (*Miss. Code Ann. § 23-15-245*) and monitor poll watchers by using the following guidelines:
  - a) Each candidate on the ballot has the right to have one (1) poll watcher present at the polling place to carefully observe the election and challenge the qualifications of voters.
  - b) A candidate representative must have written credentials from the candidate and identification documentation.
  - c) Each political party, in general and special elections, has the right to have two (2) poll watchers present at the polling place, if the political party has a candidate on the ballot.
  - d) A political party representative, in general or special elections only, must have written credentials from the state/county party chairperson.
  - e) A candidate or his/her poll watcher may challenge the qualifications of any person offering to vote, including absentee voters. His/her challenge must be considered and acted upon by the poll managers at the time the challenge is made.
  - f) Poll watchers are not allowed to campaign or attempt to influence or persuade voters.
  - g) A candidate or his/her poll watcher shall be provided a suitable location from which he/she may be able to see and hear the conduct of the election.
  - h) Poll watchers may be present at the public counting of the ballots, including the processing of absentee ballots and affidavit ballots.
  - i) Poll watchers may not:
    - o Move about the polling place greeting voters,
    - o Influence voters,
    - o Interrupt the election process, or
    - o Distribute or display campaign material within one hundred fifty (150) feet of any entrance to the polling place.

## **F. GENERAL PROHIBITIONS AT THE POLLS**

### **1. 150-Foot Rule**

It is unlawful for any candidate for elective office, or any representative of a candidate, to post or distribute cards, posters, or other campaign literature within one hundred fifty (150) feet of any entrance to a building in which an election is being conducted.

### **2. Private Property**

If a polling place is within one hundred fifty (150) feet of private property, the owner of the private property may post or distribute or permit the posting and distribution of campaign literature on his/her property. Polling places that are held on private property are leased to the county for the day of the election, wherein the one hundred fifty (150) feet rule applies.

### **3. Thirty-Foot Rule**

No loitering is allowed within thirty (30) feet of the polling place. The Bailiff is to keep the area clear. After casting his/her vote, a voter should leave, making room for other voters. If he/she does not leave, after being asked to leave by the Bailiff, call a local law enforcement officer.

### **4. Disturbances**

If anyone becomes unruly or abusive, the Bailiff should ask him/her to leave. If he/she will not leave, call a local law enforcement officer. All poll managers and persons in the voting place are to aid in keeping the peace. If law enforcement officers must handle the situation, they must leave the premises upon completion.

### **5. 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, if they are a qualified voter, to vote while in custody.

### **6. Wearing Campaign Paraphernalia**

Wearing T-shirts, buttons, stickers, etc., with a candidate's name or picture on it within one hundred fifty (150) feet of any entrance to a polling place constitutes the posting of campaign literature and is prohibited. Such paraphernalia must be covered or removed before a voter comes within one hundred fifty (150) feet of any entrance to a polling place. (*Miss. Code Ann. § 23-15-895*)

### **7. Use of Sample Ballots**

It is permissible for an individual voter to bring a sample ballot into the polling place for the voter's own use as a reminder of the candidate(s) for whom he/she intends to vote. A voter, however, cannot be permitted to use the sample ballot as campaign literature in attempting to influence other voters within the polling place.

### **8. Other Prohibitions**

It is also unlawful for a candidate, or his/her authorized representative, to appear at any polling place armed or uniformed or displaying any badge or credentials except as may be issued by the managers of the precinct. (*Miss. Code Ann. § 23-15-895*)

## **G. OPENING THE POLLS CHECKLIST**

1. Arrive and begin opening voting machines at 6:00 a.m.
2. Set all watches to the same correct time.
3. Appoint an Initialing Manager and Alternate Initialing Manager and any other responsibilities not already determined by the election officials.
4. Open the box(es) and remove supplies.
5. Lock sealed absentee envelopes in ballot box and keep box locked until polls close.
6. Complete voter Receipt Book and sign oath.
7. Ensure the polling place is arranged in a manner that ensures the privacy of voters, minimizes the likelihood of voters tripping over power cords, and allows monitoring by poll managers.
8. Post voter information as outlined below:
  - A sample ballot;
  - The hours during which the polling place will be open;
  - Instructions for affidavit (provisional) voters;
  - Instructions for unverified mail-in registrants who are first-time voters;
  - General information on voting rights under federal and state laws;
  - General information on prohibitions of fraud and misrepresentation;
  - List of absentee voters; and
  - List of acceptable forms of photo identification.

A sample of a Voters' Rights Poster/Information Poster is set forth in Appendix G.

9. Open polls promptly at 7:00 a.m.

## **SECTION II – MANAGING THE POLLS AND CONDUCTING THE ELECTION**

This section will provide guidance on the procedures to follow from 7:00 a.m. to 7:00 p.m. on Election Day. The following topics are addressed in detail:

- A. The Voting Process;
- B. Voters' Rights;
- C. Voter Photo Identification Requirements;
- D. HAVA Requirements for Unverified Mail-in Registrants;
- E. Voter Assistance;
- F. Voter Information;
- G. Voter Instruction; and
- H. Paper Ballots Types
  - Regular Election Day Ballots
  - Affidavit Ballots
  - Absentee Ballots
  - Emergency Ballots
  - Spoiled Ballots
  - Curbside Ballots
  - Challenged Ballots

## A. VOTING PROCESS STEPS

When a voter appears, the following procedure is followed:

1. Check for the voter's name in the pollbooks. If you are unable to locate the voter's name in the pollbook, ask if the voter has had a name change or address change:
  - a) Check under maiden name or married name(s);
  - b) Check for hyphenated names;
  - c) Check for a misspelling or unusual spelling of the voter's name;
  - d) Check to see if the voter was listed under his/her first name instead of his/her last name; or
  - e) Find out when and where the voter registered to vote.
2. Verify the voter is in the correct precinct. Poll managers should make every effort to ensure the voter is in the correct precinct, including calling the office of the Circuit Clerk or the Election Commission to verify the voter's polling place.
3. Ask voter to present an acceptable form of photo ID. (*See Section C*).
4. Verify the picture on the presented photo ID fairly depicts the voter.
5. Verify the name on the presented photo ID is substantially similar to the voter's name as it appears on the pollbook.
6. Write "VOTED" in the pollbook beside the voter's name and in the column with the election date in the header. (*Miss. Code Ann. § 23-15-545*)
7. The voter signs his/her name in the receipt book and casts a regular Election Day ballot. (*Miss. Code Ann. § 23-15-541*)
8. Affidavit Ballot. A voter must vote by an affidavit ballot if:
  - a) the voter's name is not in the pollbook,
  - b) the voter is unable to present acceptable photo ID,
  - c) the picture on the presented photo ID does not fairly depict the voter, or
  - d) the name on the presented photo ID is not substantially similar to the voter's name as it appears on the pollbook, (*See Affidavit Ballot Checklist on page 16*)
9. Voter Assistance. A voter who affirmatively states to the poll managers he/she needs assistance to mark his/her ballot because of
  - o blindness
  - o disability, or
  - o an inability to read or writemay be given assistance by a person of the voter's choice other than the voter's employer, an agent of the employer, or an officer or agent of the voter's union. The person providing assistance must not persuade or influence the voter. (*Miss. Code Ann. § 23-15-549*)
10. Voter Information. After signing the receipt book but before proceeding to the voting booth, a voter may be shown how to mark and properly cast the ballot with visual aids and verbal instructions by a poll manager.

11. Voter Instruction. If a voter asks for further instruction after he/she enters the voting booth, two (2) poll managers shall enter and give him/her further instructions. After giving such instruction, the poll managers assisting the voter must leave before the voter casts his/her vote. The voter must be able to cast his/her vote in secret. After casting his/her ballot, the voter leaves the polling place. (*Miss. Code Ann. §§ 23-15-551, 23-15-437*)
12. Ballot Cancellation (DRE only). If a voter leaves the voting booth without having pressed the appropriate button on the unit or location on the screen to cast his/her ballot and cannot be located to return to the booth to complete the voting process, a poll manager shall take the steps necessary to void the ballot and an appropriate record shall be made of the event. (*Miss. Code Ann. § 23-15-531.9*) **This code section is only applicable to DRE units.** Section 23-15-435, Miss. Code Ann., which states no voter may re-enter the voting compartment after leaving, is **not applicable to the DRE units.**

## B. VOTER'S RIGHTS

As qualified electors, all voters have the right to:

- Ask questions;
- Request assistance with marking his/her ballot, prior to voting but ONLY if the person has stated he/she is visually impaired, disabled, or unable to read or write (See Section E);
- Review a sample ballot **posted at the polling place prior to voting** and take information into the voting booth (i.e. a sample ballot);
- Mark a ballot in private, free from intimidation; (NOTE: **voter intimidation is a criminal offense** under *Miss. Code Ann. §§ 97-13-37, 97-13-39*);
- Cast a ballot if in line to vote at 7:00 p.m.;
- Choose NOT to cast a vote in any particular race, while completing the rest of the ballot;
- Have his/her ballot counted if it is cast legally;
- Vote by affidavit ballot if:
  - The voter's name does not appear on the pollbook and he/she is **in the correct polling place**,
  - The voter is unable to present acceptable photo ID,
  - The picture on the presented photo ID does not fairly depict the voter,
  - The name on the presented photo ID is not substantially similar to the voter's name as it appears on the pollbook, or
  - The voter is an unverified, mail-in registrant who is a first-time voter and who is flagged in the pollbook to "Show HAVA ID," , but is unable to do so. (*See Section D*).

Election Commissioners or Executive Committee members process affidavit ballots after the close of the polls to determine if ballot was legally cast.

- Receive written information on how to learn if the voter's affidavit ballot was counted and if not, why it was not counted. (*See Sample Instructions on page 19*); and
- Be treated with politeness and respect by all election workers.

## **C. VOTER PHOTO IDENTIFICATION REQUIREMENTS**

Beginning with the primary election on June 3, 2014, all voters must present an acceptable form of photo identification before casting his/ her ballot in person in the polls on an election day or in the Circuit Clerk's Office during absentee voting.

Acceptable Photo Identification means a current and valid:

- Driver's license;
- Photo ID card issued by any branch, department, agency, or entity of the State of Mississippi;
- United States passport,
- Employee photo identification card issued by any branch, department, agency, or entity of the United States government;
- License to carry a pistol or revolver, containing a photo of the voter;
- Tribal photo identification card;
- United States military photo identification card;
- Student photo identification card, issued by any accredited college, university or community or junior college in the State of Mississippi;
- Mississippi Voter Identification Card; and
- Any photo ID issued by any branch, department, agency, or entity of the United States government or any state government, such as a driver's license issued by a state other than Mississippi.

Current means the document has no expiration date or was issued no more than ten years prior to the date the ID is presented at the polling place.

Valid means the document does not appear to be a forgery or fake.

***Voters who cannot present Acceptable Photo ID at the precinct are entitled to vote by an affidavit ballot. No voter is ever denied the right to vote.***

Exemptions to the Photo ID Requirement:

1. A voter who casts an absentee ballot by mail, e-mail or fax is not required to provide or enclose a copy of an acceptable photo ID,
2. A voter who resides in a state-licensed care facility and who votes in person in a precinct located in that same state-licensed care facility is not required to present acceptable photo ID, and
3. A voter who has a religious objection to being photographed is not required to present acceptable photo ID.

- a) A voter with a religious objection may only vote by an affidavit ballot.
- b) An affidavit ballot cast by a voter with a religious objection cannot be rejected for this reason IF, within five (5) business days after an election day, the voter signs an Affidavit of Religious Objection in the Circuit Clerk's Office in the voter's county of residence.
- c) An affidavit ballot cast by a voter with a religious objection cannot be counted IF, within five (5) business days after an election day, the voter DOES NOT sign an Affidavit of Religious Objection in the Circuit Clerk's Office in the voter's county of residence.

## **PROCESSING VOTERS ON ELECTION DAY WITH PHOTO ID**

Every voter who is not exempt from the photo ID requirement and who appears to vote in person by absentee ballot in the Circuit Clerk's Office or in person in the polling place on any election day must present acceptable photo identification before he/she may cast his/her ballot.

In the polling place on Election Day, the poll manager(s) must verify:

1. The presented identification is an acceptable photo ID as defined above.
  - a) If the identification presented by the voter is NOT an acceptable photo ID, the voter is entitled to vote by an affidavit ballot.
  - b) The affidavit ballot of a voter who was unable to present acceptable photo ID cannot be rejected for this reason IF, within five (5) business days after election day, the voter presents acceptable photo ID, in person, in the Circuit Clerk's Office in the voter's county of residence.
2. The photograph on the presented identification fairly depicts the voter.
  - a) If the poll manager determines the photo on the presented ID does NOT fairly depict the voter, the poll manager must confer with the Bailiff.
  - b) If the Bailiff determines the photo on the presented ID fairly depicts the voter, the voter shall cast his/her ballot on the voting machine.
  - c) If the Bailiff determines the photo on the presented ID does NOT fairly depict the voter, the voter is entitled to vote by an affidavit ballot.
  - d) The affidavit ballot of a voter who presented photo ID which did not fairly depict the voter cannot be rejected for this reason IF, within five (5) business days after election day, the voter presents an acceptable photo ID which fairly depicts the voter in the Circuit Clerk's Office in the voter's county of residence.
3. The name on the presented photo identification is substantially similar to the voter's name as it appears on the pollbook.



- a) If the poll manager determines the name on the presented photo ID is NOT substantially similar to the voter's name as it appears on the pollbook, the poll manager must confer with the Bailiff.
- b) If the Bailiff determines the name on the presented photo ID is substantially similar to the voter's name as it appears on the pollbook, the voter shall cast his/her ballot on the voting machine.
- c) If the Bailiff determines the voter's name on the presented photo ID is NOT substantially similar, the voter is entitled to vote by an affidavit ballot.
- d) The affidavit ballot of a voter who presented photo ID with a name which was NOT substantially similar to the voter's name as it appeared on the pollbook cannot be rejected for this reason IF, within five (5) business days after election day, the voter presents acceptable photo ID with a name substantially similar to the voter's name as it appears in the pollbook in the Circuit Clerk's Office in the voter's county of residence.

A voter's name is ***substantially similar*** if one or more of the following are present:

- 1. The voter's name on the presented photo ID is slightly different from the voter's name as it appears on the pollbook.
- 2. The voter's name on the presented photo ID (or on the pollbook) is a customary variation or abbreviation of the formal name, such as Bill, Will or Billy for William, Rick, Rich or Dick for Richard, or Meg for Margaret.
- 3. The voter's name on the presented photo ID includes an initial or middle name which does not appear on the pollbook, or vice versa.
- 4. A first name, middle name, maiden name or initial of the voter appears in a different order on the presented photo ID than on the pollbook, or vice versa.
- 5. If the voter's middle or last name on the presented photo ID is different than his/her middle or last name on the pollbook because of marriage or divorce, the name is substantially similar if:
  - a) A part of the name, address OR date of birth on the presented photo ID matches a part of the voter's name, address OR date of birth on the pollbook, and
  - b) The photograph on the presented photo ID fairly depicts the voter.

***If the poll manager(s) verify the voter presented an acceptable photo ID which fairly depicts the voter and with a name which is substantially similar to the voter's name as it appears on the pollbook, then the voter casts his/her ballot on the voting machine.***

***If the poll manager(s) determine the voter did not present an acceptable photo ID, or the picture on the presented photo ID did not fairly depict the voter, or the name on the presented photo ID was not substantially similar to the voter's name as it appears on the pollbook, then the voter must cast an affidavit ballot. These affidavit voters have five (5) business days after Election Day to present an acceptable photo ID which fairly depicts the voter and with a name which is substantially similar to the voter's name as it appears on the pollbook.***

## **D. HAVA REQUIREMENTS FOR UNVERIFIED MAIL-IN REGISTRANTS WHO ARE FIRST-TIME VOTERS**

If a voter registered to vote by mail but did not provide a driver's license number or the last four (4) digits of his/her social security number, the voter may be required to present HAVA identification to cast a ballot on the voting machine. If a voter is required to present HAVA identification a "Y" will appear in the "Show HAVA ID" column in the pollbook.

For all practical purposes, Mississippi's Voter Photo Identification requirement will eliminate the need for a voter to present separate identification to satisfy the HAVA ID requirement.

HAVA Identification includes:

- A current and valid photo identification (e.g., driver's license);
- A current utility bill with the voter's name and address;
- A current bank statement with the voter's name and address;
- A current government check with the voter's name and address;
- A current paycheck with the voter's name and address; or
- Any other government document with the voter's name and address.

If a voter does not have a HAVA form of identification, the voter is entitled to cast an affidavit ballot. The voter is entitled to receive written information (*See Sample Instructions on page 19*) to determine whether the affidavit ballot was counted and if not, why (*Miss. Code Ann. § 97-15-573*).

## **E. VOTER ASSISTANCE**

Any voter, who ***affirmatively states*** to the poll manager(s) he/she is blind, disabled or unable to read or write, may receive assistance in marking his/her ballot in the voting booth from any person of the voter's own choosing (*Miss. Code Ann. § 23-15-549*). These are the only reasons.

### **1. How Does a Voter Get Assistance in the Voting Booth?**

To receive assistance, the voter must tell the poll manager he/she needs help marking his/her ballot and state one of the reasons listed above. The voter chooses who provides assistance to him/her.

### **2. Who Can Assist a Voter in the Voting Booth?**

The voter chooses who will assist him/her in marking the ballot. The voter's employer, a representative of the employer, or a representative of any union in which the voter is a member ***may not*** provide assistance to the voter. (*Miss. Code Ann. § 23-15-549*)

## **F. PAPER BALLOTS**

This section provides information about the different types of paper ballots poll managers will encounter at the precinct on Election Day. ***All paper ballots are initialed by the Initialing Manager (or Alternate Initialing Manager) using red ink.***

### **1. Regular Election Day Ballots (Precinct Scanner Counties Only)**

In counties using precinct scanners, all voters are issued a “Regular Election Day Ballot” after each voter is verified (voter’s name in the pollbook), has presented an acceptable form of photo ID having a picture which fairly depicts the voter and a name substantially similar to the voter’s name in the pollbook, and has signed the receipt book. These ballots are initialed by the Initialing Manager (or the Alternate Initialing Manager). Once initialed and issued, the voter complete his/her ballot using an approved marking device and places the voted ballot in the sealed ballot box.

## **2. Affidavit/Provisional Ballots**

Only voters whose names appear on the pollbook and who present acceptable photo ID may cast regular Election Day ballots. A voter

- whose name does not appear on the pollbook, or
- who does not present an acceptable photo ID, or
- who presents an acceptable photo ID but the picture does not fairly depict the voter, or
- who presents an acceptable photo ID but the name is not substantially similar to the voter’s name as it appears on the pollbook,

Must cast an affidavit ballot. Affidavit voters cast their votes on paper ballots. Each polling place is issued paper ballots for this purpose. (*Miss. Code Ann. § 23-15-573*)

The election officials, the Party Executive Committee for primary elections and the Election Commission for general and special elections, examine the records when canvassing the returns and allow affidavit (provisional) ballots to be counted or not counted, as each appears to be legal. (*Miss. Code Ann. § 97-13-35*)

HAVA requires local election officials to establish a free access system (such as a toll-free telephone number or an Internet website) so an affidavit voter may discover whether his/her vote was counted, and, if the vote was not counted, the reason why the vote was not counted.

In compliance with HAVA, affidavit voters must be provided with information about how to vote by affidavit ballot and the free access system.

The following pages contain two (2) ***Affidavit Ballot Checklists*** and a sample affidavit voter Information Sheet.

## **Poll Manager's Affidavit Checklist: Voter's Name not in the Pollbook**

- \_\_\_ 1. Voter appears at the polling place and his/her name is not on the pollbook,
- \_\_\_ 2. Determine if the voter should be voting at another polling place. This is done by referring to a master list of all voters, by contacting the Circuit /Municipal Clerk, Election Commission, or Executive Committee, or by asking the voter for his/her home address. ***Remember, a voter must vote in the polling place of his/her residence.***
- \_\_\_ 3. If the voter's home address places him/her in another polling place, tell the voter he/she must go to that polling place to cast his/her ballot. ***If a voter casts an affidavit ballot in the wrong polling place, the entire ballot will be rejected and will not be counted.***
- \_\_\_ 4. If you verify the voter is in the correct polling place yet his/her name is not in the pollbook, advise the voter he/she must vote by an affidavit ballot.
- \_\_\_ 5. The voter signs a separate sign-in sheet (receipt book). Remember, affidavit voters do not sign the same receipt book as other non-affidavit ballot voters. Instead, provide a separate sign-in sheet (receipt book) for this purpose, labeled "Affidavit Voters."
- \_\_\_ 6. The voter and poll manager complete the appropriate sections of both sides of the **white** affidavit ballot envelope as follows:
  - a) \_\_\_ The poll manager checks the type of election, the name of the county, the reason for using an affidavit ballot, and prints the name of the precinct and date.
  - b) \_\_\_ The voter provides as much of the requested identifying information as possible (i.e., date of birth, social security number, old and new residence and mailing addresses.).
  - c) \_\_\_ The voter checks the appropriate box under "Affidavit of Voter."
  - d) \_\_\_ The voter signs the envelope.
  - e) \_\_\_ The poll manager signs the envelope. ***Do Not Forget to Sign!***
- \_\_\_ 7. The poll manager provides a blank paper ballot to the voter.
- \_\_\_ 8. The voter is provided a suitable place where he/she can mark the ballot in secret.
- \_\_\_ 9. The voted ballot is folded by the voter and handed to the poll manager who places it in the affidavit ballot envelope and seals the envelope.
- \_\_\_ 10. The sealed affidavit ballot envelope is placed in the sealed ballot box.
- \_\_\_ 11. Provide all affidavit voters with written information about how to determine whether their affidavit ballots were counted and, if not counted, why.

## **Poll Manager's Affidavit Checklist: No Photo ID**

- \_\_\_ 1. Voter appears at the polling place and you locate the voter's name in the pollbook.
- \_\_\_ 2. Ask the voter to present an acceptable form of photo identification.  
*If the voter is unable to present an acceptable photo ID, advise the voter he/she must vote by an affidavit ballot.*
- \_\_\_ 3. If the voter presents an acceptable photo ID, verify the picture on the presented ID fairly depicts (i.e., looks like) the voter.
  - a) \_\_\_ If the poll manager determines the picture on the presented ID does not fairly depict the voter, the poll manager must confer with the Bailiff.
  - b) \_\_\_ If the Bailiff determines the picture on the presented ID does fairly depict the voter, the voter casts his/her ballot on the voting machine.
  - c) \_\_\_ If the Bailiff also determines the picture on the presented ID does not fairly depict the voter, advise the voter he/she must vote by an affidavit ballot.
- \_\_\_ 4. If the voter presents an acceptable photo ID, with a picture which fairly depicts the voter, verify the name on the presented ID is substantially similar to the voter's name on the pollbook.
  - a) \_\_\_ If the poll manager determines the name on the presented ID is not substantially similar to the voter's name on the pollbook, the poll manager must confer with the Bailiff.
  - b) \_\_\_ If the Bailiff determines the name on the presented ID is substantially similar to the voter's name on the pollbook, the voter casts his/her ballot on the voting machine.
  - c) \_\_\_ If the Bailiff also determines the name on the presented ID is not substantially similar to the voter's name on the pollbook, advise the voter he/she must vote by an affidavit ballot.
- \_\_\_ 5. The voter signs a separate sign-in sheet (receipt book). Remember, affidavit voters do not sign the same receipt book as other non-affidavit ballot voters. Instead, provide a separate sign-in sheet (receipt book) for this purpose, labeled "Affidavit Voters."
- \_\_\_ 6. The voter and poll manager complete the appropriate sections of both sides of the **yellow** affidavit ballot envelope as follows:
  - a) \_\_\_ The poll manager checks the type of election, the name of the county, the reason for using an affidavit ballot, and prints the name of the precinct and date.
  - b) \_\_\_ The voter provides as much of the requested identifying information as possible (i.e., date of birth, social security number, old and new residence and mailing addresses.).
  - c) \_\_\_ The voter checks the appropriate box under "Affidavit of Voter."
  - d) \_\_\_ The voter signs the envelope.
  - e) \_\_\_ The poll manager signs the envelope. ***Do Not Forget to Sign!***

- \_\_\_7. The poll manager provides a blank paper ballot to the voter.
- \_\_\_8. The voter is provided a suitable place where he/she can mark the ballot in secret.
- \_\_\_9. The voted ballot is folded by the voter and handed to the poll manager who places it in the affidavit ballot envelope and seals the envelope.
- \_\_\_10. The sealed affidavit ballot envelope is placed in the sealed ballot box.
- \_\_\_11. Provide all affidavit voters with written information about how to determine whether their affidavit ballots were counted and, if not counted, why.

## **Instructions for Voters who Cast Affidavit Ballots**

You have cast an affidavit ballot because:

- You are not registered to vote because you may have been illegally denied registration; or
- You are eligible to vote in this election; you are a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date, and:
- You have moved recently from an old street address, as provided on your affidavit ballot envelope, to a new address, also provided on your affidavit ballot envelope; or
- You have not moved recently, but your name is not on the pollbook; or
- You did not present photo ID; or
- You have a religious objection to being photographed; or
- You do not otherwise qualify under state or federal law to cast a regular Election Day ballot.

If you cast an affidavit ballot because you did not present photo ID, your affidavit ballot will be counted if you present acceptable photo ID in the Circuit Clerk's Office within the next five (5) business days. If you do not present acceptable photo ID in the Circuit Clerk's Office within the next five (5) business days, your affidavit ballot will not be counted.

If you cast an affidavit ballot because you did not present photo ID based upon a religious objection to being photographed, your affidavit ballot will be counted if you complete an 'Affidavit of Religious Objection' in the Circuit Clerk's Office within the next five (5) business days. If you do not complete an 'Affidavit of Religious Objection' in the Circuit Clerk's Office within the next five (5) business days, your affidavit ballot will not be counted.

Under federal and state law, you are entitled to discover the disposition of your affidavit ballot. Please contact your party executive committee (in primary elections), your election commission (in general and special elections) or your Circuit Clerk to determine whether your affidavit ballot was counted and, if not, then why. Please do not telephone the contact until ten (10) days from today.

### **CONTACT:**

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**(Circuit Clerk/Election Commissioners/Committee Member)**

### **TELEPHONE NUMBER:**

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### 3. Emergency Ballots (*DRE Only*)

Optical Scan ballots may be used as emergency ballots but only in the event of a malfunction in the DRE voting machines (or a power outage) that renders the machines inoperable and unavailable for voting. If this happens, contact Election Central immediately. In an emergency situation, voters are checked-in by the normal process. Rather than proceeding to the DRE voting machine after check-in, the voter is issued an Optical Scan ballot. The voted ballot is deposited in the sealed ballot box. **Optical Scan emergency ballots are never to be used as a convenience such as when the polls are busy.** (*Miss. Code Ann. § 23-15-531.12*)

These ballots must be initialed by the Initialing Manager (or Alternate Initialing Manager) in red ink. All emergency ballots are counted at Election Central. ***No emergency ballots are entered into the DRE voting machines at the precinct.***

### 4. Spoiled Ballots

A voter who mistakenly marks a paper ballot is entitled to receive up to three (3) total ballots. When a ballot is spoiled, write “Spoiled” across the face of the ballot and place it in a separate spoiled ballot envelope. ***Do not place a spoiled ballot in the ballot box.*** During precinct closing, count the total number of spoiled ballots in the spoiled ballot envelope and write the total number on the front of the envelope. The spoiled ballot envelope is then placed in the ballot box at the end of the day.

### 5. Curbside Ballots

A physically disabled voter who drives, or is driven, to the polling place but is unable to enter the polling place where actual voting is taking place may vote curbside on Election Day.

If the poll managers, in exercising their sound discretion, determine a physically disabled voter has arrived at the polling place in a motor vehicle to vote, two (2) or more managers take the pollbook, the receipt book, and a paper ballot to the motor vehicle. After determining the disabled person is a qualified voter as provided by law, the poll managers ask the voter to present his/her acceptable photo ID. After determining the photo ID presented is acceptable, contains a picture which fairly depicts the voter and a name which is substantially similar to the voter’s name on the pollbook, the poll managers allow the disabled voter to cast his/her ballot in secret. HAVA requires each voter be provided an opportunity to privately and independently cast his/her ballot.

If the disabled voter is provided a paper ballot, the initialing manager (or alternate initialing manager) initials the ballot as provided by law, and after marking the ballot, the voter either folds the ballot or places the same in a privacy sleeve. The initialing manager (or alternate initialing manager) verifies the initials on the marked ballot are genuine and, if the initials are genuine, the poll managers write “VOTED” by the voter’s name in the pollbook. The voter signs his/her name in receipt book for non-affidavit voters. The initialing manager (or alternate initialing manager) immediately returns to the polling place and deposits the voted ballot in the sealed ballot box. ***Remember, a curbside voter is not an affidavit voter. Do not place the marked ballot of a curbside voter in an affidavit ballot envelope.***



If, while a voter is voting by curbside, there are less than three (3) managers inside the polling place conducting the election, all voting inside the polling place stops until the poll managers conducting the curbside voting return to inside the polling place. At least three (3) poll managers must be present inside the polling place to conduct the election or party primary at all times, and until a minimum of three (3) managers are present, the remaining poll manager(s) ensure the security of the ballot box, the voting devices, any ballots and election materials. (*Miss. Code Ann. § 23-15-541*)

## **6. Challenged Ballots**

If a voter is challenged, the poll managers must immediately CONSIDER AND ACT upon the challenge. In making a decision upon a challenge, the poll managers consider the statements of the person making the challenge AND of the person challenged as well as consider official documentary evidence, if any. Refer to the following checklist for details on this procedure.

## **Poll Manager's Challenged Ballot Checklist**

### **CHALLENGES**

#### **Who can challenge a voter?**

- A candidate;
- A candidate's representative/official poll watcher;
- A political party's official poll watcher (not applicable for party primaries);
- Any qualified voter from that precinct; or
- Any poll manager in the polling place.

#### **What are the reasons for a challenge?**

- He/she is not a registered voter in the precinct;
- He/she is not the registered voter under whose name he/she has applied to vote;
- He/she has already voted in the election;
- He/she doesn't live in the precinct where he/she is registered;
- He/she has illegally registered to vote;
- He/she has taken his/her ballot from the polling place;
- He/she has cast an absentee ballot but is ineligible to do so; or
- He/she is otherwise disqualified by law.

*There are no other reasons for a challenge. (Miss. Code Ann. §§ 23-15-571, 23-15-643, 23-15-731)*

#### **The following procedures must be followed when a person's ballot is challenged:**

**ACTION I:** If the poll managers unanimously determine the challenge is FRIVOLOUS, DISREGARD the challenge and accept the offered vote as though it had not been challenged. Provide the voter with a Regular Election Day Ballot.

**ACTION II:** If the poll managers unanimously determine the challenge is VALID or WELL TAKEN, a paper ballot is issued to and marked by the voter. The ballot is immediately REJECTED in the following manner:

1. Write "Rejected" on the back of the ballot;
2. Write the name of the voter on the back of the ballot,
3. Place the ballot in a strong envelope marked for rejected ballots; and
4. When all rejected votes have been placed in the strong envelope marked for rejected ballots, the envelope is sealed and returned in the sealed ballot box.

**ACTION III:** If the poll managers cannot make a unanimous decision, a paper ballot is issued to and marked by the voter.

- \_\_\_1. Write "Challenged" on the back of the ballot;
- \_\_\_2. Place the ballot in a separate envelope marked for challenged ballots; and

\_\_\_\_3. When all the unchallenged votes have been counted, tallied and totaled at the close of the polls, the challenged votes are separately counted, tallied, and totaled, with a separate return made of the challenged ballots.

( *Miss. Code Ann. § 23-15-579*)

### **SECTION III - CLOSING THE POLLS**

This section will guide you through the processes that take place at the polling place after the polls close on Election Day. The following topics are included in this section:

- A. Closing the Polls Procedures/Checklist
- B. Absentee Ballot Procedures/Checklist
- C. Accounting for the Ballots
- D. Security of the Ballots, Ballot Chain of Custody
- E. Security of the Ballot Boxes
- F. Resolution Board (Precinct Scanner Only)

## A. CLOSING THE POLLS PROCEDURE/CHECKLIST

- \_\_\_1. Close your precinct at 7:00 p.m. Any voter in line at 7:00 p.m. is entitled to vote. The Bailiff stands at the end of the line at 7:00 p.m. and announces the poll is closed. Voters appearing after this time will not be allowed to enter the line or vote.
- \_\_\_2. Do not lock the door of the polling place; closing procedures are open to the public.
- \_\_\_3. Process the absentee ballots. (*See DRE Absentee Ballot Procedures on page 27 or Precinct Scanner Absentee Ballot Procedure on page 30*).
- \_\_\_4. Close down the voting system. Lock and seal all machines, ballot boxes and supply boxes.
- \_\_\_5. Use the Sample Ballot Accounting Report (*Appendix B*) to assist you in accounting for ballots. If there is a discrepancy, it must be reported in writing within twenty-four (24) hours to the officials in charge of the election.
- \_\_\_6. Report precinct vote totals:
  - A. DRE Elections:
    - a. Sign Total/Receipt tapes printed by DRE voting machines,
    - b. All OS ballots will be scanned at Election Central, incl. absentee ballots.
  - B. Precinct Scanner Elections:
    - a. Scan all ballots except for affidavit ballots, rejected and challenged ballots
    - b. Complete precinct certification unless otherwise directed by local election officials.
- \_\_\_7. Complete and sign all documents.
- \_\_\_8. Bundle all unopened affidavit ballots envelopes together and place in a separately marked strong envelope (or precinct officer's canvass envelope), writing the number of affidavit ballot envelopes on the face of the separate envelope.

***DO NOT PROCESS THE AFFIDAVIT BALLOTS. All affidavit ballots remain sealed in their envelopes and returned in the sealed ballot box to Election Central. It is the responsibility of the Election Commission (in general and special elections) or the Executive Committee (in primary elections) to verify each affidavit ballot envelope and count the ballot if legally cast.***
- \_\_\_9. Keep the following materials outside the ballot box; they will be returned by the Receiving and Returning Manager to the election officials at Election Central.
  - Ballot Accounting Form
  - Payroll
  - R/R Manager Receipt Form
- \_\_\_10. Absentee ballots, ballot accounting forms, unopened affidavit ballot envelopes, pollbooks and receipt books are returned by the Receiving/Returning Manager in accordance with the procedures provided by your local election officials.

- \_\_\_11. Clean up your work area. Remove materials and precinct signs from the walls of the polling place. Place absentee voters' list, precinct signs and sample ballots into the supply box. Remove all tape from these items and from the walls.
- \_\_\_12. Lock and seal all machines, ballot boxes, and supply boxes.
- \_\_\_13. Return ballot and supply box(es) and materials to Election Central as soon as the precinct closing procedures are completed.

## B. ABSENTEE BALLOT PROCEDURES/CHECKLIST

### DRE POLL MANAGERS' ABSENTEE BALLOT CHECKLIST

*In elections in which DRE voting machines are used, the decision to accept or reject absentee ballots is made by the poll managers at the polling place at the end of Election Day. Absentee ballot envelopes are marked as accepted or rejected by the poll managers. All the **unopened** absentee ballot envelopes are placed in the sealed ballot box and returned to Election Central for counting.*

- \_\_\_1. After the polls close, remove the envelopes containing the absentee ballots from the ballot box/bag. (*Miss. Code Ann. § 23-15-639(2)(a)*).
- \_\_\_2. Announce the name, address, and precinct as shown on each absentee ballot envelope. (*Miss. Code Ann. § 23-15-639(2)(a)*).
- \_\_\_3. Check for the clerk's seal and initials on the application.
  - If the seal or initials are not present, mark the envelope "REJECTED," write the reason for the rejection on the envelope and place in a "Rejected Absentee Ballot" envelope.
- \_\_\_4. Ensure the application is signed by the voter.
  - If the application is not signed by the voter, mark the envelope "REJECTED," write the reason for the rejection on the envelope and place in a "Rejected Absentee Ballot" envelope.
  - ***EXCEPTION: Military and overseas voters ("UOCAVA") may use the Federal Post Card Application to request an absentee ballot. This application may contain a copy of the voter's signature or only the typewritten name of the voter on the signature line (i.e., an electronic signature). A military or overseas absentee ballot must not be rejected for this reason.***
- \_\_\_5. Ensure the application is acknowledged or witnessed as required by statute.
  - a) For voters who vote by absentee ballot in the Circuit Clerk's Office, the clerk or deputy clerk will complete the acknowledgement on the application. The acknowledgement is located near the bottom of the application and begins with the words "SWORN TO AND SUBSCRIBED BEFORE ME."
  - b) For voters who are temporarily or permanently disabled, a witness signs the certificate at the bottom of the application. The witness certificate is located below the acknowledgement and begins with the words "I HEREBY CERTIFY." An acknowledgement does not need to be completed on the application of a voter who is voting by absentee ballot because of a temporary or permanent disability.
  - c) The Federal Post Card Application, used by military and overseas voters (UOCAVA) to request an absentee ballot, does not require an acknowledgement or a witness signature.

- d) Excluding military and overseas voters (no acknowledgement or witness signature required) and voters who are voting by absentee ballot because of a temporary or permanent disability (witness signature only required), all applications must be acknowledged by “one authorized to administer oaths,” such as the clerk or a notary.

- If the application is not acknowledged or signed by a witness (for absent voters who are temporarily or permanently disabled only), mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.

\_\_\_6. Ensure the ballot envelope is signed by the voter across the flap of the envelope.

- If the ballot envelope is not signed by the voter across the flap of the envelope, mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.
- ***EXCEPTION: The envelope of an absentee ballot returned by a military or overseas voter by e-mail or fax will not be signed by the voter. These ballots are received by the Circuit Clerk’s Office, placed in an envelope by the Circuit Clerk or deputy clerk and marked to indicate the ballot is that of a military or overseas voter. A military or overseas absentee ballot must not be rejected for this reason.***

\_\_\_7. Ensure the ballot envelope is acknowledged or witnessed as required by statute.

- a) For voters who vote by absentee ballot in the Circuit Clerk’s Office, the clerk or deputy clerk will complete the acknowledgement on the envelope.
- b) For voters who are temporarily or permanently disabled, a witness signs the certificate. An acknowledgement does not need to be completed on the envelope of a voter who is voting by absentee ballot because of a temporary or permanent disability.
- c) Military and overseas voters who return their absentee ballots by e-mail or fax to the Circuit Clerk’s Office are placed in an absentee ballot envelope by the Circuit Clerk or deputy clerk and marked to indicate the ballot is that of a military or overseas voter.
- d) Excluding military and overseas voters and voters who are voting by absentee ballot because of a temporary or permanent disability, all absentee ballot envelopes must be acknowledged by “one authorized to administer oaths,” such as the clerk or a notary.
  - If the envelope is not acknowledged or signed by a witness (for absent voters who are temporarily or permanently disabled only), mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.



- \_\_\_8. Compare the voter's signature on the application to the voter's signature across the flap of the ballot envelope.
- If the signatures are clearly not the same, mark the envelope "REJECTED," write the reason for the rejection on the envelope and place in a "Rejected Absentee Ballot" envelope.
- \_\_\_9. Check the pollbook to see if the absentee voter voted in person in the precinct on Election Day.
- If the absentee voter voted in person in the precinct and "VOTED" is written next to the voter's name in the pollbook, mark the envelope "REJECTED," write the reason for the rejection on the envelope and place in a "Rejected Absentee Ballot" envelope.
- \_\_\_10. Provide the poll watchers the opportunity to challenge every absentee ballot in the same manner and for the same reasons that any other voter may be challenged, and take action.
- \_\_\_11. If everything is in order, mark the UNOPENED absentee ballot envelope "ACCEPTED" and place in an "Accepted Absentee Ballot" envelope.
- \_\_\_12. Enter the voter's name in the receipt book and mark "VOTED" with an "AB" by the voter's name in the pollbook. (*Miss. Code Ann. § 23-15-639(2)(c)*).
- \_\_\_13. Place the "ACCEPTED" and "REJECTED" ballot envelopes in the ballot box/bag, seal and deliver to Election Central. (*Miss. Code Ann. § 23-15-639(2)(c)*).

## **PRECINCT SCANNER POLL MANAGERS' ABSENTEE BALLOT CHECKLIST**

- \_\_\_1. After the polls close, remove the envelopes containing the absentee ballots from the ballot box/bag. (*Miss. Code Ann. § 23-15-639(1)(a)*).
- \_\_\_2. Announce the name, address, and precinct as shown on each absentee ballot envelope. (*Miss. Code Ann. § 23-15-639(1)(a)*).
- \_\_\_3. Check for the clerk's seal and initials on the application.
  - If the seal or initials are not present, mark the envelope "REJECTED," write the reason for the rejection on the envelope and place in a "Rejected Absentee Ballot" envelope.
- \_\_\_4. Ensure the application is signed by the voter.
  - If the application is not signed by the voter, mark the envelope "REJECTED," write the reason for the rejection on the envelope and place in a "Rejected Absentee Ballot" envelope.
  - **EXCEPTION: *Military and overseas voters ("UOCAVA") may use the Federal Post Card Application to request an absentee ballot. This application may contain a copy of the voter's signature or only the typewritten name of the voter on the signature line (i.e., an electronic signature). A military or overseas absentee ballot must not be rejected for this reason.***
- \_\_\_5. Ensure the application is acknowledged or witnessed as required by statute.
  - a) For voters who vote by absentee ballot in the Circuit Clerk's Office, the clerk or deputy clerk will complete the acknowledgement on the application. The acknowledgement is located near the bottom of the application and begins with the words "SWORN TO AND SUBSCRIBED BEFORE ME."
  - b) For voters who are temporarily or permanently disabled, a witness signs the certificate at the bottom of the application. The witness certificate is located below the acknowledgement and begins with the words "I HEREBY CERTIFY." An acknowledgement does not need to be completed on the application of a voter who is voting by absentee ballot because of a temporary or permanent disability.
  - c) The Federal Post Card Application, used by military and overseas voters (UOCAVA) to request an absentee ballot, does not require an acknowledgement or a witness signature.
  - d) Excluding military and overseas voters (no acknowledgement or witness signature required) and voters who are voting by absentee ballot because of a temporary or permanent disability (witness signature only required), all applications must be acknowledged by "one authorized to administer oaths," such as the clerk or a notary.

- If the application is not acknowledged or signed by a witness (for absent voters who are temporarily or permanently disabled only), mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.

\_\_\_6. Ensure the ballot envelope is signed by the voter across the flap of the envelope.

- If the ballot envelope is not signed by the voter across the flap of the envelope, mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.
- **EXCEPTION:** *The envelope of an absentee ballot returned by a military or overseas voter by e-mail or fax will not be signed by the voter. These ballots are received by the Circuit Clerk’s Office, placed in an envelope by the Circuit Clerk or deputy clerk and marked to indicate the ballot is that of a military or overseas voter. A military or overseas absentee ballot must not be rejected for this reason.*

\_\_\_7. Ensure the ballot envelope is acknowledged or witnessed as required by statute.

- a) For voters who vote by absentee ballot in the Circuit Clerk’s Office, the clerk or deputy clerk will complete the acknowledgement on the envelope.
- b) For voters who are temporarily or permanently disabled, a witness signs the certificate. An acknowledgement does not need to be completed on the envelope of a voter who is voting by absentee ballot because of a temporary or permanent disability.
- c) Military and overseas voters who return their absentee ballots by e-mail or fax to the Circuit Clerk’s Office are placed in an absentee ballot envelope by the Circuit Clerk or deputy clerk and marked to indicate the ballot is that of a military or overseas voter.
- d) Excluding military and overseas voters and voters who are voting by absentee ballot because of a temporary or permanent disability, all absentee ballot envelopes must be acknowledged by “one authorized to administer oaths,” such as the clerk or a notary.
- If the envelope is not acknowledged or signed by a witness (for absent voters who are temporarily or permanently disabled only), mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.

\_\_\_8. Compare the voter’s signature on the application to the voter’s signature across the flap of the ballot envelope.

- If the signatures are **clearly** not the same, mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.

\_\_\_9. Check the pollbook to see if the absentee voter voted in person in the precinct on Election Day.

- If the absentee voter voted in person in the precinct and “VOTED” is written next to the voter’s name in the pollbook, mark the envelope “REJECTED,” write the reason for the rejection on the envelope and place in a “Rejected Absentee Ballot” envelope.

\_\_\_10. Provide the poll watchers the opportunity to challenge every absentee ballot in the same manner and for the same reasons that any other voter may be challenged, and take action.

\_\_\_11. If everything is in order, mark the UNOPENED absentee ballot envelope “ACCEPTED” and deposit in the ballot box with the other ballots before counting any ballots.

\_\_\_12. Enter the voter’s name in the receipt book and mark “VOTED” with an “AB” by the voter’s name in the pollbook. (*Miss. Code Ann. § 23-15-639(1)(c)*).

## C. ACCOUNTING FOR THE BALLOTS

Ballots are accounted for at the close of the polls. (*Miss. Code Ann. §§ 23-15-591, 23-15-519*)

All voted ballots, spoiled ballots, and unused ballots are placed in an envelope in the ballot box. The total number of all voted ballots, spoiled ballots, and unused ballots must equal the number of total ballots originally accepted by the Receiving and Returning Manager. ***Failure of the two numbers to correspond must be perfectly accounted for by a written statement of the poll managers made under oath and enclosed in the ballot box.*** The number of votes cast on the machine along with the paper ballots must correspond with the number of names signed in the receipt book. ***Failure of the two numbers to correspond must be perfectly accounted for by a written statement by the Managers made under oath and enclosed in the ballot box.***

If ballots are lost, the poll managers must report the loss to the officials in charge of the election, including all facts connected with the loss and the number of ballots lost. If warranted, the officials in charge of the election shall deliver the report to the grand jury. (*Miss. Code Ann. § 23-15-373*)

**Sample Ballot Accounting Report** (*See Appendix B*) **should be completed to account for all ballots cast at each polling place and may be modified, if necessary.** If there are multiple tables at the polling place, the county may develop and utilize a table report for each table to assist with the ballot accounting process.

## D. SECURITY OF THE BALLOTS, BALLOT CHAIN OF CUSTODY

Executive Committees (in Primary Elections) and Election Commissioners (in General and Special Elections), as the officials in charge of the election, have the affirmative duty to ensure all memory cards, reports, and ballots (both voted and blank) are carefully accounted and kept secure. Poll managers must be thoroughly trained in their responsibility to fully account for every ballot.

## E. SECURITY OF BALLOT BOXES/BAGS

Ballot boxes/bags are kept securely locked during the time the polls are open. Blank ballots are kept securely in the supply box. All voted ballots are placed in the sealed ballot boxes/bags during Election Day. Those boxes/bags cannot be opened until after the close of the polls. After the ballot boxes/bags are delivered to the courthouse or central counting center, the registrar keeps in place on the lock of each ballot box a consecutively numbered metal seal. The seal remains on the ballot box lock at all times except when the election officials are engaged in the public canvass and count of the election returns, or the ballot box is otherwise opened as provided by law. (*Miss. Code Ann. §§ 23-15-247, 23-15-595*)

While the receipt book(s)/sign-in sheet(s) containing the signed names of the voters who voted are kept in the sealed ballot box, the pollbook(s) need not be kept in the sealed ballot box.

When all the materials are placed in the ballot box, it is locked and sealed by the poll managers of the precinct. The Receiving and Returning Manager brings the ballot and supply box(es) to Election Central as soon as closing the election is completed.

## F. RESOLUTION BOARD

The officials in charge of the election appoint qualified voters to serve as judges on the Resolution Board. Members of the Resolution Board are required to attend poll manager training (*Miss. Code Ann. § 23-15-239*). All ballots that have been rejected by the OMR tabulating equipment and that are damaged or defective, blank, or overvoted will be reviewed by the Resolution Board.

If any ballot is damaged or defective so that it cannot be properly counted by the OMR tabulating equipment, the ballot is deposited in an envelope provided for that purpose marked “Resolution Board.” The officials in charge of the election have the judges on the Resolution Board manually count any damaged or defective ballots. The purpose of the Resolution Board is to manually review the damaged or defective ballot rejected by the OMR tabulating equipment to determine the intent of the voter. If the Resolution Board is able to determine the intent of the voter, it records the vote as intended by the voter by preparing a duplicate ballot, as described below.

Ballots rejected by the OMR tabulating equipment for appearing to be blank are examined by the Resolution Board to verify if they are blank or have been marked with a non-detectable marking device. If it is determined the ballot is marked with a non-detectable device and the intent of the voter is clear, the Resolution Board prepares a duplicate ballot by (1) making a copy of the original damaged or defective ballot, (2) marking the first original ballot as “Original #1” and the copy as “Duplicate #1”, preparing subsequent original and duplicate ballots the same with sequential numbering, (3) marking the duplicate ballot in accordance with the intent of the voter so as to replace the original ballot, and (4) processing the duplicate ballot through the OMR tabulating equipment.

All ballots rejected by the OMR tabulating equipment because the same contain overvotes are inspected by the Resolution Board. On those ballots upon which an overvote appears, and voter intent **cannot** be determined by inspection of the Resolution Board, the officials in charge of the election may use the OMR tabulating equipment in determining the vote in the races which are unaffected by the overvote. At the direction of the officials in charge of the election, all other ballots which are overvoted shall be counted manually following the provisions governing the counting of paper ballots.

If for any reasons it becomes impracticable to count all or part of the ballots with the OMR tabulating equipment, the officials in charge of the election may direct the ballots be counted manually, following, as far as practicable, the provisions governing the counting of paper ballots.

The returns printed by the OMR tabulating equipment, to which have been added the manually-tallied ballots, are duly certified by the officials in charge of the election and constitute the official returns of each voting precinct.

Unofficial and incomplete returns may be released during the count. Upon the completion of the counting, the official returns are open to the public. (*Miss. Code Ann. § 23-15-523*)

## **APPENDIX INDEX**

**APPENDIX A – POLL MANAGER’S TOP TEN DO’S AND DON’TS**

**APPENDIX B – FORMS**

-

**APPENDIX C – FREQUENTLY ASKED QUESTIONS**

**APPENDIX D – MISSISSIPPI STUDENT POLL WORKER PROGRAM**

**APPENDIX G – VOTER INFORMATION POSTER**

## **Appendix A: POLL MANAGERS' TOP TEN DO'S AND DON'TS**

1. DO treat all voters with politeness and respect.
2. DO make sure the election is conducted fairly and agreeably to law. (*Miss. Code Ann. § 23-15-233*)
3. DO provide ample protection against molestation of, and injury to, the DRE units. (*Miss. Code Ann. § 23-15-531.6(3)*)
4. DO allow all qualified voters who have not voted, and who desire to vote, to have unobstructed access to the poll for the purpose of voting. (*Miss. Code Ann. § 23-15-241*)
5. DO NOT allow any campaigning or handing out of campaign literature within 150 feet of any entrance to the polling place. (*Miss. Code Ann. § 23-15-895*)
6. DO provide written instructions to the voters who cast an affidavit provisional ballot on how to determine if their vote was counted and if not, why it was not counted. (*Miss. Code Ann. § 23-15-573*)
7. DO keep the peace and protect the voting place by preventing improper intrusion upon the voting place or interference with the election. (*Miss. Code Ann. § 23-15-541*).
8. DO allow any voter who says he is blind, disabled or unable to read or write to be provided assistance by anyone other than the voter's employer, or agent of the employer, or officer or agent of the voter's union. (*Miss. Code Ann. § 23-15-549*)
9. DO NOT attempt to guide, aid, direct or influence any voter in the exercise of his right to vote. (*Miss. Code Ann. § 23-15-237*)
10. DO keep a space thirty (30) feet in every direction from the polls or the room in which the election is being held, open and clear of all persons except election officers and official poll watchers. (*Miss. Code Ann. §§ 23-15-245, 23-15-577*)



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## **Appendix B: FORMS**

- DRE Ballot Accounting Report
- Precinct Scanner Ballot Accounting Report

## APPENDIX B: BALLOT ACCOUNTING REPORTS

# DRE Ballot Accounting Report

Precinct: \_\_\_\_\_

Election: \_\_\_\_\_

Date: \_\_\_\_\_

County: \_\_\_\_\_

- 1. Number of Paper Ballots received in the Ballot Box**
  - 2. Total number of unused and other ballots**
    - 2a. Number of Spoiled Ballots
    - 2b. Number of Unused Ballots
    - 2c. Total spoiled and unused ballots. (Add 2a. and 2b.)
  - 3. Total number of voted paper ballots**
    - 3a. Number of voted Affidavit Ballots
    - 3b. Number of voted Emergency and Curbside Ballots
    - 3c. Number of voted Challenged and Rejected Ballots
    - 3d. Total voted ballots (Add 3a., 3b. and 3c.)
  - 4. Total number of Paper Ballots (Add 2c. and 3d.)  
(Should equal Line 1)**
  - 5. Number of Absentee Ballots received**
  - 6. Total Absentee Ballots processed**
    - 6a. Number of Absentee Ballots processed
    - 6b. Number of Rejected Absentee Ballots
    - 6c. Number of Accepted Absentee Ballots (**Subtract 6b. from 6a.**)
  - 7. Total number of electronic ballots cast**
  - 8. Enter total voted paper ballots from 3d**
  - 9. Total number of ballots cast. (Add 6c., 7 and 8)**
  - 10. Number of names in Receipt Books**
    - 10a. Number of names written in Receipt Book. (***This should include all absentees***)
    - 10b. Number of names written in Affidavit Register
    - 10c. Total number of names in Receipt Books. (Add 10a. and 10b.) (Should equal Line 9)
- Discrepancies/lost/cancelled:  
Details \_\_\_\_\_  
\_\_\_\_\_

		1.
2a.		
2b.		
	2c.	
3a.		
3b.		
3c.		
	3d.	
		4.
	5.	
6a.		
6b.		
	6c.	
	7.	
	8.	
		9.
10a.		
10b.		
		10c.

Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Date returned: \_\_\_\_\_

# Precinct Scanner Ballot Accounting Report

Precinct: \_\_\_\_\_

Election: \_\_\_\_\_

Date: \_\_\_\_\_

County: \_\_\_\_\_

**1. Number of Paper Ballots received in the Ballot Box**

**2. Total number of unused and other ballots**

2a. Number of Spoiled Ballots

2b. Number of Unused Ballots

2c. Total spoiled and unused ballots. (Add 2a. and 2b.)

**3. Total number of voted paper ballots**

3a. Number of voted Election Day Ballots

3b. Number of voted Affidavit Ballots

3c. Number of voted Emergency and Curbside Ballots

3d. Number of voted Challenged and Rejected Ballots

3e. Total voted ballots (Add 3a., 3b., 3c., and 3d.)

**4. Total number of Paper Ballots (Add 2c. and 3d.)  
(Should equal Line 1)**

**5. Number of Absentee Ballots received**

**6. Total Absentee Ballots processed**

6a. Number of Absentee Ballots processed

6b. Number of Rejected Absentee Ballots

6c. Number of Accepted Absentee Ballots (**Subtract**  
**6b. from 6a.)**

**7. Enter total voted paper ballots from 3e**

**8. Total number of ballots cast. (Add 6c. and 7)**

**9. Number of names in Receipt Books**

9a. Number of names written in Receipt Book. *This  
should include all absentees*

9b. Number of names written in Affidavit Register

9c. Total number of names in Receipt Books. (Add 9a.  
and 9b.) (Should equal Line 8)

Discrepancies/lost/cancelled:

Details \_\_\_\_\_

\_\_\_\_\_

		1.
2a.		
2b.		
	2c.	
3a.		
3b.		
3c.		
3d.		
	3e.	
		4.
	5.	
6a.		
6b.		
	6c.	
	7.	
		8.
9a.		
9b.		
		9c.

Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Date returned: \_\_\_\_\_

## **Appendix C: FREQUENTLY ASKED QUESTIONS**

### **PHOTO IDENTIFICATION**

**What forms of photo ID are required on Election Day?** Any of the following photo IDs may be used:

1. A driver's license;
2. A government issued photo ID card;
3. A United States passport;
4. An employee identification card;
5. A firearms license;
6. A student photo ID issued by an accredited, Mississippi university, college or community/junior college;
7. A United States military ID;
8. A tribal photo ID;
9. Any other photo ID issued by any branch, department, agency or entity of the United States government or any State government; or
10. A Mississippi Voter Identification card.

**May a voter use an expired photo ID on Election Day?** Yes, as long as it is an acceptable form of photo ID as defined above and was not issued more than ten (10) years from the date it is presented in the polling place.

**Who is exempt from the photo ID requirements?**

- Voters who vote by absentee ballot by mail, fax or e-mail;
- Voter who live in a state licensed-care facility and vote in the same state licensed-care facility, and
- Voters with religious objections to being photographed.

***Remember, voters with religious objections to being photographed must vote by an affidavit ballot.*** These voters have five (5) business days after Election Day to complete and Affidavit of Religious Objection in the Circuit Clerk's Office in the county of the voter's residence.

**What happens if a voter does not have a photo ID on Election Day?** A voter who does not have photo ID may vote by an affidavit ballot at the polling place. The voter has five (5) business days after Election Day to show an acceptable form of photo ID, or apply for a Mississippi Voter ID card, in the Circuit Clerk's Office in the county of the voter's residence.

### **VOTER ASSISTANCE**

**Who can receive assistance in marking his/her ballot?** Any voter who says he/she is:

- Blind; or
- Disabled; or
- Unable to read or write.

**How does a voter request assistance?** The voter must:

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

**Who can assist a voter in marking his/her ballot?** The voter may have anyone help him/her mark his/her ballot, except:

- His/her employer or the employer's representative, or
- A representative of any union in which the voter is a member.

*A request for help should be honored unless it obviously appears to be untrue.*

**May a candidate help a voter mark his/her ballot?** Yes, a candidate may assist a voter mark his/her ballot in the voting booth if the voter has stated he/she is blind, disabled or unable to read or write and the voter has chosen the candidate to provide him/her assistance.

## **CURBSIDE VOTING**

**Who may vote curbside?** A physically disabled voter who has arrived at the polling place in a motor vehicle, but is unable to enter the structure where actual voting is taking place.

## **CHALLENGES**

**Who may challenge a voter?**

- A candidate;
- A candidate's official representative/poll watcher;
- A political party's official poll watcher (not applicable for party primary);
- Any qualified voter in the polling place; or
- Any poll manager in the polling place.

**What are the bases for a challenge?**

- He/she is not a registered voter in the precinct;
- He/she is not the registered voter under whose name he/she has applied to vote;
- He/she has already voted in the election;
- He/she doesn't live in the precinct where he/she is registered;
- He/she has illegally registered to vote;
- He/she has taken his/her ballot from the polling place;
- He/she has cast an absentee ballot but is ineligible to do so; or
- He/she is otherwise disqualified by law.

*There are no other reasons for a challenge. (Miss. Code Ann. §§ 23-15-571, 23-15-643, 23-15-731)*

## **150 FOOT RULE: CAMPAIGNING**

**How close to the polling place may campaign literature be distributed or posted?** No campaign literature or signs may be posted or distributed within one hundred and fifty (150) feet of any entrance to the polling place.

**What if a voter is wearing a campaign T-shirt?** The wearing of a T-shirt with a candidate's name and/or picture within one hundred fifty (150) feet of any entrance to a polling place is prohibited. Such T-shirts must be covered, turned inside-out or removed before a voter comes within one hundred fifty (150) feet of any entrance to a polling place. (*Miss. Code Ann. § 23-15-895*)

**Can a sample ballot be taken into the polling place?** Yes, it is permissible for an individual voter to bring a sample ballot into the polling place for the voter's own use as a reminder of the candidate(s) for whom he/she intends to vote. A voter, however, cannot use the sample ballot as campaign literature in attempting to influence other voters within the polling place.

**If private property is less than one hundred fifty (150) feet from the polling place may campaign literature be displayed?** Yes, the owner of the property may display campaign literature on his/her own property.

***NOTE: Polling places held on private property are leased to the county for the day of the election, wherein the one hundred fifty (150) feet rule applies.***

## **DISORDERLY CONDUCT**

**Is loitering allowed at the polling place?** No loitering is allowed within thirty (30) feet of any entrance to the polling place. The bailiff keeps the area clear and enforces this rule.

**What if a voter is intoxicated?** 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, if a qualified voter, to vote while in custody.

**Who handles disorderly conduct at polling places?** The Bailiff. (*Miss. Code Ann. § 23-25-241*)

## **POLL WATCHERS**

**May poll watchers or candidate representatives be present during the counting of ballots?** Yes, they must be afforded reasonable space to observe.

**Should poll watchers present credentials?** Yes, poll watchers must have written credentials from the party or candidate.

**May a candidate serve as a poll watcher?** Yes, but the candidate cannot have a poll watcher and representative present at the same time.

**How many poll watchers may a candidate have?** One (1) per precinct at any given time.

**Where do poll watchers sit?** Poll watchers must be provided a location from which they may see and hear the election process and challenge unqualified voters.

**May candidates or poll watchers greet voters?** No. (*Miss. Code Ann. § 23-25-595*)

## **DISPUTES**

**Who handles disputes in the primary election?** The disputes are directed to the local party executive committee or election officials charged with the conduct of the primary election.

**Who handles disputes in the general election?** The disputes during the general election are directed to the county Election Commission.

## **POLL MANAGERS**

**Do poll managers have to consist of different political parties?** Poll managers should not be of the same political party if suitable persons of different political parties can be found. (*Miss. Code Ann. § 23-15-231*)

## **BALLOT QUESTIONS**

**Can people carry printed ballots within thirty (30) feet of the polls?** Yes, but campaigning is not permitted within one hundred fifty (150) feet of any entrance to the polling place.

**Is crossover voting allowed?** No, if a voter votes Republican in the 1<sup>st</sup> primary, the voter must vote Republican in the 2<sup>nd</sup> primary. If the voter votes Democrat in the 1<sup>st</sup> primary, the voter must vote Democrat in the 2<sup>nd</sup> primary election.

**If a voter doesn't vote in all races on the ballot, does the ballot count?** Yes, under-voting is permissible.

**What is the Write-in Candidate space for on the ballot?** There shall be left on each ballot one (1) blank space under the title of each office to be voted for, and in the event of the death, resignation, withdrawal or removal of any candidate whose name shall have been printed on the official ballot, the name of the candidate duly substituted in the place of such candidate may be written in such blank space by the voter.

## **POLLBOOK QUESTIONS**

**May a person whose name does not appear on the pollbook be allowed to cast a regular ballot?** No, a voter whose name does not appear in the pollbook only may vote by affidavit (provisional) ballot.

**May a voter who moved within the same county and didn't change registration information vote at the old precinct?** No, a voter must go to his/her new precinct and vote by affidavit (provisional) ballot. If a voter casts an affidavit (provisional) ballot in a precinct which is not the proper precinct for the voter's residence address, the ballot must be rejected and not counted.



**If a voter voted affidavit in the wrong precinct or county, may he/she go vote in the right precinct afterwards?** No, a voter may only cast one vote in an election.

**Where do I call to find out what precinct I vote in?** The Circuit Clerk's Office.

### **VOTING QUESTIONS**

**How long may a person stay in the voting booth?** The voter may remain in a voting booth no longer than ten (10) minutes if no other voters are waiting; or no longer than five (5) minutes if other voters are waiting.

**May I vote in a runoff election, if I didn't vote in the first election?** Yes, if you were properly registered to vote at least thirty (30) days before the first election.

### **CLOSING OF POLL**

**If there is a long line at 7:00 p.m., is the voter last in line allowed to vote?** Yes, the last voter in line at 7:00 p.m. is allowed to vote. The Bailiff stands at the end of the line at 7:00 p.m.

## **Appendix D: MS Student Poll Worker Program**

In 2002, the Mississippi Legislature amended *Section 23-15-240, Miss. Code Ann.*, allowing junior and senior high school students to act as poll worker interns. This law allows teenagers to become more acquainted with their community and the officials serving them.

### **§ 23-15-240. Appointment of student interns to serve during elections.**

The officials in charge of the election in a county or municipality may, in their discretion, appoint not more than two (2) students for each precinct to serve as student interns during elections. To be appointed, a student must:

- a) Be recommended by a principal other school official, or the person responsible for the student's legitimate home instruction program;
- b) Be at least sixteen (16) years of age at the time of the election for which the appointment is made;
- c) Be a resident of the county or municipality for which the appointment is made;
- d) Be enrolled in a public high school, an accredited private high school or a legitimate home instruction program and be classified as a junior or senior or its equivalent; or be enrolled in a junior/senior college or a college or university; and
- e) Meet any additional qualifications considered necessary by the officials in charge of the election in the county or municipality.

The duties of the student interns appointed pursuant to this section shall be determined by the officials in charge of the election in the county or municipality; however, such duties shall not include:

- a) Determining the qualifications of a voter in case a voter is challenged;
- b) The discharge of any duties related to affidavit ballots;
- c) The operation and maintenance of any voting equipment;
- d) Any duties normally assigned to a bailiff; or
- e) The tallying of votes.

Student interns shall at all times be under the supervision of the managers and clerks of the election while performing their duties at precincts.

Before performing any duties, student interns shall attend all required training for managers and clerks of the county or municipality and any additional training considered necessary by the officials in charge of the election in the county or municipality.

# APPENDIX G: Voters' Rights Poster/Information Poster

## STATE OF MISSISSIPPI VOTER INFORMATION

(Post a sample ballot in your precinct near the Voter Information Poster.)

### FOR UNVERIFIED VOTERS

If you registered to vote by mail after January 1, 2003 did not submit a copy of the required identification with the application, and are voting in an election for the first time.

*YOU MAY BE REQUIRED TO SUBMIT ONE OF THE FOLLOWING FORMS OF IDENTIFICATION:*

- Valid photo identification (e.g., driver's license);
- Current utility bill with your name and address;
- Current bank statement with your name and address;
- Current government check with your name and address;
- Current paycheck or stub with your name and address; or
- Other government document with your name and address.

If you do not present a required form of identification, you may cast an affidavit ballot.

### VOTER'S RIGHTS: FEDERAL AND STATE

#### LAWS

- Any Mississippi resident who is a qualified elector is entitled to vote in this election regardless of race or physical ability with no literacy tests employed.
- No one may refuse a person to vote who is entitled to cast a ballot.
- No voter shall be threatened, intimidated, or bribed for voting by any person. (Miss. Code Ann. §§ 97-13-37,39)
- Voters whose names do not appear on the poll list or who do not have proper

identification may vote by affidavit ballot.

- Voters who cast an affidavit ballot are entitled to written information at the time of voting on how to determine if the vote was counted and, if not, why.
- Voters who require assistance due to blindness, disability or inability to read may receive assistance from a person of the voter's choice. (Miss. Code Ann. § 23-15-549)
- Voters are entitled to skip races listed on the ballot if they choose not to vote in the contest.
- Voters can submit a formal complaint regarding alleged violations that have occurred, are occurring, or are about to occur through the Secretary of State's Administrative Complaint Procedure. Alleged violations include, but are not limited to , inoperable voting systems, inaccessibility for those persons with disabilities, and false voter registration.
- Voters in line by 7 P.M. will be allowed to cast a ballot.

#### VOTING PROCESS

- When requesting a ballot the voter states his/her name.
- The election official will mark the voter's name on the list to give them credit for voting, and ask that the voter sign the receipt book. (Miss Code Ann. §§ 23-15-575)
- The election official will then direct the voter to a voting booth where he/she may cast his/her ballot in secrecy. (Miss. Code Ann. §97-13-11)
- The voter is given a maximum of ten minutes in the voting booth if there is no line and no longer than five minutes if other voters are waiting. (Miss. Code Ann. § 23-15-435)

- Voters may not re-enter voting booth after casting ballot. (Miss Code Ann. § 23-15-435)
- Voters who are not permitted to vote may cast an affidavit ballot at that polling place as provided by law. (Miss Code Ann. § 23-15-573)

#### CASTING AN AFFIDAVIT (PROVISIONAL) BALLOT

- A person claiming to be properly registered in the county and precinct, but whose eligibility to vote at that location cannot be determined, shall be allowed to cast an affidavit ballot as provided by law. (Miss. Code Ann. § 23-15-573)
- Election officers in the polling place shall warn the voter who wishes to cast an affidavit ballot that some or all of their votes may not count if he/she votes at the wrong polling place.
- The voter will then be given a ballot and allowed to vote in secrecy. (Miss. Code Ann. § 97-13-11)
- The completed ballot shall be placed in an affidavit ballot envelope and sealed. The reason for the challenge shall be specified on the envelope and the voter shall sign the envelope.
- An information sheet will be given to the voter on how to determine whether or not his/her ballot was counted, and if not counted, then the reason for elimination.

#### PROHIBITIONS: FRAUD & MISREPRESENTATION

- No person shall attempt to vote more than once in any election. (Miss. Code Ann. § 97-13-35)

- No person shall attempt to vote in the name of another person. (Miss. Code Ann. § 97-13-25)
- No person shall change or alter another person's ballot. (Miss. Code Ann. § 97-13-9)
- No person shall make or accept a bribe for voting for or against a candidate or measure. (Miss. Code Ann. §§ 97-13-1,3)
- No person shall distribute any type of literature within 150 feet of the entrance to the polling place. This includes wearing items that display candidate information. (Miss. Code Ann. § 23-15-895)

#### CONTACT INFORMATION

- County Circuit Clerk's Office- please ask election workers
- County Election Commission- please ask election worker
- Local District Attorney- please consult local phone book
- Attorney General's Office- (601) 359-3167
- U.S. Justice Department- (800) 253-3931
- Disability Rights Mississippi – (800) 772-4057 (For Disabled Assistance and Information)
- Secretary of State's Office- (800) 829-6786.

Distributed by the Mississippi Secretary of State's Office for display in all polling places during all elections.

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