

**DUTIES OF ELECTION  
COMMISSIONERS**  
2015 ECAM Orientation

*Presented by:*  
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*Senior Attorney, Elections Division*  
*Mississippi Secretary of State's Office*



**DELBERT HOSEMANN**  
*Secretary of State*

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**Once Elected . . .**

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

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



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**Duties of Chairperson**

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



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**Duties of Chairperson (Cont.)**

- Makes certain quorum is present for official business to be conducted.
- Makes certain the commission meets on days specified by State Law.
- Orders pollbooks from circuit clerk.
- Works with commissioners in preparing annual budget.



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**Duties of Secretary**

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



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**Duties of Secretary (Cont.)**

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



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**Compensation of Election Commissioners**

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

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



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**Compensation of Election Commissioners:  
Election Day**

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

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



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**Voter Roll Maintenance**

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

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



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**Revision of Registration Books and Pollbooks**

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

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



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**Revision of Registration Books and Pollbooks**

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

References: Miss. Code Ann. § § 23-15-19; 23-15-125; 23-15-151



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**Automatic Review:  
Denial of Voter Registration**

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

Reference: Miss. Code Ann. § 23-15-43



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### **Notice of Registration Denial**

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

Reference: Miss. Code Ann. § 23-15-45



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### **Appeal By Person Denied Registration**

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

Reference: Miss. Code Ann. § 23-15-61



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### **Determination of Appeals**

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

Reference: Miss. Code Ann. § 23-15-65



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### Bill of Exceptions

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

Reference: Miss. Code Ann. § 23-15-71



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### Duty of Commission Upon Appeal

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

Reference: Miss. Code Ann. § 23-15-73



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

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

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



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

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

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



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### **Alteration of Boundaries**

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

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



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### **Conducting Elections**

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

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



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### Conducting Elections (Cont.)

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

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



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### Written Agreements

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



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### Determining Candidate Qualifications

- The Election Commission in general and special elections shall determine whether each candidate:
  - o Is a qualified elector of the state, state district, county or county district they seek to serve;
  - o 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;
  - o Has not been convicted of any felony in a court of this state; or has not been convicted on or after 12/8/1992 of any offense in another state which is a felony under the laws of this state; or has not been convicted in a federal court on or after 12/8/92.

Note: The Secretary of State's Office has a detailed "Elections Qualifying Guide" on our website at [www.sos.ms.gov](http://www.sos.ms.gov).

Reference: Miss. Code Ann. § 23-15-359(8)



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**Testing of Tabulating Equipment**

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

References: Miss. Code Ann. § 23-15-461, 23-15-521



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**Appointing Poll Managers**

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

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



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**Appointing Additional Poll Managers**

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

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



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### **Poll Manager Training Materials**

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



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### **Pre-Election Day Duties**

- Commissioners obtain a sufficient number of secured ballot boxes and distribute them before the opening of the polls.
  - Commissioners appoint one manager to receive and distribute official ballots at the precinct and return all used and unused ballots and other materials to the Circuit Clerk's office after the election has been held.
  - Record to be kept of the number of official ballots printed and furnished to each precinct, and all ballots shall be accounted for.
  - Commissioners furnish stationery and blank forms for making returns of the election for all precincts.
- Reference: Miss. Code Ann. § § 23-15-247; 23-15-251; 23-15-253



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### **Pre-Election Day Duties (Cont.)**

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

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



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**Affidavit Ballots**

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

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



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**Canvass of Returns**

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

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



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

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

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



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