Municipal Poll Manager Training

2014 Municipal Elections Certification Training

Presented By:

The Mississippi Secretary of State's Office

Elections Division

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Types Of Poll Managers

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

Compensation of Poll Managers

- Poll Managers are paid $75 for an election.
- Municipality's governing authorities can approve a supplement of $25.00 per day; for a maximum of $100.00 for each election.
- A manager who is designated to be the Receiving and Returning Manager is entitled to an additional $10 for carrying the boxes to the polling place and another $10 for returning the box(es) after the election.

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

Qualifications of Poll Managers

- Poll Managers must be registered voters of the municipality in which they are to serve.

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

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

Municipal Executive Committee

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

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

Municipal Executive Committee (Cont.)

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

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

Who Appoints Poll Managers

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

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

Poll Manager Party Affiliation

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

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

Training Poll Managers

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

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

Emergency Appointments

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

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

Poll Watchers Or Candidate Representatives

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

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

Poll Watchers Or Candidate Representatives

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

Voter Verification

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

- Your poll books should indicate these voters clearly.

Curbside Voting

- A physically disabled voter who does not vote by absentee ballot, or who drives, or is driven to the polling place, but is unable to enter the structure where the actual voting is taking place may be provided necessary assistance in voting.

- If the Poll Managers, in exercising sound discretion, determine that the voter is actually at the polling place, they will take the poll book and receipt book outside for the voter to cast his / her ballot.

Reference: §23-15-541

Voter Assistance

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

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

How Does A Voter Get Assistance?

The voter must:

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

Who Can Not Assist A Voter In The Voting Booth?

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

Instruction of Voters

- In case any voter, after entering the voting machine, shall ask for further instruction concerning the manner of voting, two (2) election officers may, if necessary, enter the booth and give him such instructions.

- No manager or person assisting a voter shall, in any manner request, suggest, or seek to persuade or induce any voter to vote any particular ticket, issue or candidate.

- After giving instructions and before the voter cast his vote, the officers or person assisting him shall leave, and the voter shall then register his vote in secret as he may desire.

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

Voting Rules

- A voter may not occupy a voting booth already occupied by another voter.

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

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

Who Can Challenge A Ballot?

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

What Are The Bases For A Challenge?

A vote can be challenged if the voter:

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

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

A vote can be challenged if the voter:

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

There are no other reasons for a challenge.

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

Disenfranchising Crimes

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

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

Process for Handling Challenges

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

  The voter votes a regular ballot.

- Poll workers unanimously consider the challenge well-taken:

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

- Poll workers divided on whether the challenge is valid:

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

Challenged Ballots

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

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

Polling Place Signs

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

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

POLL WATCHER PROHIBITIONS

Poll Watchers shall not:

- Campaign within 150 feet of any entrance where the election is being held
- Move about the polling places greeting voters
- Influence or harass voters
- Interrupt the election process

Prohibitions at the Polls

LOITERING

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

DISTURBANCES

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

Prohibitions at the Polls (Cont.)

NO LIQUOR / ALCOHOL

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

Prohibitions at the Polls (Cont.)

GENERAL PROHIBITIONS

- Posting or distributing cards, posters, or other campaign literature within one hundred and fifty (150) feet of any entrance to a building in which an election is being conducted is strictly prohibited.

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

Prohibitions at the Polls (Cont.)

- "It shall be unlawful for any candidate or a representative named by him in writing to appear at any polling place while armed or uniformed, nor shall he display any badge or credentials except as may be issued by the manager of the polling place." Miss. Code Ann. § 23-15-895.

- In an Opinion issued in 1994, the Attorney General clarified that the statute refers only to candidates or poll watchers appointed by candidates. There is no statutory authority for denying an armed or uniformed law enforcement officer entry to a polling place for the sole purpose of casting a vote. A.G. Opinion No. 94-0424 (July 28, 1994)

Prohibitions at the Polls (Cont.)

USE OF SAMPLE BALLOTS

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

Prohibitions at the Polls (Cont.)

PRIVATE PROPERTY

- If a polling place is within 150 feet of private property, the owner of the property may display campaign literature.

- Polling places that are held on private property are leased to the city for the day of the election, wherein the 150 feet rule applies.

Security And Accounting Of Ballots

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

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

Student Poll Worker Program

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

Contact Information

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