

Voter Roll Maintenance

Presented By:
Hawley Robertson
Senior Attorney, Elections Division
The Mississippi Secretary of State's
Office



DELBERT HOSEMANN
Secretary of State

Duties of Election Commissioners Concerning Voter Roll Maintenance

- The entire election commission is responsible for the maintenance of the entire voter roll of the county.
- Commissioners act as a group, through their minutes, which should be filed with the Circuit Clerk of the County.
- Individual commissioners may act alone only to fulfill ministerial tasks associated with voter roll maintenance.



DELBERT HOSEMANN
Secretary of State

Duties of Election Commissioners Concerning Voter Roll Maintenance (Cont.)

Section 23-15-153, Miss. Code Ann.

Election Commissioners are required to meet:

- The 1st Tues. after the 2nd Mon. in January every year;
- The 1st Tues. in the month immediately preceding the first primary election for congressmen in years when congressmen are elected;
- The 1st Mon. in the month immediately preceding the first primary election for state, state district, legislative, county and county district offices in the years such officers are elected;
- The 2nd Mon. of September in years in which there is not a regularly scheduled general election in November.



DELBERT HOSEMANN
Secretary of State

Duties of Election Commissioners Concerning Voter Roll Maintenance (Cont.)

- Election Commissioners may meet more often than the schedule proscribed in § 23-15-153, Miss. Code Ann.
- Individual commissioners may perform the preliminary task of identifying individuals who may be removed from the voter roll; however, the removal of a voter from the voter roll constitutes official business which must be agreed upon by a quorum.
- No individual commissioner may act upon his or her own initiative to effect a change in the voting status of any voter.



DELBERT HOSEMANN
Secretary of State

Duties of Election Commissioners Concerning Voter Roll Maintenance (Cont.): Individual Duties

- Between official meetings, individual commissioners should engage in ministerial tasks to complete the actions directed at the previous meeting, such as changing the status of voters or sending confirmation cards.
- Individual commissioners should research, review, and examine all legitimate sources of information in preparation for the next meeting.
- At the next meeting, individual commissioners should present to the full commission a list of voters for consideration, together with the reason and supporting documentation.



Duties of Circuit Clerk Concerning Voter Roll Maintenance

- The Circuit Clerk, as Registrar of voters in his/her county, enters the names of voters onto the voter roll upon registration.
- The Circuit Clerk is required to attend the election commissioner meetings and to furnish the registration books and pollbooks to the commissioners to fulfill their responsibilities.
- The Circuit Clerk is required to provide to election commissioners all necessary passwords and access rights to SEMS.



Voter Registration Status

PENDING: Applicants are held in a pending status for a period of 14 days following registration and may be held for a period of 25 days following submission of an incomplete application. The name of an applicant in pending status will not appear in the pollbook.

ACTIVE: A voter in active status may always vote a regular ballot in every election. A name of a voter in active status will appear in the pollbook.



DELBERT HOSEMANN
Secretary of State

Voter Registration Status

INACTIVE: A voter in inactive status may vote only by affidavit ballot, and that ballot should be counted if the voter affirms that he/she remains living at the same address or at an address in the same precinct. The name of a voter in inactive status will not appear in the pollbook.

PURGED: A voter in purged status may vote by affidavit ballot but that ballot should not be counted. The name of a purged voter will not appear in the pollbook.



Questions

- May a voter in inactive status be restored to active status?
- May a voter in inactive status be removed (purged) from the voter roll?
- May a voter in purged status be restored to active status?
- May a voter in active status be removed (purged) from the voter roll?



What is Voter Roll Maintenance?



DELBERT HOSEMANN
Secretary of State

Voter Roll Maintenance

- The process of amending inaccurate records, adding names of voters who are eligible to vote and have properly registered to vote, and purging ineligible individuals from the voter roll.



Amending Inaccurate Records

- Changing voter's name
 - After marriage
 - Legally changed name
- Updating new address information
 - Voter has moved within the county
- Assigning new polling location
 - After redistricting
- Any other reasons?



Adding Names to Voter Roll

- Election commissioners should **ONLY** add a name to the voter roll if the election commission finds that a voter is eligible to vote, has properly registered, and was illegally denied registration.
 - The election commission hears and resolves disputes concerning the denial of voter registration by the Circuit Clerk.
- Otherwise, this duty is primarily vested in the Circuit Clerk/Registrar.



DELBERT HOSEMANN
Secretary of State

What is Purging?



DELBERT HOSEMANN
Secretary of State

Purging

- Purging is the removal of a voter's name from the voter rolls.
- Election commissioners have the duty and responsibility of removing names of voters who have died, moved away, requested removal, or become disqualified as electors for any cause.



DELBERT HOSEMANN
Secretary of State

Why is Purging Important?

Election Commissioners purge, revise, and maintain voter rolls to:

- Keep voters in the registration books and pollbooks of the precinct in which they are legally qualified to vote;
- Prevent illegal voting;
- Provide an accurate list of registered voters for jury selection;
- Assure registration and pollbooks never show more voters registered in a given county than are possible;
- Purging the voter registration books is required by State and Federal law.



Sources of Information to Purge

- The Election Commission uses all valid sources of information to assist in conducting voter roll maintenance.



Examples of Sources

- Roll of person convicted of certain crimes;
- Print media (ex, Newspaper, Telephone Book, etc.);
- List of deceased from Department of Health and Vital Statistics;
- Notice of registration from another county or state;
- Returned jury summons;



Examples of Sources(Cont.)

- Information from poll manager(s);
- Personal knowledge;
- Family member of person in question;
- Court order declaring voter incompetent ;
- List of disenfranchising convictions;
- Statewide Elections Management System (SEMS);
- Confirmation Card;
- Others?



National Voter Registration Act (NVRA)

Purging based upon the change in residence of the voter must be done in accordance with NVRA, which normally means sending the voter a confirmation card securing a signed statement from the voter stating the voter has moved out of the county.

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

42 U.S.C. § 1973gg



DELBERT HOSEMANN
Secretary of State

Purging Under NVRA Guidelines

- Indicators of possible change in a voter's status:
 - Voter registration card returned;
 - Any official returned mail (change in precinct location, etc.);
 - Returned jury summons;
 - National Change of Address (NCOA).



Reasons for Purging a Voter

- Written request of the Voter;
- Conviction of a Disenfranchising Crime;
- Adjudication of Incompetence;
- Death;
- Removal from the Voting Jurisdiction.



Questions

- May a voter be purged from the voter roll based solely upon inactivity?
- If a voter registered to vote in 1986, but hasn't voted since 1990, may that voter be purged? Placed on inactive status?
- If your neighbor moves to California may he/she be purged based upon your personal knowledge?



Voter Initiated Request

- If a voter unequivocally requests by a signed writing to be removed from the voter roll, this voter should be removed from the voter roll.
- Request must be in writing AND signed by the voter.
- The NVRA places no restriction upon when a voter may be purged from the voter roll based upon a voter initiated request.



Disenfranchising Crimes

Arson

Armed Robbery

Bigamy

Bribery

Felony Bad Check

Embezzlement

Extortion

Felony Shoplifting

Forgery

Larceny

Statutory Rape

Murder

Perjury

Timber Larceny

Rape

Robbery

Unlawful Taking of a Motor Vehicle

Theft

Receiving Stolen Property

Carjacking

Obtaining Money or Goods Under

Larceny Under Lease

False Pretense



AG Opinion, Heggie, 7/9/2009

DELBERT HOSEMANN

Secretary of State

Conviction of a Disenfranchising Crime

- If a voter is convicted of a disenfranchising crime, he or she must be purged from the voter roll.
- A voter is disenfranchised only for a Mississippi state court conviction.
- The Circuit Clerk maintains a roll of individuals convicted of disenfranchising crimes in his or her county.
- AOC imports quarterly into SEMS.



DELBERT HOSEMANN
Secretary of State

Adjudication of Incompetence

- If a Chancery Court enters an Order which adjudicates an individual as incompetent, that individual may be removed from the voter roll.
- An examination of the Chancery Court docket may reveal legal actions filed to determine, and which do determine by Court Order, incompetence.
- The NVRA places no restriction upon when a voter may be purged from the voter roll based on a Court's declaration (or adjudication) of incompetence.



Questions

- Your neighbor has been recently diagnosed with Alzheimer's Disease. May she be purged from the voter roll based upon your personal knowledge of her diminishing competence?
- An 18-year-old high school student in special education registers to vote at school. Her mother calls the election commission asking that her daughter be removed from the voter roll because she is incompetent. May the daughter be purged from the voter roll?



Death

- If reliable information establishes the death of a voter, that voter may be purged from the voter roll.
- Several reliable sources of information are available, such as death certificates imported monthly into SEMS from the MS Dept. of Health and Vital Statistics, obituaries from newspapers, and Chancery Court estate records.
- The NVRA places no restriction upon when a voter may be purged from the voter roll based upon a voter's death.



Moving from the County or State

- A voter may be purged from the voter roll based upon a change in residence in only two ways: (1) written confirmation by the voter of a change in residence, or (2) the confirmation card process.



DELBERT HOSEMANN
Secretary of State

Written Confirmation

- If a voter confirms in writing that he or she has moved to a residence outside of the county, he or she may be purged immediately from the voter roll.
- A copy of a voter's registration application in another county or state constitutes written confirmation of a voter's change in residence.
- The NVRA places no restriction upon when a voter may be purged from the voter roll based upon written confirmation of a voter's change of residence.



Questions

- Mrs. Smith writes a letter to the Circuit Clerk telling that her son has moved from Biloxi to Tunica to work at a new casino. May the son be purged from the Harrison County voter roll?
- Robert Johnson, III, the Tobacco Man's son, writes a letter to the circuit clerk stating he never would have registered to vote had he knew what all it entailed and that he never would have gotten married either. He requests that he be removed from the voter roll and his marriage no longer be recognized. It is signed in gold ink and sealed with a "bloody" thumb print. May he be purged?



DELBERT HOSEMANN
Secretary of State

Making Voter Inactive

- Send Confirmation Card if:
 - Triggering event noting that voter MAY have changed address.
 - Voter registration card is returned.
- Confirmation card is sent to OLD address, but voter may be contacted at NEW address or phone number.



Triggering Event

- Import of National Change of Address (NCOA) files to SEMS from US Post Office;
- Notification from another state of voter registration;
- Returned Jury Summons or other official mail;
- Filing of a deed in the lands records of the office of the Chancery Clerk;
- Change in homestead exemption.



Confirmation Card Process

- In the absence of a written confirmation of a change of residence from the voter, the confirmation card process provides the only means by which to purge a voter from the voter roll based upon a change of residence to a new address outside of the county or the state.



DELBERT HOSEMANN
Secretary of State

Confirmation Card

- A confirmation card is a postage pre-paid notice that is sent to the mailing address associated with the voter's registration.
- The confirmation card is sent by forwardable mail, and should include a pre-addressed return card. May be printed from SEMS.
- The return card allows the voter to confirm in writing whether or not his or her address had changed.



If the Voter Returns the Confirmation Card Indicating that...

- His/her residence has not changed, no further action should be taken.
- His/her residence has moved within the same county, the address information should be corrected in SEMS, and the voter sent a new voter registration card with the proper precinct location.
- His/her residence has moved outside the county, the voter may be immediately purged from the voter roll.



If the Voter Does Not Return the Confirmation Card...

- The voter becomes INACTIVE.
- The voter MAY NOT be purged from the voter roll, but remain inactive for TWO (2) federal general elections occurring subsequent to the sending of the confirmation card.
- No voter may be purged based upon the confirmation card process within 90 days of an election by reason of the NVRA.



Questions

- The Circuit Clerk receives NCOA notifications from the USPS for 30 voters who have moved outside of the county. May these voters be purged from the voter roll?
- The Circuit Clerk receives several returned jury summons. May each voter be purged from the roll based upon the return of each jury summons?



Questions

- A confirmation card is sent to a voter who has not voted in more than 10 years. The card is returned undeliverable. May this voter be purged from the voter roll?
- A confirmation card is returned by a voter:
 - The card provides a new address within the county. What is the proper course of action?
 - The card provides a new address outside the county. What is the proper course of action?



**Voter Roll
Maintenance is a
continuous process;
It is a project that
does not end!**



DELBERT HOSEMANN
Secretary of State

Questions?



DELBERT HOSEMANN

Secretary of State

Contact Information

Mississippi Secretary of State's Office Elections Division

Hawley Robertson, Senior Attorney

Post Office Box 136

401 Mississippi Street

Jackson, MS 39205

Phone (601) 359-9372

Elections Hotline 1-800-829-6786

www.sos.ms.gov



DELBERT HOSEMANN
Secretary of State