

Election Day Operations

Party Executive Committee Certification

Presented by: Elections Division of the
Mississippi Secretary of State's Office



DELBERT HOSEMANN
Secretary of State

Overview of Training

- Absentee Ballot Procedures
- Affidavit Ballot Procedures
- Challenges
- Prohibitions at the Polls



DELBERT HOSEMANN
Secretary of State

Absentee Ballot Procedures

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

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



DELBERT HOSEMANN
Secretary of State

Who is Eligible:

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



DELBERT HOSEMANN
Secretary of State

Who Is Eligible:

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



DELBERT HOSEMANN
Secretary of State

Who Is Eligible:

- Citizens of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia;



DELBERT HOSEMANN
Secretary of State

Who Is Eligible:

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



DELBERT HOSEMANN
Secretary of State

Who Is Eligible:

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



DELBERT HOSEMANN
Secretary of State

Who is Eligible:

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



DELBERT HOSEMANN
Secretary of State

Who Is Eligible:

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



DELBERT HOSEMANN
Secretary of State

Absentee Ballot Applications

- At least **60** days prior to any election in which absentee voting is provided by law, the registrar shall order a sufficient number of applications to be printed.

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



DELBERT HOSEMANN
Secretary of State

Distribution of Absentee Ballot Applications

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

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



DELBERT HOSEMANN
Secretary of State

Preparation and Printing of Absentee Voter Ballots

- For all elections, there shall be prepared and printed by the officials charged with this duty with respect to the election, as soon as the deadline for the qualifications of candidates has passed or forty-five (45) days of the election, whichever is later, official ballots for each voting precinct.

Reference: Miss. Code Ann. § 23-15-649



DELBERT HOSEMANN
Secretary of State

Absentee Ballot Application

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

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



DELBERT HOSEMANN
Secretary of State

Notarizing Applications

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

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



DELBERT HOSEMANN
Secretary of State

Exceptions to Notarizing Applications

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

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



DELBERT HOSEMANN
Secretary of State

Absentee Voting by Mail

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

Voters eligible to vote by mail:

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



DELBERT HOSEMANN
Secretary of State

Signatures of Elector and Attesting Witness

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

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



DELBERT HOSEMANN
Secretary of State

Unverified Absentee Ballots

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



DELBERT HOSEMANN
Secretary of State

Counting Absentee Ballots

- In elections in which DRE voting systems are **NOT** used:
 - All absentee ballots are placed in the ballot box before any ballots are counted, and the election managers in each polling location shall immediately count absentee ballots and add them to the votes cast.
- In elections in which DRE voting systems **ARE** used:
 - All absentee ballot envelopes shall be canvassed and marked "ACCEPTED" or "REJECTED" by poll managers at the polling location
 - All ballots should be placed in the secure ballot transfer case and delivered to the officials in charge of conducting the election at the central tabulation point of the county.
 - The official shall open the envelopes marked "ACCEPTED" and remove the ballot from the envelope.
 - The absentee ballot shall be processed through the central optical scanner; and the scanned totals for the unofficial vote count.

Reference: Miss. Code Ann. § 23-15-639



DELBERT HOSEMANN
Secretary of State

Affidavit Ballot Procedures

Any person who desires to vote and whose name does not appear on the poll books must be afforded the opportunity to cast an affidavit (provisional) ballot.

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



DELBERT HOSEMANN
Secretary of State

Affidavit Ballots Are Used When:

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



DELBERT HOSEMANN
Secretary of State

Challenged Ballots

- Any person who is lawfully inside the polling place may challenge another person's right to vote.



DELBERT HOSEMANN
Secretary of State

Who Can Challenge a Ballot

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



DELBERT HOSEMANN
Secretary of State

Basis for Challenge

- A voter can be challenged if he/she:
 - 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.



DELBERT HOSEMANN
Secretary of State

Basis for Challenge

- A voter can be challenged if he/she:
 - 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

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



DELBERT HOSEMANN
Secretary of State

Disenfranchising Crimes

Section 241, MS Constitution; *Cotton v. Fordice* (1998); AG Opinion, Heggie, July 9, 2009

- | | | |
|---|--|---|
| <ul style="list-style-type: none"> ■ Arson ■ Armed Robbery ■ Bigamy ■ Bribery ■ Embezzlement ■ Extortion ■ Felony Bad Check ■ Larceny under lease | <ul style="list-style-type: none"> ■ Felony Shoplifting ■ Forgery ■ Larceny ■ Murder ■ Obtaining Money or Goods Under False Pretense ■ Perjury ■ Rape | <ul style="list-style-type: none"> ■ Robbery ■ Theft ■ Timber Larceny ■ Unlawful Taking of a Motor Vehicle ■ Statutory Rape ■ Carjacking ■ Receiving Stolen Property |
|---|--|---|



DELBERT HOSEMANN
Secretary of State

Voter Assistance

- It is extremely important that a voter's right to vote by secret ballot is preserved.
- Who may receive assistance? Any voter who says he/she is:
 - Blind;
 - Physically disabled; or
 - Can not read or write.

References: Miss. Code Ann Section 23-15-549



DELBERT HOSEMANN
Secretary of State

How Does a Voter Get Assistance?

- To receive assistance a voter must:
 - Tell the poll manager he/she needs help to mark the ballot;
 - State one of the reasons indicating why help is needed; and
 - Choose someone to help him/her.



DELBERT HOSEMANN
Secretary of State

Who Can **NOT** Assist A Voter in the Voting Booth:

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



DELBERT HOSEMANN
Secretary of State

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



DELBERT HOSEMANN
Secretary of State

Curbside Voting

- A physically disabled voter who does not vote by absentee ballot may vote curbside on election day.
- A voter 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, and be allowed to vote curbside.
- If the managers, in exercising sound discretion, determine that the voter is actually at the polling place
- Two (2) or more managers shall carry the pollbook, the receipt book, and a ballot or voting device to the vehicle

Reference: Miss. Code Ann. Section 23-15-541



DELBERT HOSEMANN
Secretary of State

Prohibitions at the Polls

- **Loitering**

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

Reference: Miss. Code Ann. Section 23-15-245

- **Disturbances**

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

Reference: Miss. Code Ann. Section 23-15-241



DELBERT HOSEMANN
Secretary of State

Prohibitions at the Polls

- **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 a qualified voter, to vote while in custody.

Reference: Miss. Code Ann. Section 23-15-893

- **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. However, it is not permissible to use the sample ballot as campaign literature in attempting to influence other voters within the polling place.



DELBERT HOSEMANN
Secretary of State

Prohibitions at the Polls

- **Private Property**

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

Reference: Miss. Code Ann. Section 23-15-895

- The 150 ft. rule applies when polling places that are held on private property are leased to the county for the day of the election.



DELBERT HOSEMANN
Secretary of State

Prohibitions at the Polls

- **General Prohibitions**

- Posting or distributing cards, posters, or other campaign literature within 150 feet of any entrance to a building in which an election is being conducted.
- 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 150 feet of any entrance to a building in which an election is being conducted constitutes the posting of campaign literature and is prohibited.
- A person can not appear at any polling place armed or uniformed or to display any badge or credentials except as may be issued by the Managers of the precinct.



DELBERT HOSEMANN
Secretary of State

Secretary of State's Office Publications

- Mississippi Guide to Elections
- Poll Manager Guide
- County Election Handbook
- Lobbying Handbook
- Campaign Finance Guide
- Candidate Qualifying Guide
- Elections Calendar



DELBERT HOSEMANN
Secretary of State

For Additional Information

Mississippi Secretary of State's Office
401 Mississippi Street
Jackson, MS 39201-1012

Toll Free Answer line
(800)829-6786
www.sos.ms.gov



DELBERT HOSEMANN
Secretary of State