

Challenged Ballots, Voter Assistance, and Prohibitions at the Polls

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Challenged Ballots

- Any person who is lawfully inside the polling place may challenge another person's right to vote
- Only certain persons are authorized to challenge voter qualifications



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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.



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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.



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Basis for Challenge

- A voter can be challenged if he/she (cont'd):
 - 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.



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Disenfranchising Crimes

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

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



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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



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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.



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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.



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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



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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



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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



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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.



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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

- Polling places that are held on private property is leased to the county for the day of the election, therefore the 150 ft. rule applies



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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



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For Additional Information

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