

## Conducting an Election by Paper Ballot

presented by  
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## Conducting an Election by Paper Ballot

- ◆ Poll Managers
- ◆ Voting Process
- ◆ Affidavit Ballots
- ◆ Challenges
- ◆ Counting the Vote
- ◆ Sealing the Box

## Appointment of Poll Managers

- ◆ The appointment of poll managers is particularly important when an election is conducted by paper ballots, which are hand counted. The "initialing requirement" of Section 23-15-541 must be strictly complied with in order to insure the validity of the election.

## Initialing Manager & Alternate Initialing Manager

- ◆ Upon opening the polls, and not before, the managers of election shall designate one of themselves to be the initialing manager and one of themselves to be the alternate initialing manager. The person who has previously been designated the receiving manager cannot also serve as the initialing manager or alternate initialing manager. (MS Code Sect. 23-15-541)

## Bailiff

The bailiff must, as in elections conducted by other systems, enforce the "150 foot rule", the "30 foot rule", see that the voter assistance procedure is followed and insure generally that no person interfere with the orderly voting process.

## The Voting Process

- ◆ The procedure to be followed when a voter appears to cast his ballot is the following:
    - 1) A poll manager checks to see that the voter's name appears on the pollbooks.
    - 2) If the voter's name appears in the pollbooks, the poll manager checks to see in the pollbook or on other official documentation if the voter is required to provide voter identification.
- The voter may be required to show an acceptable form of identification if the voter is an unverified first-time mail-in registrant after January 1, 2003.

## Voting Process (continued)

- ◆ Acceptable Forms of Identification for Unverified First-Time Voters:
  - Current & valid photo ID;
  - Current utility bill with voter's name & address;
  - Bank statement with voter's name & address;
  - Gov't check with voter's name & address;
  - Paycheck with voter's name & address;
  - Any other gov't document that shows voter's name & address

## Voting Process (continued)

- 3) If the voter's name appears in the pollbooks (& shows ID if required), the voter signs his name in the receipt book or on a voter list;
- 4) The Initialing Manager or Alternate Initialing Manager writes his initials on the back of the blank ballot where the initials may be seen after the ballot has been marked and folded;
- 5) The Initialing Manager or Alternate Initialing Manager gives the initialed ballot to the voter;

## Voting Process (continued)

- 6) Immediately the voter goes into one of the voting compartments & marks his ballot.

With ink or indelible pencil, the voter must make a cross (X) or a check in the form of and similar to a "V" opposite the name of the candidate of his choice for each office to be filled. The ballot need not be marked throughout with the same mark.

A voter must not be allowed to occupy a voting compartment longer than five (5) minutes if other voters are waiting, or longer than ten (10) minutes if no other voters are waiting.

Before leaving the voting compartment, the voter must fold his ballot without showing his markings so that the words "Official Ballot," etc, are visible to the Initialing Manager or Alternate Initialing Manager.

(MS Code Sect. 23-15-551)

## Voting Process (continued)

- 7) The voter casts his ballot by handing it to the Initialing Manager or Alternate Initialing Manager for deposit in the ballot box. (MS Code Sect. 23-15-551)
- 8) The Initialing Manager or Alternate Initialing Manager checks to see that the ballot bears the genuine initials of the Initialing Manager or Alternate Initialing Manager. If it does, the ballot is deposited in the ballot box. (MS Code Sect. 23-15-541)
- 9) One of the poll managers writes the word "voted" opposite the voter's name in the pollbook. (MS Code Sects. 23-15-541, 23-15-545)

## Voting Process (continued)

- ◆ No person shall be allowed to remove any ballot from the polling place before the close of the polls. (MS Code Sect. 23-15-553)

Exception: When the procedure for "curbside voting" is properly followed.

## Voting Process (continued)

- ◆ If a voter spoils a ballot, he may obtain another upon returning the spoiled ballot. However, he may not exceed three (3) in all.

(MS Code Sect. 23-15-553)

## Affidavit Ballots

- ◆ A person whose name does not appear in the pollbooks must not be permitted to vote a regular ballot in an election. If, however, the person makes affidavit in writing before one (1) of the Managers of the precinct that he is entitled to vote or that he has been illegally denied registration, the person may vote by "affidavit" (provisional) ballot.
- ◆ The voted paper ballot shall be handed to one of the Poll Managers, who shall enclose it in an envelope with the written affidavit of the person casting the vote. The Manager shall seal the envelope and mark plainly upon it the name of the person attempting to vote.
- ◆ The Poll Manager gives the voter written instructions on how to ascertain if his vote counted and if not why by contacting the Circuit Clerk's Office or Election Commission.

## Challenges

- ◆ Who can challenge a voter?
  - A candidate;
  - Candidate's authorized pollwatcher;
  - Political party's authorized pollwatcher (not applicable for party primary election);
  - Any qualified voter from that precinct; or
  - Any poll manager in the polling place.

## Reasons for Challenge

- ◆ The person is not a registered voter in the precinct.
- ◆ The person is not the registered voter under whose name he has applied to vote.
- ◆ The person has already voted.
- ◆ The person is not a resident in the precinct where he is registered.
- ◆ The person has illegally registered to vote.
- ◆ The person has removed his ballot from the polling place.
- ◆ The person is otherwise disqualified by law.

## Possible Rulings on Challenge

1. Challenge determined to be frivolous.
2. Challenge unanimously determined to be well taken. (Rejected)
3. Challenge not unanimously determined to be well taken. (Challenged)

## Frivolous Challenge

- ◆ If a majority of the Poll Managers believe the challenge is frivolous, disregard the challenge and accept the offered vote as if it had not been challenged by allowing the voter to vote a regular election ballot

## Challenge unanimously determined to be well taken

- ◆ If in the unanimous opinion of the Poll Managers the challenge is well taken, the ballot is rejected in the following manner:
  - Mark "rejected" on the back of the ballot
  - Write the name of the voter on the back
  - Place the ballot in a separate strong envelope marked "rejected"
  - Seal & return it in the ballot box.

## Challenge not unanimously determined to be well taken

- ◆ If the Poll Managers cannot unanimously agree:
  - Mark “challenge” on the ballot;
  - Place ballot in a separate envelope labeled “challenged”; and
  - At close of 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.

## Counting the Vote

1. When the polls have been closed, the poll managers shall publicly open the boxes and immediately proceed to count the ballots.
2. The poll managers shall take the envelopes containing absentee ballots from the box.
  - a. Poll managers shall announce the name, address & precinct inscribed on each envelope.
  - b. The signature on the application shall then be compared with the signature on the back of the envelope.
  - c. If the managers find that the applicant is a registered voter of that precinct and that he has not appeared in person and voted, the envelope shall be opened and the ballot removed from the envelope without being unfolded, or permitted to be unfolded or examined.
  - d. The ballot shall then be placed in the ballot box to be counted with the other ballots.
  - e. The managers shall enter the voter's name on the poll list as if he had been present and voted in person.

## Counting the Vote (continued)

3. In counting the ballots, the poll managers must read aloud the names of the persons voted for, which shall be taken down and called by the designated manager.

During the counting of the ballots, the whole proceedings must be in fair and full view of the voting public without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the managers. (MS Code Sects. 23-15-581, 23-15-639)

## Counting the Vote (continued)

4. When the votes have been completely and correctly counted and tallied by the managers, they must publicly proclaim the result of the election at their box and shall certify in duplicate a statement of the result. Such certificate is to be signed by one of the managers. One of the certificates is to be enclosed in the ballot box, and the other to be delivered to and kept by one of the managers who shall allow any voter to inspect the certificate.

(MS Code Sect. 23-15-591)

## Counting the Vote (continued)

- ◆ Candidates or their duly authorized representatives shall have the right to reasonably view and inspect the ballots as they are taken from the box and counted, and to reasonably view and inspect tally sheets, papers and other documents used in the election except, of course, the secret ballots being voted and placed and held in the ballot box. (MS Code Sect. 23-15-581)

## Sealing the Ballot Box

- ◆ After the count of the votes and tally have been completed, the poll managers must place certain materials in the ballot box, which then must be locked and sealed.

## Materials to be sealed in the ballot box include:

- ◆ Ballots voted;
- ◆ Spoiled ballots;
- ◆ Unused ballots;
- ◆ One of the duplicate receipts given by the Receiving & Returning Mgr;
- ◆ Tally list;
- ◆ Receipt booklet (voter list);
- ◆ If the total ballots and spoiled ballots and the unused ballots do not correspond in total with the duplicate receipt, a written statement, under oath of the managers, accounting for the discrepancy must also be enclosed in the box.  
MS Code Sect. 23-15-591)

The ballot boxes are to be returned to the Circuit Clerk's Office to be available to the election commission or party executive committee for their canvass of the returns on the day after the election.

## Contact Information

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