

EYE ON ELECTIONS



Mississippi Secretary of State's Office
Eric Clark, Secretary of State

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ELECTION OFFICIALS SUCCEED WITH 2004 GENERAL ELECTION

More than 1.1 million voters went to the polls on November 2, 2004. Preparations for a successful election began long before Election Day. Thanks to the hard work of our state's Election Commissioners, Circuit Clerks, and Poll Workers, Mississippians experienced a smooth election in November 2004.

The Circuit Clerks and Election Commissioners

did a wonderful job ensuring that all elections were well managed and con-

"Hats off to all Circuit Clerks and Election Commissioners for a job well done."

Secretary of State Eric Clark

ducted fairly. They provided excellent training to the Poll Workers, who assisted at the polls on Election Day. Mississippi has more than 2,100 polling

places that require a minimum of three poll workers each. The Secretary of State's

Office developed a comprehensive Poll Manager Guide and video on Election Day Operations. The guide and video was sent to every

county in the state as a resource for Circuit Clerks, Election Commissioners and Poll Workers to use for training and as an on-site resource for Election Day.

ELECTORAL COLLEGE CONVENED

Mississippi's Republican Party electors met at the State Capitol on December 13, 2004, to cast the official ballots for George W. Bush and Richard Cheney, the winners of the state's popular vote.

Presidential electors in all 50 states and the District of Columbia meet every four years on the first Monday following the second Wednesday in December. 538 electoral votes are divided among

the states based on the number of U.S. Senators and members of the U.S. House of Representatives allotted to each, with an additional three electoral votes allocated to the District of Columbia.

Mississippi has six electoral votes. A majority of 270 is needed to be elected. Official returns from Mississippi showed George W. Bush with 672,660 votes, or 59 percent and John Kerry with

457,766 votes, or 41 percent.

The National Archives and Records Administration oversees the Electoral College process by receiving each state's results and passing them to Congress. Congress tallied the electoral vote on January 6, 2005, with the new term of office for the President beginning on January 20, 2005.

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Interesting Fact on the Electoral College:

In the event no one obtains an absolute majority of electoral votes for president, the U.S. House of Representatives selects the President from among the top three contenders, with each State casting only one vote and an absolute majority of the States being required to elect.



“HELP AMERICA VOTE ACT” UPDATE

The federal “Help America Vote Act (HAVA)” requires that all polling places in our country be accessible to all disabled citizens in accordance with the “Americans with Disabilities Act (ADA)” by January 1, 2006. Fortunately, Mississippi has been awarded federal funding to help comply with this federal mandate. In order to determine the current status of state polling places and distribute money fairly, the Secretary of State’s Office has asked each county to complete and submit an ADA Checklist for Polling Places. This checklist has been prepared by the U.S. Department of Justice in Washington, D.C.

Completing the survey is crucial to receive federal funds and meet the new standards. To date, most counties have responded; some counties, however, have not. The Secretary of State’s Office will be working with these counties to complete complete information on all

Mississippi polling places. All polling places must be accessible by the deadline regardless of money received, so it is imperative that all surveys be received. Money cannot be awarded to counties that do not submit information.

The U.S. Justice Department has already taken enforcement action against other states and jurisdictions for not meeting HAVA requirements. Voting accessibility in polling places is an important part of HAVA and the Secretary of State’s Office cannot expect it to be overlooked. If polling places are not accessible by January 1, 2006, the federal government can be expected to use their authority to take action against counties and states.

Additionally, Title II, § 12132 of the ADA requires that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be

denied the benefits of the services, program, or activities of a public entity.” This provision was the basis for the United States Supreme Court’s decision in *Tennessee v. Lane*, 124 S. Ct. 1978 (2004), which held that the state and its counties could be sued by private individuals for noncompliance with ADA regulations when access to basic rights is involved.

The Secretary of State’s Office looks forward to working with county officials in a courteous, professional manner to meet all the requirements of the “Help America Vote Act.” Voting is one of the most basic and fundamental rights we cherish as Americans. Providing accessible polling places is an important part of exercising that right.

Please call our Elections Hotline at 800-829-6786, for any questions about the “Help America Vote Act.”

STATEWIDE VOTER REGISTRY DATABASE

The Statewide Elections Management Project (SEMS) has begun! In 2002, the U.S. Congress passed the “Help America Vote Act” which mandated the project and provided federal funding to complete it.

The project contract was awarded to Saber Consulting with local partners Delta Computers, Data Systems Management and Anderson Consulting. The new system will include voter roll maintenance and elections management for the State.

In the initial phase, the project team will work with the SEMS Standards Committee and will visit each

county. The Standards Committee is comprised of local election officials from counties across the state. Infor-



mation from those meetings will be used to document system changes and modifications that are necessary to meet the needs of Mississippi’s

counties. The involvement of local elections officials is critical to the success of this project and the Secretary of State’s Office looks forward to working with each of you towards a successful implementation.

More information on our visits to each county and upcoming events will be available in the near future. In addition to specific information that will be distributed to the counties, project information will be posted on the Secretary of State’s Office web site on a regular basis. Please visit www.sos.state.ms.us/elections/sems/sems.asp.

IMPORTANT DATES

JANUARY

31st Annual Report: All candidates and all political committees that made political expenditures in Mississippi during the 2004 election period.

MARCH

4th (5:00 p.m.) Qualifying Deadline: Deadline to file qualifying fee and statement of intent (or petition, if qualifying as an independent candidate) with the Municipal Clerk. (Miss. Code Ann. §§ 23-15-309 and 23-15-361)

19th Absentee Ballots: Municipalities which conduct party primaries have absentee ballots for the primary available on and after March 19, 2005. Absentee ballots for the general election in such municipalities must be prepared as soon as possible after party nominees are determined but not before May 3, 2005 (Miss. Code Ann. § 23-15-715)

28th Voter Registration: Municipal Clerk's offices remain open from 8 a.m. to 7 p.m. every day from today until April 1st for voter registration. (Miss. Code Ann. § 23-15-37)

APRIL

2nd (NOON) Voter Registration Deadline: Municipal Clerk's office open until noon. (Miss. Code Ann. § 23-15-37)

23rd (NOON) Absentee Ballots: Municipal Clerk's office open until noon for absentee voting if a primary is being held. (Miss. Code Ann. § 23-15-653)

23rd Absentee Ballots: Municipalities which do not conduct party primaries have absentee ballots for the general election prepared and available on and after April 25, 2005, if the Municipal Clerk's office is normally not open on Saturdays. If the clerk's office is normally open on Saturdays, then absentee ballots for the general election are prepared and available on and after April 23, 2005. (Miss. Code Ann. § 23-15-715)

26th Campaign Finance Report: Pre-Primary Election Campaign Finance Report due at Municipal Clerk's office. (Miss. Code Ann. §§ 23-15-805 and 23-15-807)

30th (NOON) Absentee Ballots: Deadline for casting absentee ballots for primary election in Municipal Clerk's office. Municipal Clerk's office open until noon for absentee voting, if a primary is being held. (Miss. Code Ann. §§ 23-15-653 and 23-15-715)

MAY

2nd Absentee Ballots: (5 p.m.) Deadline for receipt of mailed absentee ballots by the Municipal Clerk in order to be counted for Primary Election. (Miss. Code Ann. § 23-15-631)

Voter Registration: Municipal Clerk's offices may remain open from 8 a.m. to 7 p.m. every day from today until May 6th for voter registration. (Miss. Code Ann. § 23-15-37)

3rd **PRIMARY ELECTION** (Miss. Code Ann. § 23-15-171)

Statement of Economic Interest: All incumbents must file with the Mississippi Ethics Commission (Miss. Code Ann. § 25-4-29); Non-incumbents must file within 15 days after qualifying.

7th (NOON) Voter Registration: Deadline for General Election. Municipal Clerk's office open until noon for voter registration (and absentee voting, if a runoff is being held). (Miss. Code Ann. §§ 23-15-37 and 23-15-653)

10th Campaign Finance Report: Pre-runoff election report due for runoff candidates only. (Miss. Code Ann. §§ 23-15-805 and 23-15-807);

14th (NOON) Absentee Ballots: Deadline for casting absentee ballots for second primary election in Municipal Clerk's office. Municipal Clerk's office open until noon, if a runoff is being held. (Miss. Code Ann. §§ 23-15-653 and 23-15-715).

16th (5:00p.m.) Absentee Ballots: Deadline for receipt of mailed absentee ballots by the Municipal Clerk in order to be counted for second primary election. (Miss. Code Ann. § 23-15-631)

17th **RUNOFF ELECTION** (Miss. Code Ann. § 23-15-171)

28th Absentee Ballots: Municipal Clerk's office open until noon for absentee voting. (Miss. Code Ann. § 23-15-653)

31st Campaign Finance Report: Pre-General Election Campaign Finance Report due. (Miss. Code Ann. §§ 23-15-805 and 23-15-807)

JUNE

4th (NOON) Absentee Ballots: Deadline for casting absentee ballots for general election in Municipal Clerk's office. Municipal Clerk's office open until noon. (Miss. Code Ann. §§ 23-15-631 and 23-15-715)

6th (5:00 p.m.) Absentee Ballots: Deadline for receipt of mailed absentee ballots by the Municipal Clerk in order to be counted for general election. (Miss. Code Ann. § 23-15-631)

7th **GENERAL ELECTION** (Miss. Code Ann. § 23-15-173)

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Welcome to *Eye on Elections*, a publication of the Secretary of State's Office. This quarterly newsletter focuses on Mississippi Election issues. This newsletter is also available on our website at www.sos.state.ms.us/elections/elections.asp.

We intend to provide a newsletter that meets your needs and we encourage your input. To make suggestions or for additional information, please call, write, fax, or email us. We hope you find this newsletter useful. Thank you very much!

Sincerely,

ERIC CLARK
Secretary of State

SECRETARY CLARK APPOINTS NEW ASSISTANT SECRETARY OF STATE FOR ELECTIONS

Secretary of State Eric Clark has appointed Jay Eads Assistant Secretary of State for Elections. He assumed his duties on January 4, 2005.

Jay Eads has enjoyed a distinguished career as a Naval officer, attorney, and state legislator.

Eads graduated from the U.S. Naval Academy and the U.S. Naval War College. He retired from the Navy in 1994 as a Commander after a 20-year career during which he was a Naval Aviator and Naval Surface Warfare Officer. He holds a law degree from the University of Mississippi.

Eads served as a member of the Mississippi House of Representatives from 2000 to 2004. While in the Legislature, he served on the Constitution, Education, Insurance, Judiciary A, and Military Affairs Committees. Before his election, he served as a member of the Oxford School District Board of Trustees.

Among many other projects, Eads will focus on implementing the "Help America Vote Act," cleaning up the state's voter rolls, improving the accuracy of voting machines, and improving Mississippi's campaign finance disclosure law.

Eads says he looks forward to working with county Circuit Clerks, Election Commissioners and the Legislature to make sure elections run smoothly. "It is an honor to serve the people of Mississippi and a privilege to work with Secretary Clark," he said.

Secretary Clark believes that being an excellent communicator is a very important characteristic as the head of the Elections Division, and he is certain he found that in Jay Eads. "I'm confident he will do an outstanding job to strengthen the honesty, integrity, and openness of elections in our state," said Clark.

EADS CHALLENGES OFFICIALS TO "STUMP THE STATE"

Jay Eads, Assistant Secretary of State for Elections, issued a challenge to elected officials at the 2004 Certification Update held in December at the Hilton Hotel in Jackson.

Eads challenged all elected officials to submit any election related

questions or scenarios to the Secretary of State's Office for answers. A panel from the office will choose which question is the best. The winner will receive an edible treat hand delivered to the clerk's office. Eads feels this is a way to find answers to thought-provoking questions.

Questions for "Stump the State" should be submitted to the Secretary of State's Office by **January 31, 2004**. Questions and answers will appear in the "Did you Know?" section of quarterly newsletters.