

EYE ON ELECTIONS



Mississippi Secretary of State's Office
ERIC CLARK, Secretary of State

Volume 1, Issue 1

July 2004

LEGISLATURE PASSES HAVA COMPLIANCE LAW

Following the passage of the "Help America Vote Act," the Mississippi Legislature has passed Senate Bill No. 2857 (2004 Regular Session) which will conform all state and local elections to the same requirements imposed for federal elections.

The Secretary of State's Office has developed an Administrative Compliant Procedure to hear complaints about irregularities in the elections process. The Mississippi Administrative Procedures Act and HAVA authorize the Secretary of State to promulgate rules and regulations regarding election procedures in Mississippi.

The Secretary of State's Office verifies mail-in voter registrations from each county and compares them electronically against records in the Department of Public Safety's (DPS) drivers' license database. Beginning on January 1, 2006, all registrants will have an electronic driver's license match with DPS re-

cords. HAVA also requests the collection of the last four digits of the voter's social security number so that voters who register can be verified with the Social Security Administration. The Social Security Administration plans to have a system up and running by year's end.

HAVA requires the Secretary of State to maintain the official voter registry of the entire state and jurisdictions, including counties and municipalities. The Secretary of State's Office serves as the depository of the official voter rolls for all jurisdictions in the state with the creation of the *Statewide Voter Registry System (SWVR)* by January 1, 2006. While the county registrars will maintain the voter registrations for their counties through the SWVR, municipal election officials will rely upon county registrars for their official registration books and poll books.

Senate Bill No. 2857 requires County Election Com-

missioners to prepare municipal registration books and poll books pursuant to an agreement between the county and each municipality to cover costs. County election officials will be the local authorities with responsibilities for voter entry and removal from the centralized system, thus changing the roles of the municipal election officials, effective January 2006. The Secretary of State will develop education and training programs for local election officials and poll managers to assist with this transition.

A seven-member voting technology force composed of the Secretary of State, Chairs of the House and Senate Elections Committees (2), a Circuit Clerk, three members of the general public who are not either elected officials or state employees appointed by the Governor, Lt. Governor, and Speaker of the House, respectively, is charged with reviewing voting system technologies and reporting the findings to the 2005 Legislature.

HELP AMERICA VOTE ACT UPDATE

Senate Bill No. 2857 conformed all state and local elections to the same requirements imposed for federal elections as specified under the Help America Vote Act of 2002.

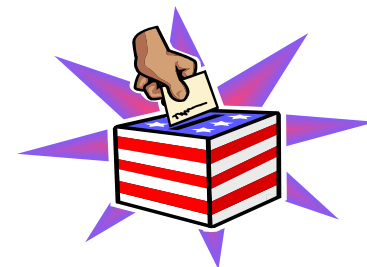
By creating a uniform elec-

tions process with identical standards, election officials will administer elections easily and voters will continue to participate with little confusion between federal and state elections. A HAVA checklist may be obtained from our office.

When we receive pre-clearance of Senate Bill No. 2857 and our administrative compliant procedure by the U.S. Department of Justice, Mississippi will be eligible for Federal HAVA appropriations currently totaling more than \$22 million dollars.

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MAIL-IN VOTER VERIFICATIONS DUE OCTOBER 6

In compliance with HAVA, all registrars must submit a list of all first-time mail-in voter registrants who registered after January 1, 2003, in their jurisdiction to the Secretary of State's Office.

Mail-in voter registrants whose driver's license or social security number did not match with the Department of Public Safety, will have to show voter verification to vote a regular election day ballot.

If a voter did not cast a regular ballot, during the March 9th primary, the information must be resubmitted. The deadline is October 6th.

The only acceptable forms of identification are:

- ◆ **Current and valid photo identification;**
- ◆ **Current utility bill with voter's name and address;**
- ◆ **Bank statement with voter's name and address;**
- ◆ **Government check with voter's name and address; and**
- ◆ **Any other government document that shows voter's name and address.**

If a voter does not present an acceptable form of identification, he or she may vote by affidavit ballot.



EAC ESTABLISHED AND MOVING FORWARD

In addition to establishing requirements for all federal elections, the Help America Vote Act also established a federal agency to serve as a clearinghouse and resource organization for federal elections. The new Election Assistance Commission (EAC) is designed to bring together all parties who play a role in elections.

The EAC will oversee the distribution of grants to the states. It will establish

advisory committees (Board of Advisors and Standards Board) to facilitate the implementation of the new federal requirements so that states can share information. It will also establish technical development guideline committees to work with state and local election officials in the development of voluntary voting system guidelines and to provide for testing and certification of voting system hardware and software. The law also charges the Commission with conducting

periodic studies of election administration issues with the goal of promoting accurate, accessible, nondiscriminatory, user-friendly elections that are efficient and cost-effective.

For more information on the EAC, see www.eac.gov.

EQUAL ACCESS TO POLLING PLACES FOR EVERYONE

In compliance with HAVA, the Secretary of State's Office is working to determine the current status of disability access of all polling places in Mississippi. We will coordinate activities with the counties to conduct surveys of all polling places and estimate costs of permanent/temporary improvements required to bring polling places into compliance, or suggest alternative polling places that are in compliance or can be brought into compliance more easily.

The Coalition for Citizens with Disabilities, along with the Secretary of State's Office, will review polling places to determine the accuracy of survey responses and collect information from Circuit Clerks, and other sources concerning the number of disabled residents within each precinct.

"All polling places must assure access for individuals with disabilities." — HAVA

U.S. DEPARTMENT OF JUSTICE PUTS MISSISSIPPI ON NOTICE

The U.S. Department of Justice has notified the Secretary of State's Office of concerns regarding HAVA requirements. The Justice Department monitored the primary election in Jones, Kemper, Leake, Neshoba, Newton, Noxubee, and Winston counties, for compliance with federal voting rights laws.

The Justice Department noted a lack of adequate training of election officials and poll workers on the new HAVA requirements that were effective January 1, 2004. According to the Justice Department, although poll workers were familiar with

affidavit voting, they were not familiar with provisional voting as required by HAVA. While Mississippi's affidavit process is similar to HAVA, the Secretary of State's Office is seeking additional guidance from the Department of Justice.

Many polling places displayed the HAVA compliant poster provided by the Secretary of State's Office, but sample ballots were not displayed as mandated by HAVA. The Justice Department also focused attention on the inconsistencies concerning whether first time mail registrant voters who do not have proper iden-

tification are entitled to a provisional (affidavit) ballot.

Our goal is to have Mississippi HAVA compliant and ready for this fall's election. The Secretary of State's Office is taking the necessary steps to comply with HAVA by conducting election officials' training and developing a poll workers handbook. Promoting consistency and accuracy is essential to complying with HAVA. The Secretary of State's Office, along with local election officials, will take all precautions to assure compliance with this federally mandated law.

IMPORTANT DATES

JULY

9th Campaign Finance: Periodic Reports due no later than 5:00 p.m. in the appropriate office for all Judicial Candidates and Judicial Committees. (Miss. Code Ann. § 23-15-807)

15th Municipal Clerks' Training Conference, Executive Inn, Tupelo, MS

22nd Municipal Clerks' Training Conference, Comfort Suites, Hattiesburg, MS

29th Municipal Clerks' Training Conference, Hilton Hotel, Jackson, MS

* (For more information on Municipal Clerk Training contact the Mississippi Municipal League at (601) 353-5854.)

AUGUST

4th Beginning of Qualifying Period for County School Board Members. (Miss. Code Ann. § 37-5-9)

SEPTEMBER

3rd Qualifying Deadline for President/Vice-President (party and independent candidates)

Qualifying Deadline for County Election Commissioner, School Board, and Special Elections: Last day for candidates for Election Commissioner, School Board, and special elections to fill vacancies to qualify for the November ballot. (Miss. Code Ann. §§ 23-15-213, 23-15-839, 37-5-9)

8th Sample Ballot: The Secretary of State furnishes county Election Commissions with the sample of the official ballot for the November 2nd, 2004, General Election, containing the names of statewide and multi-county candidates and any statewide ballot issues. (Miss. Code Ann. § 23-15-367)

13th Purging: Election Commissioners are required to meet to purge the poll books. (Miss. Code Ann. § 23-15-153)

20th Absentee Balloting: Earliest day to vote absentee in the Circuit Clerk's Office for the general election or to apply for an absentee ballot by mail. Absentee ballots should be available for voting in the general election. (Miss. Code Ann. § 23-15-715)

27th Voter Registration: Circuit Clerks' offices may remain open from 8:00 a.m. until 7:00 p.m. every day until October 1st for voter registration. Extended hours required unless individual counties obtain pre-clearance from U.S. of Justice Department to end extended hours. (Miss. Code Ann. § 23-15-37)

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Welcome to the first issue of *Eye on Elections*, a publication of the Secretary of State's Office. This quarterly newsletter focuses on 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

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DID YOU KNOW?

EYE ON ELECTIONS

☛ The **only** acceptable voter identification requirements for mail-in voter registrants are: ***current and valid photo identification, current utility bill with voter's name and address, bank statement with voter's name and address, government check with voter's name and address, paycheck with voter's name and address, or any other government document that shows voter's name and address.***

☛ All absentee ballots do not have to be notarized. 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. The person does not have to be a registered voter. **The envelope must be signed on the flap.** (Miss. Code Ann. § 23-15-721)

☛ If a supervisor or other county official resigns prior to November, the special election can be held in November.

The Board of Supervisors must make an appointment until the Special Election. (Miss. Code Ann. § 23-15-833)

☛ "Poll Manager" is the correct term for "Poll Worker" according to the Mississippi Code.

☛ Military citizens who are called to active duty and stationed outside our state are allowed until 7:00 p.m. on election day (rather than 5:00 p.m. the day before the election) to have their faxed or mailed ballots received and counted. For any questions about assisting military personnel exercising their right to vote, please call the Secretary of State's Office.

☛ Upon pre-clearance from the U.S. Department of Justice, Senate Bill No. 2010 will amend (Miss. Code Ann. § 23-15-857) to revise the qualifying deadline for candidates in a municipal special election. Each candidate must qualify by

petition filed with the municipal clerk by 5:00 p.m. at least 20 days before the date of the election. If only one person has qualified, the governing authority shall dispense with the election and appoint the one qualified candidate. If no candidates have qualified, the governing authorities shall not hold an election but shall appoint someone to fill the vacancy.

Prior to this change a candidate had to qualify at least 10 days before the election rather than 20 days.

