

CONDUCTING AN ELECTION BY PAPER BALLOT

2015 MUNICIPAL ELECTIONS CERTIFICATION TRAINING

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Conducting an Election by Paper Ballot: Overview

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

Appointment of Poll Managers

- Three (3) managers shall be appointed for each voting precinct (receiving/returning manager, initialing manager, bailiff)
- The "initialing requirement" of Section 23-15-541 must be complied with in order to insure the validity of the election.

Bailiff

- ⊗ Responsible for enforcing the following
- ⊗ "150 foot rule"
- ⊗ "30 foot rule"
- ⊗ voter assistance
- ⊗ keep the peace and prevent interference with the election

The Voting Process

- 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 if the voter is required to provide a Help America Vote Act (HAVA) form of 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.
(THIS IS A FEDERAL LAW -NOT STATE.)

Voting Process (continued)

- ⊗ Acceptable Forms of HAVA 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;
- 4) The Initialing Manager initials the back of the blank ballot
- 5) The Initialing Manager gives the initialed ballot to the voter

Voting Process (continued)

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

NOTE: A voter is not 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 for deposit in the ballot box. (MS Code Sect. 23-15-551)
- 8) The Initialing Manager checks to see that the ballot bears the initials of the 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)

Voting Process (continued)

- ⊗ Curbside Voting
- ⊗ Allows a physically disabled voter to vote "curbside"
- ⊗ Pollbook, receipt book, and ballot shall be carried to the vehicle by two or more pollmanagers. (Miss. Code Ann. Section 23-15-54f)

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

15. A person whose name does not appear in the pollbook is not permitted to vote a regular ballot; the person may vote by "affidavit" (provisional) ballot.
16. Voter and pollmanager must complete affidavit ballot envelope. (See Miss. Code Section 23-15-573) Voter then completes ballot in private and returns folded ballot to manager when completed.
17. Election Commission determines whether affidavit ballots will be counted after close of polls.
18. The Poll Manager gives the voter written instructions on how to ascertain if his vote counted and if not why by contacting the Clerk's Office or Election Commission.

Challenges

- ⊗ Who can challenge a vote?
- A candidate whose name is on ballot;
 - 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.

(Miss. Code Section 23-15-571)

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.

(Miss. Code Section 23-15-571)

Possible Rulings on Challenge

- ⊗ Challenge determined to be frivolous.
- ⊗ Challenge unanimously determined to be well taken. (Rejected)
- ⊗ Challenge not unanimously determined to be well taken. (Challenged)

(Miss. Code Section 23-15-579)

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 envelope marked "rejected"
 - Seal & return it in the ballot box.

Challenge not unanimously determined to be well taken

3. 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 first take the envelopes containing assailed ballots from the box. (Miss. Code Section 23-15-639)
 - 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 unsealed, or permitted to be unsealed 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 vote on the ballot list as if he had been present at the polls.

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. 23-15-68f, 23-15-68g)

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. Must 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.

(Miss Code Ann Section. 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 Manager;
 - Tally list;
 - Receipt book;
 - 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 manager, accounting for the discrepancy must also be enclosed in the box.
- MS Code Sect. 23-1a-501

The ballot boxes are to be returned to the Clerk's Office/Courthouse to be available to the election commission or party executive committee for their use.

Questions?

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