



## General Guidelines Pertaining to Poll Watchers

### About These Guidelines:

These General Guidelines provide a snapshot of information relevant to those designated by candidates or political parties as poll watchers and to those serving as poll workers, specifically bailiffs, in the polling places on an Election Day. Both credentialed poll watchers and poll workers/poll managers should familiarize themselves with the applicable statutes and law prior to serving as either a poll watcher or poll worker/poll manager.

### In General:

1. In all elections (primary, general and special), each candidate may serve as his/her own poll watcher or may designate one (1) poll watcher for each polling place in which the candidate's name appears on the ballot. (*Miss. Code Ann. § 23-15-577(1)*)
2. In general elections, each political party which has a candidate on the ballot may have two (2) poll watchers per polling place. Poll watchers from political parties are NOT permitted in primary or special elections. (*Miss. Code Ann. § 23-15-577(1)*)
3. Poll watchers are not permitted in the polling places during elections held on referenda or constitutional initiatives. (*AG Op., John M. Creekmore, Oct. 31, 2014; AG Op., Walter W. Teel, March 6, 1992*)
4. Poll watchers must be credentialed, meaning each must be authorized in writing to act as the representative of a candidate on the ballot or of a political party which has a candidate on the ballot. (*Miss. Code Ann. §23-15-577(1)(2)*)
5. Poll watchers are entitled to see and hear the manner in which the election is conducted. Thus, each polling place should be arranged in such a way as to afford poll watchers a place to sit where they may comfortably see and hear the election

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process, but not so close as to interfere in the election process, compromise a voter's privacy or intimidate a voter. *(Miss. Code Ann. § 23-15-577(3)(4))*

6. It is the duty of the poll manager designated as the Bailiff to enforce Mississippi laws pertaining to poll watchers. The Bailiff must ensure poll watchers conduct themselves in accordance with Mississippi law and, if they do not, the Bailiff may cause the removal of the poll watchers. *(Miss. Code Ann. §§ 23-15-241, 23-15-245)*

*See also, Miss. Code Ann. § 97-13-21, "[i]f any person shall unlawfully disturb any election for any public office, such person shall be liable to indictment, and, on conviction, may be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both."*

### Poll Watchers May:

1. Bring copies of redacted pollbooks or voter rolls they have purchased or otherwise obtained from the County Circuit Clerks' Offices or the Secretary of State's Office to the polling place. *(Miss. Code Ann. § 23-15-577(3))*
2. Bring paper, notebooks or such other materials to keep notes.
3. Challenge the qualifications of any person attempting to cast a ballot in the polling place. *(Miss. Code Ann. §§ 23-15-571, 23-15-577(4))*
4. Challenge the qualifications of any absentee voter who has cast an absentee ballot. *(Miss. Code Ann. §§ 23-15-571, 23-15-577(4))*

### Poll Watchers May Not:

1. Interfere in the election process which includes, but is not limited to:
  - Communicating with any voter,
  - Physically touching or handling any ballot, absentee ballot envelope, absentee ballot application or affidavit ballot envelope,
  - Viewing or photographing the pollbooks while at the polling place, or
  - Photographing the receipt books while at the polling place. *(Miss. Code Ann. § 23-15-577(4))*
2. Move about the polling place greeting or speaking to voters. *(Miss. Code Ann. § 23-15-577(4))*
3. Influence, attempt to influence or harass any voter. *(Miss. Code Ann. §§ 97-13-31, 97-13-37, 97-13-39)*

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4. Campaign inside the polling place or anywhere within 150 feet of every entrance to the polling place. (*Miss. Code Ann. § 23-15-895*)

### VOTER CHALLENGE:

A person attempting to vote may be challenged because

1. The person is not a registered voter in the precinct.
2. The person is not the registered voter under whose name he/she has applied to vote.
3. The person has already voted in the election.
4. The person is not a resident in the precinct where he/she is registered.
5. The person has illegally registered to vote.
6. The person has removed his/her ballot from the polling place.
7. The person has cast an absentee ballot but is ineligible to do so.
8. The person is otherwise disqualified by law. (*Miss. Code Ann. § 23-15-571* )

When a challenge to a voter's qualifications has been made, such challenged must be considered and acted upon at the time the challenge is made by ALL poll managers of the precinct.

1. If the poll managers unanimously determine the challenge is frivolous, the challenge is disregarded and the voter is entitled to cast a regular Election Day ballot as other voters in the polling place as though not challenged.
2. If the poll managers cannot reach a unanimous decision, a paper ballot is issued to the challenged voter. The ballot is counted separately from the unchallenged ballots as follows:
  - a. The back of the paper ballot is marked as "Challenged,"
  - b. The name of the voter and the reason for the challenge are written on the back of the voted paper ballot,
  - c. The voted paper ballot is placed and kept in the sealed ballot box until the close of the polling place, and

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- d. At the close of the polling place, after all 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.
3. If the poll managers unanimously determine the challenge is valid or well taken, a paper ballot is issued to the challenged voter, but the ballot is REJECTED in the following manner:
    - a. The back of the paper ballot is marked as “Rejected,”
    - b. The name of the voter and the reason why the challenge was accepted are written on the back of the voted paper ballot,
    - c. The voted paper ballot is placed and kept in the sealed ballot box until the close of the polling place,
    - d. At the close of the polling place, the rejected ballots are bundled and placed in a separate strong envelope labeled “Rejected Ballots; and
    - e. The envelope is sealed and returned to the ballot box to be resealed and returned to Election Central. (*Miss. Code Ann. § 23-15-579*)

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