

Report of 2011 Election Day Activities



DELBERT HOSEMANN
Secretary of State

2011 Primary Election
August 2, 2011

2011 Primary Runoff Election
August 23, 2011

2011 Primary Election
November 8, 2011

Prepared by:
Elections Division
of the Mississippi Secretary of State's Office



DELBERT HOSEMANN
Secretary of State

OVERVIEW

On Tuesday, August 2, 2011, primary elections were held throughout Mississippi to select party nominees for county, state district, and statewide offices. Three weeks later, on August 23, 2011, runoff elections were held. The Secretary of State's Office deployed staff observers to thirty-seven (37) counties on Primary Election Day and twenty-six (26) counties for the runoff three weeks later. Volunteers from the State Auditor's Office joined Secretary of State staff to provide observers in forty-four (44) counties on the day of the 2011 General Election in November.

According to the certified results, 893,204 votes were cast for Governor in the 2011 General Election. Of this total, 5.33 % of the votes cast were absentee ballots. A separate report providing an in depth analysis of absentee voting in Mississippi accompanies this document. Following the certification of the General Election results from all eighty two (82) counties to the Secretary of State's Office, Secretary of State Delbert Hosemann certified the results of the General Election on December 8, 2011.

Upon receipt of the vote totals from all counties, a precinct-by-precinct canvass was made by Secretary of State's Office staff. It was determined the candidate winning the popular vote in each of the eight statewide races also carried a majority of the State's House districts, satisfying Article 5, Section 141 of the Mississippi Constitution which requires the majority of the electoral vote, as well as the popular vote.

This report summarizes the preparation and assistance provided by the Secretary of State's Office in these elections, as well as general observations on 2011 Election Day activities at Mississippi's 1,895 polling locations.

SECRETARY OF STATE ACTIVITIES PRIOR TO ELECTION DAY

Preparing the Machines

Prior to Election Day, the Secretary of State's Office coordinated database building and other technical support for the counties which use Diebold Touch Screen voting equipment. Diebold machines were used in seventy seven (77) counties, with more than 7,100 voting machines deployed statewide for the General Election in November.

Five (5) counties in Mississippi use other forms or a hybrid form of voting technology:

- DeSoto, Lee, and Yalobusha Counties used the Election Systems & Software (ES&S) M100 Optical Mark Reader and the Auto Mark.
- Hinds County used the Advance Voting Solutions WINvote DRE.
- Harrison County used a combination of the Premier Election Solutions TSx DRE and the ES&S M100 Optical Mark Reader Precinct Scanner.

ELECTION DAY

In both the primary elections and the general election, the Secretary of State's Office executed a two-tiered support plan. First, personnel in the Elections Division maintained a support function through the Agency's office in Jackson. Secondly, personnel from the Secretary of State's Office was deployed throughout the State to observe the election process by visiting precinct polling locations and county courthouses where election results were recorded.

Telephone Calls

On General Election Day, the Secretary of State's Elections Division in Jackson received approximately 1,423 phone calls from election officials and the general public. Most inquiries concerned:

- Polling place location;
- Issues with the ballot encoders at a precinct, or receiving an incorrect ballot style;
- Allegations of improper voter assistance;
- Campaigning within 150 feet of a polling location; and,
- Voters registering through the Mississippi Department of Public Safety whose names did not appear on the voter rolls.

Sending Texts to the Secretary of State

To provide Mississippi voters with improved access to the Secretary of State's Office, our Agency conducted a program to allow citizens on Election Day to send a free text message from their mobile phone to the Secretary of State's Office to obtain the Election Hotline telephone number. Voters could text the word "MSVote" to the number 57711 and receive a standard reply text from the Secretary of State's Office for response. The Elections Hotline was staffed throughout Election Day by Secretary of State personnel.

The texting program was provided at no cost to the Secretary of State's Office by AmeriMail Digital Direct, a Mississippi company. Standard fees for the text messages applied to the sender of the text.

Approximately 293 text messages were sent to the Secretary of State's Office on the day of the General Election.

Deploying Observers

To gather first-hand information on election-day activities, the Secretary of State's office deployed fifty-five (55) staff members from the Secretary of State's Office, including twelve (12) volunteers from the Office of the State Auditor, into forty-four (44) counties on General Election Day.

The counties to be observed were selected to create statewide geographic distribution. Our agency also sent observers to counties where local election officials and the public had requested our presence. Observers were instructed to visit and observe specific precincts based upon precinct location, voter roll count and specific requests by local election officials and the public.

Observers utilized standardized forms to note the progress of voting at each individual polling location as well as to detail any elections procedure which appeared to contravene current federal or state election law.

OBSERVATIONS

Polling Locations

As in previous years, observers noted polling locations were generally compliant with federal laws regarding access for disabled voters. The most commonly reported issues affecting access for disabled voters include:

- Some areas outside polling locations were reported to be unpaved, making access for the disabled difficult, especially in the rainy conditions; and,
- Some polling locations were too small or overcrowded, resulting in less privacy for voters casting their ballots.

Additionally, observers noted some polling locations which were not well marked, and signage indicating polling times was not posted in many precincts.

Many observers noted the notices required by state and federal law were not posted at many precincts throughout the state. These notices include:

- (1) A list of absentee voters in a particular precinct;
- (2) Polling location hours;
- (3) Copy of the sample ballot;
- (4) Posting detailing general information on voting rights under federal and state laws;
- (5) Information on identification for unverified, first-time mail-in registrants;
- (6) Instructions on how to cast an affidavit/provisional ballot; and,
- (7) General information on prohibitions related to fraud and misrepresentation.

Campaign Activities in Area Surrounding the Polling Location

Pursuant to Mississippi Code Ann. 23-15-245, a space of thirty (30) feet in every direction from the polls or the room where the election is held shall be kept clear of all persons except:

- Election officials;
- Voters waiting to cast their ballots;
- Candidates or one authorized representative of each candidate; and,
- Two challengers selected by each political party.

State law also prohibits campaigning anywhere within 150 feet of the entrance of the building where the election is held. Miss. Code Ann. 23-15-895

As in previous election cycles, observers noted voters and elections officials were generally compliant with these laws. However, there were some instances where individuals campaigned within the prohibited areas. A first primary election observer at the Central Fire Station Precinct in Leflore County noted violations of the 150 foot rule. In Simpson County, a candidate was campaigning 10 to 15 feet from the door of the precinct and,

upon complaints by voters, was told to leave by the bailiff.

In the runoff, at the Lambert Precinct in Quitman County, a candidate was observed handing "something" to voters who approached the polling place.

These issues were also present in the general election as well. Multiple incidents of campaign violations were reported by voters and election officials in Tunica, Hinds, Neshoba and Wilkinson Counties.

Curbside Voting

According to Mississippi election law, a physically disabled voter who does not vote by absentee ballot and who drives, or is driven, to the polling place, but is unable to enter the structure where the actual voting is taking place, may be provided necessary assistance in voting. State law requires poll managers, in exercising sound discretion, first to determine the voter is actually at the polling place. Two poll managers are then required to take the poll book, receipt book and ballot or voting device to the vehicle and allow the vote to occur. The voting process inside the precinct must stop while curbside voting takes place.

While observers noted proper procedures were followed at most precincts, there were instances in which additional education for elections officials may improve the process. For example, an observer at the Northwest (Courthouse) Precinct in Attala County noted a person took a ballot outside to a curbside voter without following the correct statutory steps. Also, in the general election an observer in Holmes County noted an unusually high number of curbside voters (10) at the Tchula Precinct during the time she was there.

Voting Technology

Minor problems with voting machines were reported by our observers. Most problems were resolved quickly by county election officials or county technicians. The most frequent problems were associated with external printers and encoders. In Madison and Lincoln Counties, for instance, observers reported issues in which voters were provided with an incorrect ballot style by elections officials due to errors in encoding the proper ballot style for that voter into the Voter Access Card.

Voter Rolls

Observers noted some voters arriving at a precinct only to learn they were not listed on the poll book. In most instances, the voter was at the incorrect precinct. The poll manager would either refer to the master voter registration list or refer the voter to the Circuit Clerk's Office to determine if the voter was registered in a different precinct. If the voter's registration was indeed located in a different precinct, the voter was then directed to the correct precinct. If the voter's registration could not be found, the voter was allowed to vote by affidavit ballot. Observers reported the affidavit ballot procedures appeared to be properly followed.

Voter rolls in many counties continue to be bloated with lack of purging conducted by Election Commissioners to bring the voter rolls up date. As of February 13, 2012, there are 16 counties which have listed in the Statewide Election Management System (SEMS) more registered voters than the 2010 Census Bureau figures indicate are eligible to vote.

See Table 1, as follows:

TABLE I
Voting Age Population / Registered Voters

County	Total 2010 Voting Age Population	Current Active Voters in SEMS	
Humphreys	6,673	9,243	138.5%
Issaquena	1,125	1,549	137.7%
Walthall	11,368	14,143	124.4%
Sharkey	3,660	4,429	121.0%
Jeff Davis	5,901	7,118	120.6%
Leflore	23,566	27,616	117.2%
Claiborne	7,335	8,371	114.1%
Madison	69,555	78,363	112.7%
Noxubee	8,416	9,215	109.5%
Leake	16,443	17,206	104.6%
Jefferson	9,539	9,978	104.6%
Amite	10,176	10,440	102.6%
Smith	12,230	12,370	101.1%
Kemper	8,015	8,067	100.6%
Lawrence	9,663	9,715	100.5%
Clarke	12,604	12,619	100.1%

Bilingual Poll Workers

Federal law requires bilingual poll workers to serve as translators in certain counties designated as language minority jurisdictions under Section 203 of the Voting Rights Act. Portions of Jones, Kemper, Leake, Neshoba, Newton and Winston counties are designated as Choctaw language speaking jurisdictions. In these areas, all election information available in English was also made available in Choctaw – the minority language.

Assistance to Voters

Election law sets forth procedures for any voter who is blind, disabled, or illiterate to receive voting assistance. The voter must declare to the poll managers he or she requires assistance for one of those reasons. Once the voter makes this declaration, the voter may be given assistance by anyone of the voter’s choosing, other than the voter’s employer, an agent of the voter’s employer, or an officer or agent of the voter’s union. Miss. Code Ann. 23-15-549. Observers in all three elections attended reported incidents of what appeared to be inappropriate voter assistance.

In Hancock County, in the first primary election, observers noted fifteen (15) voters were given assistance without declaring any reason. None of the fifteen (15) exhibited any of the three conditions required for assistance. This was also the case in Attala County (25 voters), Copiah County (100 voters), Franklin County (25 voters), Monroe County (51 voters), Noxubee County (42 voters), and Yazoo County (10 voters).

At the Tunica County Justice Court Building precinct, in the runoff, two people brought groups of individuals in to vote. Observers noted these two people escorted each person in the group to the machine and voted for them in full view of the poll workers. This same pattern was observed at the Evansville Precinct. Reports show church vans pulled up to the polling place and voters in the vans would be escorted inside by an “organizer,” who would stand beside them as they voted.

Similar incidents were reported in many counties in the general election as well. In Grenada County, for example, the Secretary of State requested an individual be removed from Precinct 4 in the City of Grenada who was soliciting voters to assist while standing inside and just outside the polling place.

Voter assistance is different from voter instruction. Voter instruction is provided to anyone who needs help operating the voting machine. Only poll managers are authorized to provide voter instruction.

Contingency Response

Most counties had contingency plans in place to address unforeseen circumstances or emergencies. Some counties printed back-up paper ballots in the event a technology failure occurred with the touch screen equipment. Additional touch screen devices were also deployed throughout the counties to be used in case of an emergency.

Absentee Balloting

The Secretary of State has been closely monitoring a significant increase in the use of absentee ballots over past election cycles. Most recently, our Office analyzed the absentee balloting trends of twenty-two (22) counties having an absentee ballot total of 10% or more of the overall vote total for the county in the August 2, 2011 Primary Election. Thirteen (13) counties had in excess of 10% of absentee ballots cast in the November 8, 2011 General Election. The report detailing this analysis accompanies this document.

CONCLUSIONS

Many of the same violations of State Election Law continue to be noted, often in the same counties. Enforcement of Election laws is the purview of the Attorney General and the local District Attorneys. Where appropriate, this office refers such violations to those officials.

Positioning personnel from the Secretary of State's office around the sixty-three (63) counties for the 2011 Primary and Runoff Elections and forty-four (44) counties for the 2011 General Election allowed the Secretary of State to observe the election process first-hand. By deploying personnel, we were able to witness election officials operating in accordance with the training provided by our Agency's Elections Division. Another important function of this process is to identify areas where increased training would be helpful.

FOOTNOTES

- ¹ Election Certifications are available online at <http://www.sos.ms.gov/elections4.aspx>
- ² Election Certifications are available online at <http://www.sos.ms.gov/elections4.aspx>
- ³ Statewide Deployment by Congressional District (Appendix 1)
- ⁴ General Election Checklist (Appendix 2)

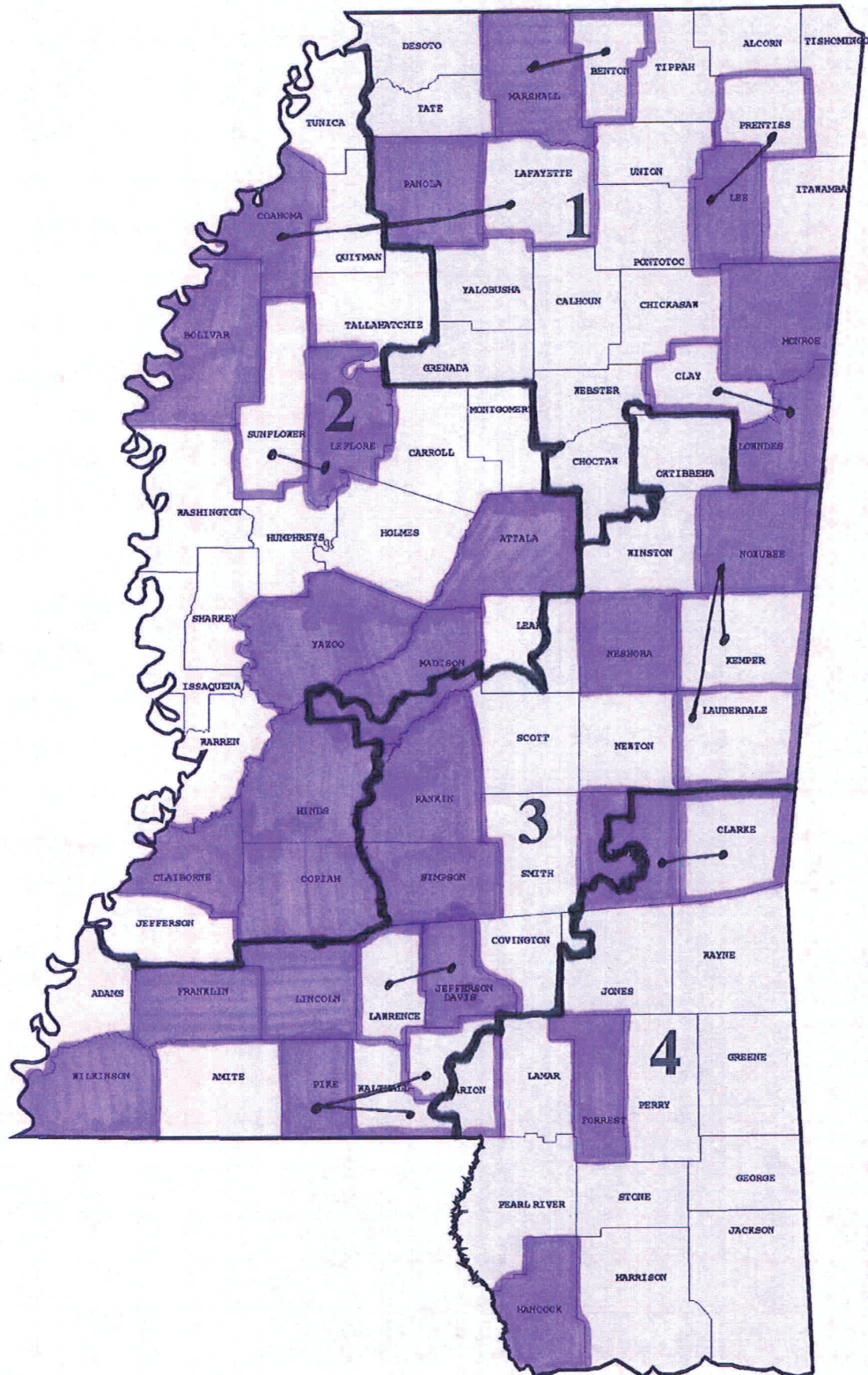
APPENDICES

1. Statewide Deployment by Congressional District
 - A. August 2, 2011 Primary Election
 - B. August 23, 2011 Primary Runoff Election
 - C. November 8, 2011 General Election
2. General Election Checklist

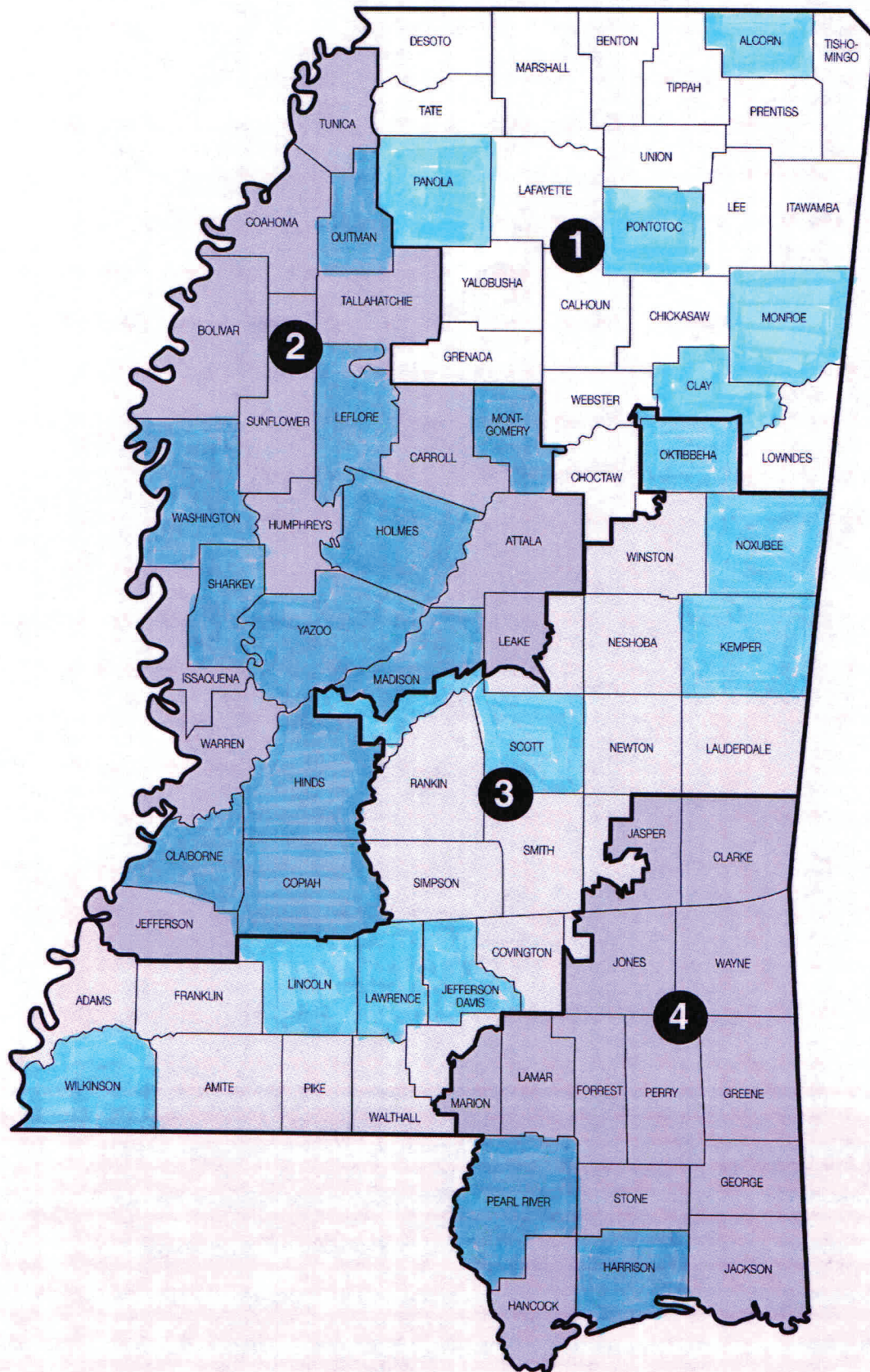
APPENDIX 1

Statewide Deployment by Congressional District

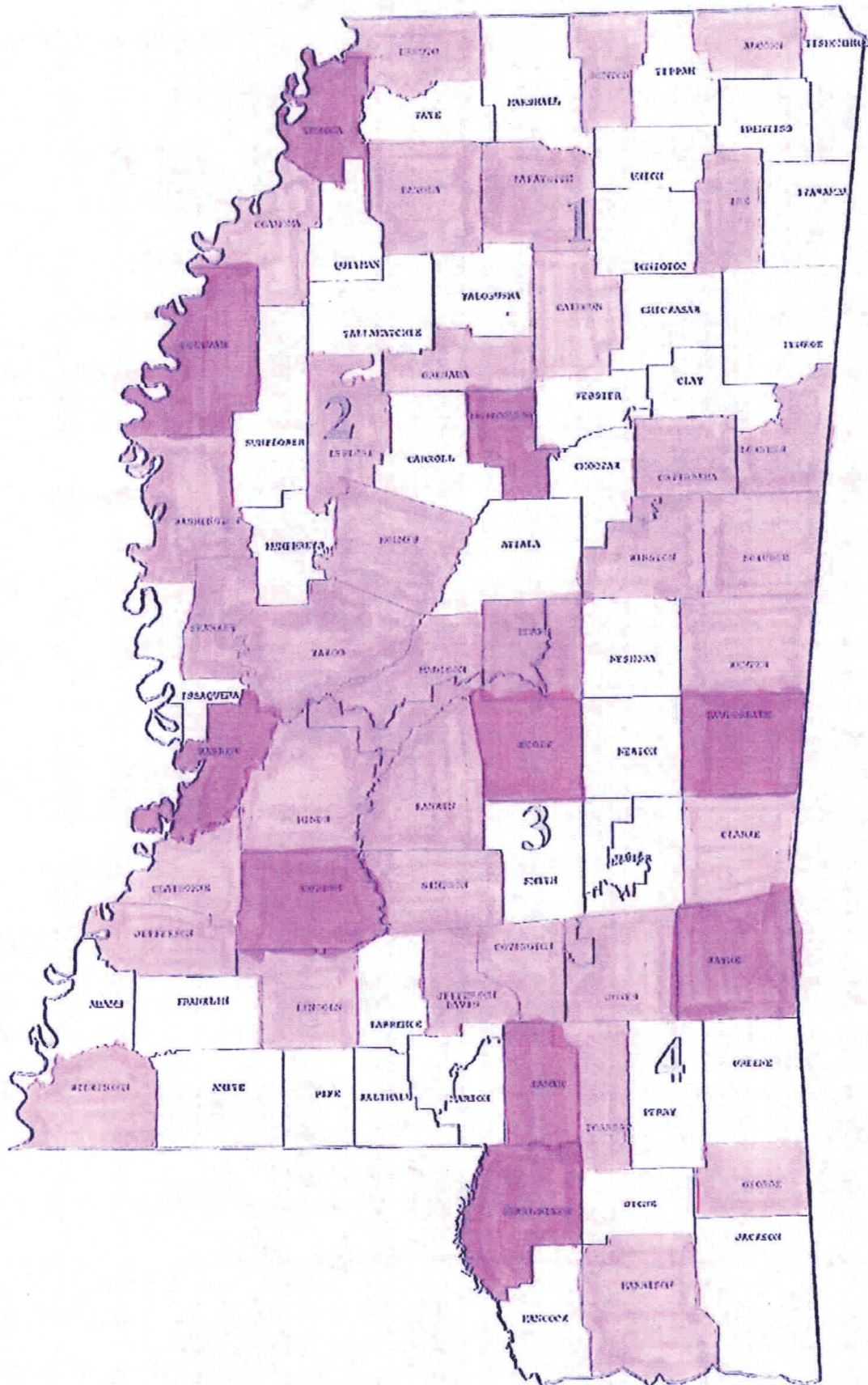
August 2, 2011 Primary Election



August 23, 2011 Primary Runoff Election



November 8, 2011 General Election



APPENDIX 2

General Election Checklist



County _____
 Ward _____
 Precinct _____
 Voter Roll Count _____
 Votes (when present) _____

STARTING THE DAY:	YES	NO
1) Did polls open at 7am?		
2) If using voting machines, was a zero tape printed?		
3) Did the candidates' names on the zero tape match the names on the ballot?		
4) Do all the machines show zero ballots cast at the time the polls open?		
5) Was a list of absentee voters posted? How many absentee voters? _____		
6) Was a sample ballot posted?		
7) Was there a sign showing the hours during which the polling place is to be open?		
8) Was there a poster showing the general information on voting rights under federal and state laws?		
9) Were instructions posted for mail-in registrants who are unverified first-time voters?		
10) Were instructions on how to cast a provisional/affidavit ballot posted?		
11) Was the general information on prohibitions on fraud and misrepresentation posted?		
12) Is the precinct handicapped accessible?		
13) Is there a voting machine or device which is handicapped accessible?		
DURING VOTING HOURS:	YES	NO
1) Was an area 150' and closer from any entrance to the poll kept free from distribution and posting of campaign literature?		
2) Was an area 30' in every direction from the polls or room kept clear of all persons except election officials, poll watchers, or persons waiting to vote?		
3) How many voters voluntarily provided identification? _____		
4) Voter Assistance:		
How many voters were assisted? _____		
How many voters <i>requested</i> assistance from Poll Managers? _____		
Was the voter:		
Blind? _____ Illiterate? _____ Physically disabled? _____		
Or none of the three? _____		
Who provided assistance:		
Poll Manager? _____ Poll Watcher? _____ Third Party? _____		

5) How many voters were provided instruction on how to use the voting machines?		
6) How many ballots were challenged? _____ Frivolous? _____ Rejected? _____ Accepted? _____		
7) Were any voters turned away from the polls? How many? _____ Why? _____		
8) How many voters voted curbside? _____		
9) Did poll watchers move about the precinct greeting voters; trying to influence voters; or causing an interruption of the process?		
10) How many affidavit ballots were cast? _____		
11) Were those casting affidavit ballots given written instructions on how to determine if their ballot was counted?		
12) Is the ballot box locked?		
13) Were any additional absentee ballots put into the election box after the polls opened?		
14) Were any law enforcement officials, in uniform, allowed to hang around the polling place before or after voting?		
15) Were people allowed inside the precinct wearing a shirt, cap, pin, sticker or any other advertisement for any candidate? How many? _____		
UPON CLOSING:	YES	NO
1) Did the poll stay open until 7 PM?		
2) If people were in line to vote at 7 PM, did the officials make arrangements to mark the back of the line to ensure that no other persons are allowed entry into the line after 7 PM?		
CLOSING OF POLLS WITH TOUCH SCREEN VOTING MACHINES	YES	NO
1) When the polls closed, did the Managers lock and seal the machines?		
2) Did the Manager open the counter compartment in the presence of those present, giving a full view of the counters?		
3) Were the vote counts on each machine read aloud by each office, constitutional amendment or ballot measure and recorded by Managers on two Statements of Canvass?		
4) Once the results are read and recorded, did the Managers lock the counter compartment to secure the results?		
ABSENTEE BALLOTS USING TOUCH SCREEN MACHINES & CENTRAL SCANNER		
1) Did the election official announce the name, address and precinct as inscribed on each envelope?		
2) How many absentee ballots were there? _____		
3) Did the election officials compare the signature on the back of the envelope with the signature on the application?		
4) Did the election official mark the unopened envelope as accepted or rejected?		
5) How many were rejected? _____		
6) If rejected, did the election official write the reason for the rejection on the envelope?		
7) Did the election official check the poll book to ascertain whether the elector voted in person?		

8) If the elector did not vote in person, did the election official enter their name in the registration book and mark "voted" beside the name?		
9) Did the election official put the rejected ballots in a separate envelope marked rejected?		
10) Did the election officials place all accepted ballots in a separate envelope marked accepted?		
11) Did the election officials place all absentee ballots (accepted and rejected) in the ballot box, secure the ballot box and return the ballot box to elections central for tallying?		
PAPER BALLOTS	YES	NO
1) Were the ballot boxes publicly opened?		
2) Did the Manager read aloud the names voted for on the ballot?		
3) Were there persons to keep a tally of the announced votes?		
4) Did the election officials compare the total number of votes cast with the total number of voters signing the registration book?		
5) Were all ballots accounted for?		
CHALLENGED BALLOTS		
1) How many ballots were challenged? _____		
2) How many challenges were rejected? _____		
3) Did the election officials remove the challenged ballots and place them in a separate envelope?		
4) For those ballots where the managers could not determine whether the challenge was frivolous or well-taken, did the election officials mark the ballots "challenged", count those ballots separately and enter the results in the proper place on the tally sheet as a separate return?		
5) Were all the rejected challenge ballots grouped together, placed in a large sturdy envelope which was sealed and placed in the ballot box?		
AFFIDAVIT BALLOTS		
1) Were all affidavit ballots placed in a large envelope and secured in the ballot box?		
ABSENTEE BALLOTS...Using Paper Ballots		
1) Did the election official announce the name, address and precinct as inscribed on each envelope?		
2) How many absentee ballots were there? _____		
3) Did the election officials compare the signature on the back of the envelope with the signature on the application?		
4) Did the election official mark the unopened envelope as accepted or rejected?		
5) How many were rejected? _____		
6) If rejected, did the election official write the reason for the rejection on the envelope?		
7) Did the election official check the poll book to ascertain whether the elector voted in person?		
8) If the elector did not vote in person, did the election official enter their name in the registration book and mark "voted" beside the name?		
9) Did the election official open each accepted ballot envelope, and without divulging the contents, place the ballot in a locked ballot box?		
10) Did the election official put the rejected ballots in an envelope marked rejected?		
11) Did the officials count the absentee ballots and enter those totals into the totals for the precinct?		
PRECINCT OPTICAL SCANNER	YES	NO

1)	Did the election official announce the name, address and precinct as inscribed on each envelope?		
2)	How many absentee ballots were there? _____		
3)	Did the election officials compare the signature on the back of the envelope with the signature on the application?		
4)	Did the election official mark the unopened envelope as accepted or rejected?		
5)	How many were rejected? _____		
6)	If rejected, did the election official write the reason for the rejection on the envelope?		
7)	Did the election official check the poll book to ascertain whether the elector voted in person?		
8)	If the elector did not vote in person, did the election official enter their name in the registration book and mark voted beside the name?		
9)	Did the election official open each accepted ballot envelope, and without divulging the contents, place the ballot in a locked ballot box?		
10)	Did the election official put the rejected ballots in an envelope marked rejected?		
11)	Did the officials count/scan the absentee ballots and enter those totals into the totals for the precinct?		

Secretary of State's Office
Poll Watching Report

ACTIVITY	TOTAL NUMBER
VOLUNTARY IDENTIFICATION	
VOTER ASSISTANCE- third party	
VOTER ASSISTANCE- poll watcher	
VOTER ASSISTANCE- poll worker	
VOTER INSTRUCTION (poll managers only)	
CURBSIDE VOTING	
AFFIDAVIT	
CHALLENGES- frivolous	
CHALLENGES- challenged	
CHALLENGES- rejected	
ABSENTEE- accepted	
ABSENTEE- rejected	
USE OF HAVA-COMPLIANT ACCESSIBLE DEVICES	
TOTAL NUMBER OF PERSONS VOTING	
TOTAL NUMBER OF PERSONS ON POLLBOOK	