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Secretary of State

2009
Municipal Election
Report

Compiled by the Elections Division of the Office of the Mississippi Secretary of State

Municipal Elections 2009

On May 5, 2009, Mississippians went to the polls to begin the process of selecting their municipal leaders for the next four years (except for special charter municipalities). Municipal primary elections were held across the State on May 5. Those elections were followed with municipal runoff elections on May 19, and municipal general elections on June 2. This report summarizes the preparation and assistance provided by the Secretary of State's Office, as well as our observations on each of these election days in the 2009 municipal election cycle.

Preparation:

Preparation for this cycle of municipal elections began over a year ago. The Secretary of State's office published two major documents: A revised Municipal Election Handbook and a revised Candidate Qualifying Guide. Both of those documents were published on our web site as well. In addition, the 2009 Elections Calendar, and 2009 Elections Code were published on our web site along with a HAVA Administrative Complaint Form.

Beginning in December 2008, the Secretary of State's Office Election Division implemented a training program for those with responsibility for conducting the local elections. We trained 407 of the 410 county election commissioners, provided an orientation for 92 newly elected election commissioners, and trained 1,299 municipal election officials from 262 municipalities across the state. These municipal election officials included municipal clerks, municipal election commissioners, and municipal executive committee members of the political parties.

Beginning several months before the municipal elections, questions regarding election and candidate filing procedures began to flow into the office. Our staff has fielded thousands of calls regarding almost every facet of the election and campaign process.

Elections Hotline:

On Election Day, we had personnel in our office from 6 a.m. until 10 p.m. to staff our elections hotline. Our staff takes and answers questions, receives complaints and acts on them where appropriate, and takes note of suggestions throughout Election Day. Each call is documented with the action taken noted on the call sheet. The call sheets are retained for public inspection in our office.

During the municipal election cycle, our elections hotline fielded 199 questions, complaints, and allegations, some of which were very serious. Calls came from a total of 73 municipalities throughout the State.

The major complaint voiced by those who called regarded precinct changes and not being on the voter rolls. This accounted for 24.4% of the hotline calls. The precinct changes were a common complaint statewide. It was a great source of confusion because people are accustomed to voting in a particular precinct for county elections and they are directed to a different precinct for municipal elections. Municipalities are transitioning toward uniting their voter rolls with county voters. This is a requirement of SB 2744, passed in the 2008 Regular Mississippi Legislative Session. For many, this is the first year of the transition. As the transition ends, we expect to see more accurate voter rolls for municipal elections and less voter confusion. Currently, 160 municipalities have not transferred their rolls to the Circuit Clerk. By law, this transition is to be accomplished by December 31, 2009. Failure to comply with this State law results in inaccurate voter rolls and increased usage of the affidavit voting procedure.

Almost 16% of the complaints concerned active campaigning within the 150 foot prohibition line. In a few instances campaign workers were very close to the entrance to the precinct handing out campaign material or holding campaign signs. This requirement will again be emphasized in our training.

Voter fraud was alleged in several instances and accounted for 11% of the calls. The majority of voter fraud allegations centered around absentee ballots. Criminal allegations have been referred to the Attorney General and other appropriate law enforcement authorities for further investigation.

Some allegations were:

- There were citizen allegations of municipal police officers in New Albany delivering absentee ballot applications and ballots to people's homes and telling them how to mark their ballot and taking the applications and ballots to the City Clerk for voting.
- Another allegation centers is that voters who went to the New Albany City Clerk's office to vote absentee were specifically asked by the Clerk to vote for a certain individual. This allegedly occurred after the same voters were awakened at 11:00 p.m. by a local policeman and given instructions to show up the next morning at the City Clerk's office to vote absentee.

- Another person from New Albany alleged the absentee ballots were opened early. Votes for a certain candidate were given to the police who took them back to the voter with instructions to cast another ballot for a different candidate.
- In Macon one elector said the mailman left an absentee ballot in her mailbox that she did not request. About an hour after she got her mail, she stated the City Clerk and a candidate showed up and voted her absentee ballot for her. Our office received another sworn statement from a different voter in the same town with a similar allegation.
- Also in Macon, a person was told he could be registered to vote (after the deadline) if he would promise to vote for a particular candidate.
- One winning candidate in Canton sent a letter to Congressman Thompson alleging several hundred voters are registered at addresses that are vacant buildings or vacant lots. The letter also claims there were dead people whose names appeared as having voted in the election.

Voting assistance procedures and perceived voting machine problems each accounted for 6.7% of the calls. Although the voting assistance issue was addressed in training, Secretary of State election observers reported violations of voter assistance procedures and laws in virtually every county. In the event of machine failure, emergency paper ballots are on hand to be used.

There were several calls, 5.5%, regarding absentee voting procedures. The calls were primarily due to a misunderstanding by electors who noted that persons who voted absentee were voting in person. In Mississippi, an absentee ballot is not a final vote until the polls close. If a person voted absentee because he or she would be out of town and actually is in town on Election Day, the law requires that person to vote in person. In these instances the elector was doing the proper thing but others did not recognize that fact. We will put special emphasis on this issue in future training sessions.

The last reportable category of calls regarded how to count the votes, 4.4%. They ranged from, “How do I compute the percentage of votes a candidate has received?” “How do you tally the majority of votes in the primary election?” and “What happens if nobody receives a majority of the vote?”

The items listed above accounted for 80% of our election hotline queries. The remainder of the calls could be categorized as miscellaneous and included questions and statements such as these:

How much do we pay poll workers for mileage?
 How do I get a recap of the vote?

Can a candidate provide rides to the polls?
How do you tally the majority in a primary?
Is there a runoff after the general election?
Can I sell alcohol on election day?
What is the procedure for counting the votes?
How do you tally the majority in a primary?
I want to report a stolen yard sign.
Where do I vote?
What is the law about requiring an employer to give time off to vote?
How do you certify an election?
Is there a runoff after the general election?
An election commissioner made lewd remarks to me.
I want observers here for the next election.
I want to commend the Secretary of State's office for the way they handle the elections.

Observers:

On municipal primary election day the Secretary of State's Office dispatched 32 observers to 21 municipalities throughout the state. Our office held training sessions to acquaint them with the types of things we wanted them to observe. The primary purpose of the election observations was to gather information which can be used to further refine our training modules. It also allowed us to gather information which might help us discover problem areas that may be addressed by legislation.

During the primaries, we positioned observers in large and small cities disbursed throughout the geographic regions of the State. They were located in Bay St. Louis, Biloxi, Centerville, Como, Greenwood, Gulfport, Hazlehurst, Jackson, Laurel, Leland, Macon, Mantachie, Meridian, Olive Branch, Shannon, Southaven, Tupelo, Vicksburg, West Point, Wiggins, and Woodville. In several instances, our observers noted others from the Department of Justice or the Mississippi Attorney General's office.

In the municipal general elections, we again dispatched observers to the following locations: Arcola, Bay St. Louis, Booneville, Brookhaven, Clarksdale, Como, Fayette, Meridian, Metcalf, Ocean Springs, Shannon, Verona, Vicksburg, and Wiggins.

We provided our observers a very detailed checklist to give us specific feedback on procedures associated with opening the poll, operating the polling place in accordance with state law, closing the poll and counting the ballots.

Our observers witnessed an array of violations:

- Candidates and their supporters campaigning inside of precincts, at the door to precincts, and in the parking lot which fell within the 150 foot rule. This occurred in Greenwood, Fayette, Bogue Chitto, Collins, Columbus and Como. In Greenwood a candidate was observed going to a vehicle and talking to a voter while the voter was casting a curbside vote.
- Poll workers who repeatedly assisted voters who had not requested assistance. This occurred in Arcola, Laurel, Meridian, and Greenwood.
- Absentee ballots being counted in secret without each being read aloud. This was occurring in Arcola until the County Chancery Clerk objected to the procedure.
- In Greenwood, Wiggins, Meridian, and Como, persons were observed delivering electors to the polls and assisting them even though there was no appropriate legal reason for the electors to be assisted.
- A person in Fayette was allowed to register and vote a regular ballot on Election Day.
- Some reports from our observers and others from citizens of intimidation of voters by law enforcement officers in Arcola, Gautier, Macon, New Albany, Tutwiler, and Mantachie.

Opening the Polls:

In our observation we checked to see if the polls opened promptly at 7 a.m., whether zero tapes were printed and posted for each machine, whether the absentee voter list was prominently posted as well as all other required signage. In addition, we observed whether or not the precinct was handicapped accessible and if an approved voting machine was available for handicap usage.

The overwhelming majority of polls observed opened on time without problems. In two instances, our observers noted voting machine problems, but the poll manager allowed the use of emergency paper ballots until the machines were functional. In several precincts, only one or two machines were ready for opening while the others were being prepared for voter use.

In one instance in Gulfport, a poll worker realized she was the only experienced worker assigned to that location. She was alarmed and decided to resign immediately and left before the poll opened.

In Vicksburg, a poll manager found his location to be one worker short. He immediately called someone who had previously worked at that poll. It did not delay the opening.

With rare exceptions, the list of absentee voters was posted for public information. Some communities had an extraordinary number of absentee ballots. Macon had 541 absentee votes of a total of 1,384. This is an absentee vote percentage of 39.40%. Charleston had an absentee ballot rate of 22.74%, West Point tallied 446 absentee ballots out of a total of 2,364 for a 19% rate. Sardis had an absentee ballot rate of 18.20%, and Ripley had an absentee ballot rate of 14.4%. This compares with Tupelo which had 164 absentee ballots out of a total of 7,764 for a rate of 2.1%. The State's largest municipality, Jackson, experienced 381 absentee votes out of a total of 33,800 for a rate of 1.17%.

Precinct Neutral Zones:

In addition, we noted if the 150 foot no campaigning zone was adequately marked and enforced and whether the 30 foot area immediately adjacent to the polls was kept free of congestion.

Again, the majority of precincts visited were enforcing the distance limitations. One municipal election commission gave each precinct 150 feet of string wound around a stick so they could properly measure the distance. That same municipality provided the precinct with "crime scene" tape to mark the boundary.

There were, however, many precincts where the neutral areas were not being adequately enforced. In some of those instances, when our observers called it to the attention of the poll manager, enforcement began immediately. In one instance the bailiff called police who promptly responded and saw to it that campaign workers and materials were moved to meet the space requirements.

Voter Assistance:

Inside the polling place, we tried to note how many people were asking for assistance in casting their ballots, whether or not poll workers were trying to influence voters, and if law enforcement officers were loitering around the precinct.

Observers attempted to get an idea of how many voters were requiring voter assistance and who was assisting them. In some locations voter assistance is obviously abused and not in compliance with Mississippi law. One or two non-poll workers were doing the majority of the assistance without the voter declaring to the managers of the election that he requires assistance or stating the reason assistance is required.

In Greenwood, two people seemed to be assisting a large number of voters. When our observer arrived the frequent assistance ceased. When the observer went to another polling location, it was found that the same two people from the prior precinct were freely assisting voters at that precinct.

This is information from one of our observers in Greenwood, “Two ladies appearing to work for Candidate Perkins arrived about 9 a.m., with 4 voters. The voters appeared to be young but indignant. Later in the day I was informed the ladies were (names withheld). (The ladies) took the voters to the table with the poll book and told the poll worker the voter’s name. It is possible that those voters were not who the ladies said they were. After the voter signed the book, (one lady) took them to the voting machine and assisted them in voting. These four voters did not request help nor did they appear to need assistance. The poll workers did not stop (the ladies) at this time.”

Then our observer noted, “(The ladies) came back with another voter....The poll manager told (one lady) that he could assist her and the poll manager did....(the ladies) returned to the precinct at 1:15 with 6 voters. (One lady again) attempted to assist the voter but the poll manager told her that he could assist the voter and that (the lady) needed to leave as she was not allowed to loiter. (She) left but a man (who had been outside campaigning for a candidate) appeared moments later and assisted the voter.”

At an entirely different precinct, our observer noted, “(The ladies) arrived at 11:13 with 6 voters. (One lady) walked back and forth between the machines while the people voted. None of these voters appeared to need assistance. Nor did these voters request assistance.”

Then at a third precinct in Greenwood, this observation: “(One of the ladies) arrived with a young voter. (She) assisted the voter even though the voter did not request help and did not appear to need help. No one challenged the voter and no poll managers asked for a reason for assistance.”

Mississippi Code of 1972 Annotated, §23-15-549, allows for persons voting to receive assistance for blindness, disability, or inability to read or write. Assistance is not authorized by law for any other reason.

In Arcola, the bailiff was quick to ask voters, “Do you need my help?” If they answered yes, she would stand beside them, press the buttons on the machine to cast the ballot for specific candidates and then step away and say out loud, “Now vote for anyone you wish and then press the ‘cast ballot’ button”. Immediately, the machine printer activated indicating the vote was cast as she configured it.

In Vicksburg, a candidate's poll watcher repeatedly attempted to talk with and influence voters in the precinct, before and after they voted.

Police at the Polls:

We had received calls from voters in Macon before the election regarding the chief of police. The callers alleged that, in this particular community, the chief of police intimidates citizens. On Election Day, policemen were standing in the polls watching each voter. In Arcola, a sheriff's deputy parked just outside of the precinct entrance where he could see everybody coming to vote. Our observer called it to the attention of the bailiff who asked him to move but he continually came back when our observer moved to another polling place. We also had a report of police intimidation in Tutwiler. Police officers in uniform are allowed to wear their uniform to vote and are allowed to respond to calls from the bailiff, but are prohibited from being positioned in the polling place in uniform for any other period of time.

Curbside Voting:

We observed the curbside voting procedure used. In Greenwood a candidate for alderman was observed going to a vehicle and talking to a voter while the voter was casting a curbside vote. Curbside voting was handled correctly in most instances we observed.

Affidavit Ballots:

If an affidavit ballot was cast, we checked to see if the voter was given written instructions as to how to determine if their vote was counted or rejected. In most instances if appeared poll workers were not familiar with the instructions that should be given affidavit voters explaining who to contact to see if their vote was counted.

Counting the Ballots:

At the end of the voting day, we observed the closing procedure and vote count procedure. We made notes about the public access to viewing the count and the results of the count.

Open and unbiased counting of votes was noted in almost every precinct. Tapes from the machines were posted for all to see. In the polling places where absentee ballots were counted,

the process was open for all to see. In many polling places absentee ballots were sent back to election central for count at that location.

Summary

The Secretary of State's office provided training for election officials. The biggest areas of continuing concern are absentee ballots, inaccurate poll books, campaigning too close to the polls, and voter assistance.

We will continue to provide training and emphasize those items of concern. In addition, we will continue to urge municipalities to comply with SB 2744 as passed in the 2008 Regular Legislative Session which will help with poll book accuracy.

Finally, where criminal violations are believed to have occurred, we will remain in contact with the Attorney General and appropriate law enforcement officials.