

## **Title 1: Secretary of State**

### **Part 10: Elections – Voting and HAVA Compliance**

#### **Part 10 Chapter 1: State Plan for Compliance with HAVA**

*Rule 1.1 Help America Vote Act State Plan.* This is a required state plan document that includes a description of the state’s plans for meeting federal requirements under the Help America Vote Act of 2002. This state plan document is available on the Secretary of State’s website at [www.sos.ms.gov](http://www.sos.ms.gov).

Source: Miss. Code Ann. §23-15-169.5; 52 U. S. C. § 20901, *et seq.*

#### **Part 10 Chapter 2: HAVA Complaint Procedure**

*Rule 2.1 Definitions.* In this chapter, the following terms have the following meanings:

- A. “Complainant” means the person who files a complaint with the Secretary of State pursuant to this Chapter 2.
- B. “Respondent” means any state or local election official or board against whom a complaint is filed pursuant to this Chapter 2.
- C. “Subchapter ” means Subchapter III of HAVA, 52 U. S. C. §§ 21081-21085.
- D. “State or local election official” means the Secretary of State, the State Board of Election Commissioners, a circuit or municipal clerk, a county or municipal election commissioner or election commission, the state or local political party executive committee or executive committee member, a poll manager or any employee, officer, agent or appointee thereof.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.2 Who May File.* Any person who believes a violation of Subchapter III of HAVA has occurred, is occurring or is about to occur may file a complaint.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.3 Form of Complaint.* A complaint filed shall be in writing and notarized, signed and sworn to by the Complainant. The complaint must also provide the name of each respondent and contain a concise statement of the facts alleged to violate Subchapter III of HAVA.

The Complainant must use the form prescribed by the Secretary of State or his designee, which is available from the Secretary of State’s Office or from any state or local political party executive committee, local election commission or circuit or municipal clerk, or which may be downloaded from the Secretary of State’s website at [www.sos.ms.gov](http://www.sos.ms.gov).

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.4 Place, Time and Method for Filing; Copy for Respondent.* A complaint shall be filed with the Secretary of State's Office, Elections Division, 401 Mississippi Street, Jackson, Mississippi 39201.

A complaint shall be filed within 30 days after the occurrence of the actions or events forming the basis of the complaint or after the complainant knew, or with the exercise of reasonable diligence, should have known of the action or event forming the basis for the complaint. The deadline for filing any complaint may be extended an additional 30 days in the discretion of the Secretary of State or his designee upon presentment of evidence by the Complainant the Respondent concealed the actions or events forming the basis of the complaint.

The complaint shall be delivered to the Secretary of State's Office by hand-delivery or by overnight service to 401 Mississippi Street, Jackson, Mississippi 39201, or by mail to Post Office Box 136, Jackson, Mississippi 39205. A complaint shall be deemed filed upon receipt by the Secretary of State's Office and not upon mailing or postmark.

For filing to be deemed complete, the Complainant shall mail or deliver a copy of the complaint to each Respondent not later than the date on which the complaint is filed and submit proof of such delivery to the Secretary of State.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.5 Processing of Complaint.* The Secretary of State or his designee may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact. The Secretary of State or his designee shall notify all interested parties if two or more complaints have been consolidated.

The Secretary of State or his designee shall compile and maintain an official record in connection with each complaint filed pursuant to this rule. The official record shall contain:

1. A copy of the complaint, including any amendments made to it with the permission of the Secretary of State or his designee;
2. A copy of any written submission by the Complainant;
3. A copy of any written response by the Respondent or other interested person;
4. A written report of any inquiry conducted by employees of the Secretary of State's Office or of any other state or local election officials who may not be directly involved in the actions or events complained of and may not directly supervise or be directly supervised by any Respondent;
5. Copies of all notices and correspondence to or from the Secretary of State or his designee in connection with the handling of the complaint;
6. Originals or copies of any tangible evidence produced at any hearing conducted under this rule;
7. The original tape recording produced at any hearing conducted under this rule; and
8. A copy of any final determination made under this rule.

The Secretary of State or his designee will review each complaint filed to determine whether the complaint: (a) states a violation of Subchapter III of HAVA; and (b) complies with the other requirements of this rule.

If a complaint fails to state a violation of Subchapter III of HAVA or does not comply with other requirements of this rule, then the Secretary of State or his designee shall dismiss the complaint without further action and notice of the dismissal will be provided to the complainant.

Except as otherwise provided in this rule, a complainant whose complaint has been dismissed pursuant to this section may re-file the complaint within the time set forth in Rule 2.4.

A complainant whose complaint has been dismissed for failure to state a violation of Subchapter III of HAVA may re-file the complaint only one time.

The Secretary of State or his designee may, upon agreement of all the parties, resolve the complaint informally, and issue a final determination, without a formal proceeding.

The Secretary of State or his designee may require the parties to submit written briefs on any of the issues involved in the complaint.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.6 Hearing.* If requested by the Complainant in his complaint or so ordered by the Secretary of State or his designee, and the complaint has not been dismissed or informally resolved pursuant to Rule 2.5, the Secretary of State or his designee will schedule a hearing that shall proceed as follows:

- A. The hearing may be conducted without adherence to requirements of the Mississippi Rules of Civil Procedure or the Mississippi Rules of Evidence.
- B. The hearing shall be conducted no sooner than 10 days and no later than 30 days after receipt by the Secretary of State's Office of a complaint containing a request for a hearing and shall be set by the Secretary of State or his designee. The Secretary of State or his designee shall give at least 5 days advance notice of the date, time and place of the hearing:
  - i. By mail to the Complainant, each Respondent (to the addresses set out in the complaint and response) and any other interested person who has asked the Secretary of State in writing to be advised of the hearing;
  - ii. On the Secretary of State's website ([www.sos.ms.gov](http://www.sos.ms.gov)); and
  - iii. By posting in a prominent place, available to the general public, at the Secretary of State's Office.
- C. The Secretary of State or his designee shall act as hearing officer.

- D. The Complainant, any Respondent or any other interested member of the public may appear at the hearing and testify under oath or present relevant evidence in connection with the complaint. The hearing officer may limit the testimony, if necessary, to ensure all interested persons are able to present their views. The hearing officer may recess the hearing and reconvene at a later date, time and place publicly announced at the hearing. In the case of consolidated complaints, the hearing officer may require the Complainants and/or Respondents to designate a single representative party to advocate for the consolidated group of Complainants and/or Respondents at the hearing.
- E. In the discretion of the hearing officer, the hearing may be held via conference call or video teleconferencing. In such a case, the notice shall so state and provide for technical details.
- F. The proceedings shall be tape recorded by and at the expense of the Secretary of State. The recording shall not be transcribed as a matter of course and any party or interested person may obtain a copy of the tape at his/her own expense. If a transcript is obtained, a copy of it shall be filed as part of the record and any interested party may examine it.
- G. If the Complainant fails to appear at the hearing, the complaint shall be dismissed with prejudice.
- H. Cross-examination at the hearing will be permitted only at the discretion of the hearing officer, but a person may testify or present evidence at the hearing to contradict any other testimony or evidence presented at the hearing. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence presented subsequently, that person is entitled to be heard again only at the discretion of the hearing officer who may authorize the person to provide an oral or written response, or both.
- I. Any party to the proceeding may file a written brief or memorandum with the hearing officer not later than 5 business days after the hearing's conclusion. The party shall serve a copy of any such written brief or memorandum on all other parties no later than the date the written brief or memorandum is filed with the hearing officer. No responsive or reply memorandum to such a brief or memorandum will be accepted without the specific authorization of the hearing officer.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.7 Determination.* A final determination on the complaint shall be made within 90 days of the Secretary of State's receipt of the complaint and must be in writing. This time period may only be extended upon the written consent of the Complainant.

- A. The determination as to whether a Subchapter III violation has been established shall be based on the preponderance of the evidence standard. The Complainant shall bear the burden of proving the existence or occurrence of a Subchapter III violation by a preponderance of the evidence.
- B. The determination shall constitute a final and binding decision which is not appealable to any state or federal court.
- C. If it is found there was a past, present or potential violation of Subchapter III of HAVA, then the written determination shall state the facts of the violation, set forth the specific law violated and provide for a remedy. The remedy provided shall be

directed to the improvement of processes or procedures governed by Subchapter III. The principal remedy shall be written findings a violation occurred and strategies or recommendations for ensuring future violations do not occur.

D. Any remedy provided for under this rule may not include any award of monetary damages, the payment of costs, penalties or attorneys' fees and may not include the invalidation of any vote or ballot, primary, special or general election result or the disqualification of any candidate.

E. All final determinations shall be posted on the website of the Secretary of State ([www.sos.ms.gov](http://www.sos.ms.gov)) and mailed to the Complainant, each Respondent and other interested persons who asked in writing to be advised of the final determination.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

*Rule 2.8 Alternative Dispute Resolution.* The Secretary of State may, by written order, refer this matter at any time for alternative dispute resolution. In addition, if the Secretary of State or his designee does not render a final determination on a complaint filed under this rule within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State or his designee will, on or before the 5<sup>th</sup> business day after the final determination was due to be issued, by order initiate alternative dispute resolution. A copy of this order shall be provided to the Complainant and the Respondent.

The Secretary of State shall maintain a list of approved arbitrators to be used in these proceedings and from which arbitration panel members must be selected.

The written order provided for in this rule shall designate an arbitrator to serve on a panel to resolve the complaint. Within 3 business days after the Complainant receives this designation, the Complainant shall designate in writing to the Secretary of State the name of a second arbitrator. No later than 3 business days after designation by the Respondent of the second arbitrator, the two arbitrators so designated shall select a third arbitrator, to complete the panel.

As an alternative, the Secretary of State may retain a single, independent, professionally qualified person to act as an arbitrator, if the complainant consents in writing to his appointment as the arbitrator at the time of his appointment.

The arbitrator or arbitration panel may review the record compiled with the complaint, including the tape recording or any transcript of a hearing, if a hearing was requested and held, and any written or documentary evidence compiled by the Secretary of State's Office. The arbitrator or panel may request the parties present additional briefs or memoranda. The arbitrator or panel may conduct the hearing as prescribed in Rule 2.6 if no such hearing was held.

The arbitrator, or arbitration panel by majority vote, shall determine the appropriate resolution of the complaint by majority vote.

The arbitrator or panel shall issue a written resolution within 60 days after the issuance of the written order required in this rule, which period shall not be extended. The final resolution shall be transmitted to the Secretary of State and shall be the final resolution of the complaint. The Secretary of State shall mail the final resolution of the arbitrator or panel to the Complainant, each Respondent and any other interested person who has asked in writing to be advised of the final determination. It shall also be published on the Secretary of State's website at [www.sos.ms.gov](http://www.sos.ms.gov).

The final determination of the arbitrator or arbitration panel is binding upon all the parties involved in the dispute and shall not be subject to appeal to any state or federal court.

Source: Miss. Code Ann. §23-15-169; 52 U.S.C. § 21112.

### **Part 10 Chapter 3: Voting Information Requirements**

*Rule 3.1 Educational Posters.* The appropriate local election official is required to publicly post voting information at each polling place on each election day, pursuant to §302(b) of the Help America Vote Act of 2002 and applicable Mississippi law.

The required posting of voting information shall include the following:

- a) A sample ballot,
- b) The hours during which the polling place will be open,
- c) Instructions on how to vote, including how to cast a vote and how to cast an affidavit/provisional ballot,
- d) General information on voting rights, including information on the right of an individual to cast an affidavit ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated,
- e) The consequences under federal and state laws regarding fraud and misrepresentation,
- f) A list of voters in each polling place who have already cast an absentee ballot, and
- g) A list of the categories of acceptable photo identification which must be presented by voters in the polling place.

The attached educational poster (Exhibit A), or a poster substantially similar in substance, must be conspicuously displayed in all polling places during every election for federal, state, county, municipal, or other office local option or balloted initiative measure.

Source: Miss. Code Ann. §§23-15-169.5, 23-15-7, 23-15-255; 52 U. S. C. A. § 20901, *et seq.*

### **Part 10 Chapter 4: Assistance for Military and Overseas Voters**

*Rule 4.1 Definition.* For the purpose of this chapter, “Mississippi armed services and overseas voters” shall include the following persons if they are absent from their county of residence and are otherwise qualified to vote in Mississippi:

- A. Any person in any division of the armed services of the United States who is a citizen of Mississippi, who has been called into active duty and is serving outside their county of residence;
- B. Any member of the Army National Guard or Air National Guard who is a citizen of Mississippi and who has been mobilized or called to active duty outside of their county of residence, other than annual training or summer camp;
- C. Any member of the U.S. military reserve or Coast Guard reserve who is a citizen of Mississippi and who has been called to active duty and is serving outside of their county of residence, other than annual training or summer camp.
- D. Any member of the Merchant Marine and the American Red Cross who is a citizen of Mississippi and is serving outside of their county of residence;
- E. Any disabled war veteran who is a patient in any hospital and who is a citizen of Mississippi;
- F. Any civilian attached to and serving outside of the United States with any branch of the Armed Forces or the Merchant Marine or American Red Cross, who is a citizen of Mississippi;
- G. Any citizen of Mississippi temporarily residing outside the territorial limits of the United States and District of Columbia;
- H. Any citizen of Mississippi enrolled as a student at a United States Military Academy; and
- I. The spouse and/or dependent(s) of any absent voter as set out in Sections A through H above, who is a citizen of Mississippi and is also absent from their county of residence.

Source: Miss. Code Ann. § 23-15-673.

*Rule 4.2 Voting Methods.* Pursuant to current law, Mississippi armed services and overseas voters may:

- A. Use a duly executed federal postcard application (FPCA) (as provided in the *Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1972 ff et seq.*) to register to vote, to request an absentee ballot or to do both simultaneously
- B. Use mail to transmit the FPCA or receive and/or transmit absentee ballots;
- C. Use electronic facsimile (fax) devices to transmit the FPCA or receive and/or transmit absentee ballots; and
- D. Use electronic mail (e-mail) to transmit the FPCA or receive and/or to transmit absentee ballots (*P.L. 107-252 §702*).
- E. Use the Federal Write-In Absentee Ballot (as provided in *42 U.S.C. 1973 ff 2*) in all general, special, primary and run-off elections for local, state, and federal offices (*Miss. Code Ann. § 23-15-692*); and
- F. Be sent absentee ballots by the local voter registrar within 45 days of the next election or within 24 hours, if possible, of receipt by the registrar of a proper application requesting same.

G. Sign an absentee ballot application by electronic signature, by use of a Mississippi-specific version of the Federal Post Card Application, which shall be substantially similar in form to that following hereafter at Exhibit 4.2-A, and available on the Mississippi Secretary of State's website(s)([www.sos.ms.gov](http://www.sos.ms.gov)).

Source: Miss. Code Ann. §§ 23-15-677, 687, 692, 699 and §75-12-1 *et seq.* (1972).



EXHIBIT 4.2-A

# Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

This is a Mississippi specific version of the Federal Post Card Application which allows for the electronic signature of the voter by typing his or her name in the bottom blank.

Print clearly in blue or black ink.

**1. Who are you? Pick one.**

I request an absentee ballot for all elections in which I am eligible to vote AND:

- I am on active duty in the Uniformed Services or Merchant Marine -OR-  I am an eligible spouse or dependent.
- I am an activated National Guard member on State orders.
- I am a U.S. citizen living outside the country, and I intend to return.
- I am a U.S. citizen living outside the country, and my return is uncertain.
- I am a U.S. citizen living outside the country, and I have never lived in the United States.

Last name	Suffix (Jr., II)	Sex	<input type="checkbox"/> Female <input type="checkbox"/> Male
First name	Previous names (if applicable)		
Middle name	Birth date (MM/DD/YYYY) / /		
Social Security Number	Driver's license or State ID #		

**2. What is your address in the U.S. State or territory where you are registering to vote and requesting an absentee ballot?**

Your voting materials will not be sent to this address. See instructions on other side of form.

Street address	Apt #
City, town, village	State
County	ZIP

**3. Where are you now? You must give your CURRENT address to receive your voting materials.**

Your mailing address. (Different from above)

Your mail forwarding address. (If applicable)

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**4. What is your contact information? This is so election officials can reach you about your request.**

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:	Phone:
Alternate email:	Fax:

**5. What is your voting preference? Select One.**

How do you want to receive voting materials from your election office?	<input type="checkbox"/> Mail <input type="checkbox"/> Email or online <input type="checkbox"/> Fax	What is your political party for primary elections?
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**6. What additional information must you provide?**

The following need more information: Alaska, Arizona, Puerto Rico, Vermont, and Virginia. (Ex. Proof of residency, employer, etc.) You may also use this space to clarify your voter information. See the Voting Assistance Guide at FVAP.gov.

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**7. You must read and sign this statement.**

- I swear or affirm, under penalty of perjury, that:**
- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
  - I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
  - I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
  - I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

<b>Sign here</b> X	<b>Today's date</b> (MM/DD/YYYY) / /
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*Rule 4.3 Secretary of State's Exercise of Emergency Powers.* Pursuant to the Military and Overseas Voter Empowerment Act of 2009 ("MOVE Act"), Congress amended the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") to require the transmittal of absentee ballots at least forty-five (45) days prior to every election to every UOCAVA voter who has submitted a valid absentee ballot application.

Pursuant to existing Mississippi law, federal primary runoff and special runoff elections are held twenty-one (21) days after the date of the first primary or special election is conducted if no candidate receives a majority of the votes cast for an office.

Pursuant to the Secretary of State's authority to exercise emergency powers concerning absentee voting by Mississippi armed services and overseas voters, the Secretary of State promulgates the following:

- A. *Runoff Election Absentee Ballots Provided Electronically to UOCAVA Voters.* To ensure UOCAVA voters are afforded sufficient time within which to vote in a federal runoff election, the Circuit Clerk of the voter's county of residence shall transmit a ranked choice runoff absentee ballot simultaneous with the primary or special election absentee ballot to those UOCAVA voters who previously submitted a valid absentee ballot application therefor, specifying receipt of the voter's absentee ballot by electronic means.
- i. The runoff election ranked choice ballot shall be in such a format so as to enable UOCAVA voters to mark the same on-line and shall be styled so as to distinguish its use for the runoff election only.
  - ii. The runoff election ranked choice ballot shall allow the voter to rank candidates in the order of his/her preference.
    1. If a voter assigns the same rank to two (2) or more candidates, his or her vote in that particular race may not be counted.
    2. The voter shall not be required to indicate his or her preference for more than one (1) candidate.
  - iii. Additional instructions shall be provided to the UOCAVA voter with the transmittal of the primary or special election absentee ballot and runoff absentee ballot to explain the ranked choice voting process.
  - iv. No additional ballot shall be sent to the UOCAVA voter for the runoff election. It is the UOCAVA voter's choice as to when he/she votes and electronically returns his/her voted runoff election absentee ballot; however, absentee ballots returned electronically must be received by the Circuit Clerk of the voter's county of residence by 7:00 p.m. on the date of the election in order to be counted.

- v. In the event a runoff election is conducted, the UOCAVA voter's runoff election ballot shall be counted in accordance with the order in which the voter has ranked the candidates.

B. *Runoff Election Absentee Ballots Provided by Mail to UOCAVA Voters.* To ensure UOCAVA voters are afforded sufficient time within which to vote in a federal runoff election, the Circuit Clerk of the voter's county of residence shall transmit a ranked choice runoff absentee ballot simultaneous with the primary or special election absentee ballot to those UOCAVA voters who previously submitted a valid absentee ballot application therefor, specifying receipt of the voter's absentee ballot by mail or not specifying a means by which to receive an absentee ballot.

- i. The runoff election ranked choice ballot shall be printed on paper of a different tint or color and shall be styled so as to distinguish its use for the runoff election only.
- ii. Upon proper application, the Circuit Clerk of the UOCAVA voter's county of residence shall send to the voter separate official envelopes for the return of each absentee ballot in accordance with Section 23-15-683, Miss. Code Ann.
- iii. The runoff election ranked choice ballot shall allow the voter to rank candidates in the order of his/her preference.
  - 1. If a voter assigns the same rank to two (2) or more candidates, his or her vote in that particular race may not be counted.
  - 2. The voter shall not be required to indicate his or her preference for more than one (1) candidate.
- iv. Additional instructions shall be provided to the UOCAVA voter with the transmittal of the primary or special election absentee ballot and runoff absentee ballot to explain the ranked choice voting process.
- v. No additional ballot shall be sent to the UOCAVA voter for the runoff election. It is the UOCAVA voter's choice as to when he/she votes and returns his/her voted runoff election absentee ballot; however, absentee ballots returned by mail must be received by the Circuit Clerk of the voter's county of residence by 7:00 p.m. on the date of the election in order to be counted.
- vi. In the event a runoff election is conducted, the UOCAVA voter's runoff election ballot shall be counted in accordance with the order in which the voter has ranked the candidates.

- C. *Runoff Election Absentee Ballots Returned Electronically to the Circuit Clerk.* Upon electronic receipt of a federal runoff election ballot, the Circuit Clerk shall place the runoff election ballot in an absentee ballot envelope and note on the envelope the ballot was received pursuant to Section 23-15-699, Miss. Code Ann., and the signatures across the flap of the envelope are not required. The envelope containing the runoff election absentee ballot shall be placed into a sealed ballot box designated for runoff election absentee ballots only. Such ballot box shall remain sealed and secured in the office of the Circuit Clerk (or such other designated location) until the day before the runoff election, or the time at which the absentee ballots are separated by precinct ballot boxes and distributed to the individual polling places for the runoff election.
- D. *Runoff Election Absentee Ballots Returned by Mail to the Circuit Clerk.* Upon receipt by mail of a federal runoff election ballot, the Circuit Clerk shall deposit the envelope containing the runoff election absentee ballot into a sealed ballot box designated for runoff election absentee ballots only. Such ballot box shall remain sealed and secured in the office of the Circuit Clerk (or such other designated location) until the day before the runoff election, or the time at which the absentee ballots are separated by precinct ballot boxes and distributed to the individual polling places for the runoff election.

Source: Miss. Code Ann. § 23-15-701 and § 25-43-3.101, et seq.

## **Part 10 Chapter 5: Voter Rights**

*Rule 5.1 Affidavit Ballot Form.* Pursuant to Section 23-15-574, Miss. Code Ann., Exhibit B reflects the most current form of the attached affidavit ballot envelope, incorporating all changes in previous state and/or federal law.

Source: Miss. Code Ann. §§ 23-15-573, 23-15-574.

*Rule 5.2 Instructions for Voters Casting Affidavit Ballots.* When a person is offered the opportunity to vote by an affidavit ballot in any election, he or she must be provided with written information which informs the voter how to determine whether his or her affidavit ballot was counted and, if the vote was not counted, the reasons therefor. These written instructions, which must be substantially similar to those attached as Exhibit C, must be completed to provide the contact telephone number of the Circuit Clerk's Office, the County Election Commission (in general and special elections) and/or the appropriate County Executive Committee (in primary elections).

Source: Miss. Code Ann. §§23-15-169.5, 23-15-572.

*Rule 5.3 Affidavit Voting Process for Unverified Voters who Cast Absentee Ballots.*

If any person who presents to vote by an absentee ballot declares he or she is an eligible and registered voter in the jurisdiction in which he or she offers to vote by absentee ballot, but

- A. His or her name does not appear in the Statewide Elections Management System;

- or
- B. His or her name is not related to the correct residence address in the Statewide Elections Management System by reason of a failure to timely update the voter's registration information;
- C. He or she is flagged in the Statewide Elections Management System as a HAVA unverified first time voter and is unable to present the required identification, or
- D. Is unable to present an acceptable form of photo identification in accordance with Mississippi's voter photo identification law,

the Circuit Clerk's Office shall permit the voter to cast an affidavit absentee ballot.

The absentee voter shall be permitted to cast an absentee ballot in accordance with Section 23-15-621, *et seq.*, Miss. Code Ann., including the completion of the absentee ballot application, sealed in an absentee ballot application envelope, voting of the paper absentee ballot and sealing of the same in a signed absentee ballot envelope, all as required by Mississippi law.

The absentee voter shall also be required to execute the written affidavit of an affidavit ballot envelope, attesting he or she:

- A. Is eligible to vote in the election; or
- B. Is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote; or
- C. Has been illegally denied registration; or
- D. Is unable to present an acceptable form of identification.

The absentee voter must complete the affidavit ballot envelope by providing:

- A. His or her complete name,
- B. A current residence and mailing address,
- C. A previous residence and mailing address,
- D. Telephone number,
- E. Date of birth, last four of his/her social security number and/or driver's license number, and
- F. Signature.

The Circuit Clerk or a deputy clerk must also sign the affidavit ballot envelope.

When a person is offered the opportunity to vote by affidavit ballot, he or she shall be provided with written information that informs the person how to ascertain whether his or her affidavit ballot was counted and, if the vote was not counted, the reasons the vote was not counted.

In canvassing the returns of the election, the executive committee in primary elections, or the election commissioners in other elections, shall examine the records and determine whether to accept or reject the affidavit portion of the affidavit/absentee in accordance with Mississippi law. The affidavit/absentee ballots of those the election officials determine to accept the affidavit portion shall be processed by the poll workers in or of the polling place in which the voter is registered to vote. The affidavit/absentee ballots of those the election officials determine to

reject the affidavit portion shall be retained, unopened, with all other election materials for the statutory required time.

The affidavit portion of an affidavit/absentee ballot voter who was unable to present an acceptable form of photo identification may not be rejected for this reason if the voter:

- A. Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date of the election and presents an acceptable form of photo identification;
- B. Returns to the circuit clerk's office within five (5) business days after the date of the election to obtain the Mississippi Voter Identification Card, or in municipal election, returns to the municipal clerk's office within five (5) business days after the date of the election to present his or her Mississippi Voter Identification Card or Temporary Mississippi Voter Identification Card; or
- C. Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date of the election to execute a separate Affidavit of Religious Objection.

Source: Miss. Code Ann. §§ 23-15-169.5, 23-15-572.

## **Part 10 Chapter 6: Voting System Standards**

*1 Mississippi Administrative Code Pt. 10, Chapter 6, Rule 6.1. Adding Contested Candidates to Official Ballot. REPEALED.*

*Rule 6.2 Optical Mark Reading Equipment.* All optimal mark reading voting systems software shall be programmed based on functional requirements to facilitate a uniform manner in which “Election Results Reports” will be generated.

An “Election Results Report” is the summary tape which contains election vote totals. This report will be set in the Global Elections Management System (GEMS) database as the default report. A detailed report is available for printing from the GEMS server.

Source: Miss. Code Ann. § 23-15-169.5.

## **Part 10 Chapter 7: Voter Registration Policies and Procedures**

*Rule 7.1 Mail-in Voter Registration Form.* All local registrars and designated voter registration agencies shall use a uniform voter registration form (Exhibit D) for registering citizens who register by mail. This voter registration form is available upon request from the Secretary of State and publicly available by the Secretary of State’s website at [www.sos.ms.gov](http://www.sos.ms.gov).

Federal law requires the states to accept and use the mail-in voter registration application form described in the National Voter Registration Act (NVRA) for registration of voters in elections for federal office. Further, NVRA requires states to designate as voter registration agencies all

offices that provide public assistance and offices that provide state-funded programs to persons with disabilities.

In addition to the Mississippi Department of Public Safety, these agencies so designated by Governor Ronnie Musgrove are the Department of Human Services, the Governor's Office, Division of Medicaid, Department of Health, Department of Rehabilitation Services and Department of Mental Health. These designated agencies are required to provide the opportunity to register or decline to register to vote to each applicant for assistance, recertification, re-application or whenever an applicant or recipient updates his/her address.

Source: Miss. Code Ann. §23-15-47, 52 U. S. C. A. §§ 20501-20511.

*Rule 7.2 Disclosure of Personal Information.* State law provides that copies of statewide, district, legislative, county or municipal voter registration files, excluding social security numbers, telephone numbers and date of birth and age information, shall be provided to any person in accordance with the Mississippi Public Records Act of 1983 at a cost not to exceed the actual cost of production. The Secretary of State's Office also adheres to the Mississippi Public Records Act (See Miss. Code Ann. § 25-61-1 et seq.).

Based on state law, the following information will not be provided in response to public requests in order to prevent any kind of abuse of such information and/or identity theft:

- A. Voter number assigned by the county;
- B. Social Security Number;
- C. Date of Birth;
- D. Driver's license number;
- E. Telephone number, facsimile number or E.Mail address information;
- F. Custom fields;
- G. Last jury date; and
- H. Registration Source.

Any voter registration data provided shall not be used for the purpose of mailing or delivering any solicitation for money, services, or anything of value. This policy is used to protect voters from unwanted commercial solicitations.

Cost: \$100 set-up fee for all electronic data SEMS requests plus additional costs as listed below. Pre-payment of such cost is required prior to production of the requested information.

Additional Costs (does not include set-up fee):

- A. County, county district, municipal or municipal district office: \$125
- B. State legislative district, Judicial district (Chancery or Circuit Court, District Attorney), or comparable office involving more than one county that does not fall into the next tier: \$250
- C. Congressional district, Supreme Court district, Court of Appeals district: \$500
- D. Statewide list: \$1,000

Proposed Voter File Information to be provided upon written request in accordance with Mississippi law. A comma separated value (CSV) text file format will include data elements listed below, in the order these columns will be placed in the file. If a voter record does not have a value for a specific data element, the column will be empty.

<b>Sr Num</b>	<b>Column Name</b>	<b>Column Header</b>	<b>Description</b>
1	First Name	First Name	First name of the voter
2	Middle Name	Middle Name	Middle name of the voter
3	Last Name	Last Name	Last name of the voter
4	Suffix	Suffix	Suffix of the voter
5	Residence Address	Residence Address	Residence address of the voter. For standard of non-standard addresses, this will be a String-concatenated value
6	Residence City	Residence City	City of the voter's residence address
7	Residence State	Residence State	Residence State of the voter's residence address (always "MS")
8	Residence Zip	Residence Zip	Zip (and Zip Plus where available) of voter's residence address
9	Residence County	County of Residence	County that the voter record belongs to
10	Mailing Address	Mailing Address	Mailing address of the voter
11	Mailing City	Mailing City	City of the voter's mailing address
12	Mailing State	Mailing State	State of the voter mailing address
13	Mailing Zip	Mailing Zip	Zip (and Zip Plus where available) of voter's mailing address
14	Registration Date	Registration Date	Date of Registration of the voter record in mm/dd/yyyy format
15	Voter Status	Voter Status	Status of the voter (i.e., Active, Inactive, Pending, or Purged)
16	Last Vote Date	Last Vote Date	Date last voted of the voter in mm/dd/yyyy format
17	Selected Districts	District type code	The number of these columns will depend on the number of districts selected for output. Each of these columns will have the district type code (example SEN for Senate) in the header and the district code (like 45, 4, etc.) in the voter record row.
18	Voting Dates with Party Code	Vote Date	This section will have the Voting History (dates of the elections they voted in) for the voter, in descending order (latest voted date first). If the election date is for a primary election, the party code will be attached to the voted date in parentheses (example 06/06/2006 (DEM)). Each voter may have a different number of such



			columns depending upon the number of time they had voted during the specified date range.
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Source: Miss. Code Ann. § 23-15-165.

*Rule 7.3 Statewide Elections Management System.* A uniform voter registration form (Exhibit E) shall be used by all registrars for registering citizens who enter the registrar’s office. The form is available through the Statewide Elections Management System (SEMS).

Source: Miss. Code Ann. §23-15-169.5; §23-15-39(1).

**Part 10 Chapter 8: Election Policies and Information**

*Rule 8.1 Mississippi Guide to Elections.* Mississippi Guide to Elections is a comprehensive guide to the election process in Mississippi which is forwarded to all Circuit Clerks and Municipal Clerks, County Election Commissions and State Party Executive Chairs for their reference needs.

Source: Miss. Code Ann. §23-15-1 through §23-15-1111 (1972).

*Rule 8.2 Voter Identification for Unverified Voters.* On election day, poll workers must require unverified voters to present one of the following forms of identification:

1. A current and valid photo identification; or
2. A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Unverified voters who do not present identification as required under HAVA may cast an affidavit (provisional) ballot.

Source: Miss. Code Ann. §23-15-169.5 (1972); P.L. 107-252 (2002).

*Rule 8.3 Ballot Bags.* The term “ballot box” includes any ballot bag or container of a type that has been approved for use in elections by the Secretary of State. Such ballot bags or containers may be used for any purpose for which a ballot box may be used under the provisions of law regulating elections in Mississippi or any other purpose authorized by the rules and regulations adopted by the Secretary of State.

Ballot bag specifications:

- A. All ballot bags utilized in an election must be comprised of a sufficient material and security system so as to prevent ballots from being tampered with before, during or after the conduct of the election.
- B. Procedures which document the chain-of-custody of the bag and the tracking of seals used each time the bag is opened must be incorporated into the use of the ballot bag.
- C. Additionally, all ballot containers must be compliant with the security, confidentiality and integrity requirements of the Help America Vote Act of 2002.

Source: Miss. Code Ann. §23-15-3 (1972); Senate Bill 2829 (2007 Regular Session).

1 Mississippi Administrative Code Pt. 10, Chapter 8, Rule 8.4. County Election Commissioner Compensation. REPEALED.

### **Part 10 Chapter 9: Electronic Pollbooks**

*Rule 9.1. Definitions.* “Electronic Pollbook” shall mean a system of hardware and software which provides an electronic and alphabetical list of Mississippi registered voters by county which may be used in all polling places located within that specific county on any election day. Electronic Pollbooks (EPB) may be used in lieu of or in combination with paper-based pollbooks provided for in Sections 23-15-125 and 23-15-541, Miss. Code Ann., at the discretion of the county Circuit Clerk and/or County Election Commission.

*Source: Miss. Code Ann. § 23-15-169.5.*

*Rule 9.2. General Guidelines.*

1. A county which opts to use EPBs in its polling places on any election day shall be solely responsible for all costs and expenses associated therewith.
2. An EPB shall contain the same voter information as that provided by paper-based pollbooks generated from the Statewide Elections Management System (SEMS) as set forth by Section 23-15-125, Miss. Code Ann., for each registered voter within the specific precinct. Such information shall include:
  1. Date of registration,
  2. Voter Registration Number,
  3. Name of Elector,
  4. Residence Address,
  5. Date of Birth, and
  6. Name and Date of the Election.
3. An EPB shall not contain any voter information which is not provided by the paper-based pollbooks generated from SEMS, the disclosure of which is prohibited from public disclosure pursuant to applicable law. Such information shall include:
  1. Driver’s License or other DPS Issued Identification Number,
  2. Social Security Number or any portion thereof, and
  3. Telephone number(s), email address(s) or any other personal information, the disclosure of which is prohibited by law.
4. An EPB shall contain the same voter information as that provided by paper-based pollbooks for all active and inactive voters registered within the county for the purpose of

determining in which polling place a voter should be casting a ballot by reference to his/her current residence address in that county.

5. Poll managers may not encode a Voter Access Card for any voter who is not eligible to cast a “regular” Election Day ballot in the polling place in which he/she presents to vote.

A voter is NOT eligible to cast a regular Election Day ballot and may only cast an affidavit ballot if:

- a. He/She is not timely registered to vote in the County in which he/she presents,
- b. He/She is not timely registered to vote in the polling place in which he/she presents;
- c. He/She has moved to a new residence address within the county which requires casting a ballot at a different polling place within the county;
- d. He/She has moved to a new residence address outside of the county and/or state;
- e. He/She is unable to present an acceptable form of photo identification.

*Source: Miss. Code Ann. § 23-15-169.5.*

*Rule 9.3. System Functionality.*

1. All EPBs must be secure, be compatible with SEMS, and include a failsafe data recovery procedure for the recovery of voter information on Election Day.
2. The functionality of EPBs must be limited to information specific to the county which has chosen to use the EPBs in its polling places on an election day and its registered voters therein, both active and inactive. The EPBs must not have the functionality so as to enable a user thereof to add a new voter or edit an existing voter record. There shall be no statewide voter access provided to any county through its use of EPBs.
3. All EPBs must have the ability to accurately convert pollbook data as defined above from SEMS to the database to be used on the EPB devices in the polling places. ***EPBs may not be populated with final election data until ten (10) days immediately prior to an election, thus reflecting the most accurate and up-to-date voter information as maintained in SEMS.***
4. All EPBs must afford poll workers the ability to locate all voters registered in the specific county, including active and inactive status voters, for the purposes of directing voters to the correct polling place based upon his/her residence address within the county to cast an Election Day ballot.
5. In addition to a keyboard search function used to locate and “check-in” voters presenting to vote pursuant to Section 23-15-541, Miss. Code Ann., EPBs also may provide poll workers the ability to locate voters by barcode, magnetic strip, or camera barcode reader. Such functionality, if available, shall not be used in lieu or in place of a manual search

function but only in combination, utilized only for those voters who choose to present an identification with barcode or magnetic strip.

6. All EPBs must afford poll workers the ability to mark a voter, including absentee voters, as “VOTED” or enter such other information as may be necessary to indicate a particular voter has voted in the election in accordance with Sections 23-15-541, 23-15-545, 23-15-639, Miss. Code Ann. Similarly, the EPBs must afford poll workers the ability to mark an absentee voter as “VOTED” in accordance with Section 23-15-639, Miss. Code Ann.
7. Pursuant to Section 23-15-547, Miss. Code Ann., EPBs may have functionality to capture voters’ signatures electronically in lieu of paper receipt books as required by Section 23-15-541, Miss. Code Ann.
  - a. If county election officials choose to electronically capture voters’ signatures pursuant to Section 23-15-547, Miss. Code Ann., all captured signatures must be printed on 8.5 x 11 inch paper after the close of the polling place yet prior to the canvass and certification of election results by the respective county election officials. The receipt booklet generated from the capture of electronic signatures from the EPB must provide the name of the polling place and list the voters’ names with respective signatures in chronological order.
  - b. County election officials may choose to equip the EPBs with a thermal printer so as to immediately print the voter’s name and signature. The paper generated by a thermal printer must print the name of the voter, signature of the voter, name of the polling place and in which primary election the voter cast a ballot. Conversely, the paper generated by a thermal printer must NOT print any information which is protected against disclosure by Section 23-15-165, Miss. Code Ann., and other applicable law.
  - c. The receipt booklet described by subparagraph a. above and/or the paper(s) generated from a thermal printer as described by subparagraph b. above shall be the equivalent of a receipt book for purposes of applicable Mississippi statute. Thus, the same shall be maintained secure in the polling place and, after the close of voting and adjournment, shall be sealed in the ballot box.
  - d. A separate paper receipt book must be maintained for affidavit voters in accordance with Section 23-15-573, Miss. Code Ann.
  - e. A separate paper receipt book may be necessary if EPBs lack the functionality to capture the writing of the names of those absentee voters for whom their ballots were accepted and/or counted by the poll managers pursuant to Section 23-15-639, Miss. Code Ann.

8. In Primary Elections, all EPBs must afford poll workers the ability to indicate in which primary election each voter casts a ballot.
  - a. In the event of a Primary Runoff Election, all EPBs must prohibit the issuance of a ballot in one political party's Primary Runoff Election to a voter who previously cast a ballot in a different political party's Primary Election pursuant to Section 23-15-575, Miss. Code Ann.
  - b. EPBs must only permit the issuance of a Primary Runoff Election ballot to a voter who either did not previously vote at either Primary Election or to a voter who previously cast a ballot in the same political party's first Primary Election.
9. EPBs may be equipped with an encoder for counties which utilize the TSX voting machine for issuance of a Voter Access Card to only those voters who are eligible to cast a "regular" Election Day ballot in the election.
10. In addition to the issuance of "regular" Election Day ballots, EPBs shall account for the issuance of non-standard Election Day ballots.
  - a. For counties which utilize the TSX voting machine and EPBs with an encoder, EPBs shall include two radio buttons:
    - i. "Issue Election Day Ballot" which proceeds to encode a Voter Access Card, and
    - ii. "Issue Paper Ballot" which proceeds to a separate options menu to issue a "non-standard" paper ballots. Non-standard paper ballots are:
      1. Affidavit Ballots
      2. Voter ID Affidavit Ballots
      3. Emergency Ballots
      4. Curbside Ballots
      5. Challenged Ballots
      6. Challenged/Rejected Ballots.
  - b. For counties which use Optical Mark Readers, i.e., precinct scanners and which use the TSX voting machine with EPBs without an encoder, EPBs shall likewise include two radio buttons:
    - i. "Issue Election Day Ballot" which proceeds to permit the issuance of a "regular" Election Day ballot, and
    - ii. "Issue Affidavit/Challenged Ballot" which proceeds to a separate options menu to issue a "non-standard" paper ballots. Non-standard paper ballots are:
      1. Affidavit Ballots

2. Voter ID Affidavit Ballots
  3. Challenged Ballots
  4. Challenged/Rejected Ballots.
11. EPBs may not have the functionality to permit a poll worker or any other election official to issue a standard, regular, election day ballot to a voter who is not registered in the polling place in which the voter presents to cast a ballot as such voters are legally entitled to only cast an affidavit ballot in accordance with Section 23-15-573, Miss. Code Ann.
  12. Similarly, EPBs may not have the functionality to permit a poll worker or any other election official to issue a standard, regular, election day ballot to a voter who is unable to present an acceptable form of photo identification as required by Section 23-15-563, Miss. Code Ann., as such voters are legally entitled to only cast an affidavit ballot in accordance with Sections 23-15-563 and 23-15-573, Miss. Code Ann.
  13. EPBs must have the functionality to produce a post-election, paper pollbook on 8.5 x 11 inch paper, listing all voters who cast a ballot per precinct, alphabetically by last name, first, together with the name of the polling place, ballot style voted, and, if a primary election, in which primary election each voter cast a ballot. The post-election pollbook must list all voters who cast “regular” Election Day ballots, accepted absentee ballots and, to the extent possible, non-standard paper ballots.

This post-election pollbook is to be utilized by the election officials to complete the canvass and certification of the election results and retained by the Circuit Clerk’s Office. It shall not be secured and sealed in any ballot box at any time.

This post-election pollbook shall be the equivalent of a pollbook book for purposes of applicable Mississippi statute.

EPBs shall provide for the quick and accurate upload of voter history into SEMS after each election in which the EPBs are used in lieu of paper-based pollbooks.

*Source: Miss. Code Ann. § 23-15-169.5.*

*Rule 9.4. System Security.*

- a. EPBs may not have access or connectivity to the internet. No data may be electronically transmitted via the internet by any EPB equipped with internet capability.
- b. Nothing herein shall prohibit the use of a hub, switch or router to connect multiple EPBs within the same polling place so as to share data between those EPBs. Such hub, switch or router shall be air gapped and not have any internet connectivity.

- c. Passwords and access to the EPBs are critical to election security and integrity. Users should adhere to a strict user name/password protocol when accessing the system and devices distributed to the polling locations.
- d. Physical security of the EPBs and related election must be a priority as with all election-related equipment.
  - i. EPBs shall be stored in a secured location and
  - ii. Utilization of an access log shall be required for entry into the storage area.

*Source: Miss. Code Ann. § 23-15-169.5.*

*Rule 9.5. Emergency Operations Preparedness Plan.*

1. County election officials choosing to utilize EPBs in any election shall draft, adopt and/or implement an emergency preparedness plan which outlines the processes and procedures to be followed by county election officials in the event of a failure of a technology failure. The plan must provide for the uninterrupted and continuation of the voting process under applicable Mississippi law. The processes and procedures of an emergency preparedness plan should be incorporated into poll manager training.
2. It is the recommendation of the Secretary of State for each county choosing to utilize the EPBs in any election to print paper pollbooks as well to serve as an emergency backup to the EPBs in the event of performance failure.

*Source: Miss. Code Ann. § 23-15-169.5.*

*Rule 9.6. Training and Testing Prior to an Election.*

1. The board of supervisors of each county, together with the Circuit Clerk and/or County Election Commission, are authorized, in their collective discretion, to permit County Party Executive Committees to use the EPBs in any Primary Election which is to be conducted by the respective County Party Executive Committee.

The board of supervisors of each county, together with the Circuit Clerk and/or County Election Commission, are authorized, in their collective discretion, to permit any municipality to use the EPBs in any municipal primary, general or special which is to be conducted by the respective Municipal Election Officials.

2. Included within the training required of poll workers pursuant to Section 23-15-239, Miss. Code Ann., shall be training dedicated to the proper use of the EPBs. Training topics shall include but not necessarily be limited to the following:

- a. Opening and closing the EPB,
  - b. Checking-in voters,
  - c. Verifying voters,
  - d. Manual voter look-up in the polling place and county-wide,
  - e. Electronic voter look-up when the EPB is equipped with an ID scanner,
  - f. Encoding a Voter Access Card,
  - g. Issuing a “regular” Election Day ballot,
  - h. Issuing a non-standard, paper Election Day ballot, and
  - i. Marking voters as “VOTED,” including absentee voters.
3. On or before the second day before any election in which EPBs are to be used, the Circuit Clerk, County Election Commissioners or their designee(s), shall cause all EPBs to be test for logic and accuracy to ascertain each unit shall function accurately and in accordance with these Administrative Rules.
    - a. Public notice of the time and place of the test shall be made at least five (5) days prior to the date of such testing. Candidates, representatives of candidates, representatives of political parties and the public shall be permitted to observe the testing of the EPBs.

*Source: Miss. Code Ann. § 23-15-169.5.*

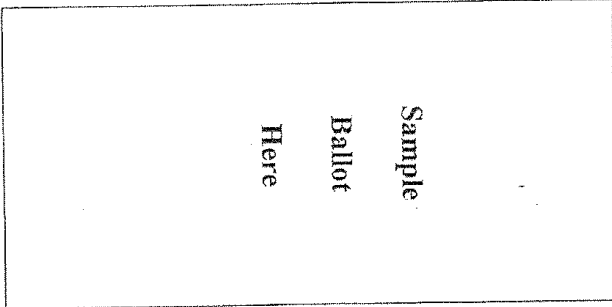
*Rule 9.7. Storage and Maintenance.* The Circuit Clerk shall be the custodian of the EPBs acquired by the county and shall be charged with the proper storage, maintenance and repair of the county’s EPBs.

*Source: Miss. Code Ann. § 23-15-169.5.*



# STATE OF MISSISSIPPI VOTER INFORMATION

POLL HOURS OPEN 7AM - 7PM  
(Miss. Code Ann. §23-15-541)



## INSTRUCTIONS FOR FIRST TIME VOTERS WHO REGISTERED BY MAIL

If you registered to vote by mail after January 1, 2003, did not submit a copy of the required identification with the application, and are voting in an election for the first time,

### YOU ARE REQUIRED TO SUBMIT ONE OF THE FOLLOWING FORMS OF IDENTIFICATION:

- Valid driver's license or photo identification;
- Current utility bill with voter's name and address;
- Current bank statement with the voter's name and address;
- Current government check with the voter's name and address;
- Current purchase or stub with the voter's name and address; or
- Other government document with the voter's name and address.

If you do not present a required form of identification, you may seek an alternate ballot.

### VOTER'S RIGHTS - FEDERAL AND STATE LAWS

- Any Mississippi resident who is a qualified elector is entitled to vote in his election regardless of race or physical ability, with no literacy test employed.
- No one may refuse a person to vote who is entitled to cast a ballot.
- No voter shall be intimidated, intimidated, or bribed for voting by any person. (Miss. Code Ann. §97-13-37, 39)
- Voters whose names do not appear on the poll list or do not have proper identification may vote by affidavit ballot.
- Voters who cast an affidavit ballot are entitled to written information at the time of voting on how to determine if the vote was counted and, if not, why.
- Voters who require assistance due to blindness, disability or inability to read may receive assistance from a person of the voter's choice. (Miss. Code Ann. §23-15-549)

- Voters are entitled to skip races listed on the ballot if they choose not to vote on or in the contest.
- Voters can submit a formal complaint regarding alleged violations that have occurred, are occurring, or are about to occur through the Secretary of State's Administrative Complaint Procedure. Alleged violations include, but are not limited to, improper voting systems, inaccessible facilities, these persons with disabilities, and false Voter Registration.
- Voters in line by 7PM will be allowed to cast a ballot.

### VOTING PROCESS

- When requesting a ballot, the voter states his/her name.
- The election official will mark the voter's name on list to give them credit for voting and ask that the voter sign the receipt book. (Miss. Code Ann. §23-15-541, 545)
- If the election being conducted is a primary election, the voter must tell the election official in which party's primary he/she wishes to vote. (Miss. Code Ann. 23-15-575)
- The election official will then direct the voter to a voting booth where he/she may cast their ballot in secrecy. (Miss. Code Ann. §97-13-11)
- The voter is given a maximum of 10 minutes in the voting booth if there is no line, and no longer than 5 minutes if other voters are waiting. (Miss. Code Ann. §23-15-453)
- Voters may not re-enter voting booth after casting ballot. (Miss. Code Ann. §23-15-435)
- Voters who are not permitted to vote may cast an affidavit ballot at the polling place as provided by law.

### CASTING AN AFFIDAVIT (PROVISIONAL) BALLOT

- A person claiming to be properly registered in the county and precinct, but whose eligibility to vote at that location cannot be determined, shall be allowed to cast an affidavit ballot as provided by law. (Miss. Code Ann. §23-15-573)

- Election officers in the polling place shall warn the voter who wishes to cast an affidavit ballot that some or all of their votes may not count if he/she votes at the wrong polling place.
- The voter will then be given a ballot and allowed to vote in secrecy. (Miss. Code Ann. §97-13-11)
- After completion of the ballot, it shall be placed in an affidavit ballot envelope, sealed, specified on the envelope why the ballot is challenged, and signed by the voter.
- An information sheet will be given to the voter on how to determine whether or not his/her ballot was counted, and if not counted, then the reason for disqualification.

### PROHIBITIONS, REWARD & MISREPRESENTATION

- No person shall attempt to vote more than once in any election. (Miss. Code Ann. §97-13-35)
- No person shall attempt to vote in the name of another person. (Miss. Code Ann. §97-13-23)
- No person shall change or alter another person's ballot. (Miss. Code Ann. §97-13-91)
- No person shall make, use, accept a bribe for voting against a candidate or measure. (Miss. Code Ann. §97-13-1, 3)
- No person shall distribute any type of literature within 150 feet of the entrance to the polling place. This includes wearing items that display candidate information. (Miss. Code Ann. §23-15-895)

### CONTACT INFORMATION

- County Circuit Clerk's Office - please ask election workers
- County Election Commission - please ask election workers
- Local District Attorney - please consult local phone book
- Attorney General's Office - (601) 359-4290
- U.S. Justice Department - (800) 253-3931
- Secretary of State's Office - (800) 829-6786.

Distributed by the Mississippi Secretary of State's Office for display in all polling places during all elections.

**Part 10: EXHIBIT B**

**Format:**

**5x8 White Envelope for Affidavit Voters**  
**5x8 Yellow Envelope for Voter ID Affidavit Voters**  
**Side 1: Plain (non-flap) Side of the Envelope**

---

**SEMS #** \_\_\_\_\_

**AFFIDAVIT BALLOT**

**1. VOTER INFORMATION**

*(to be completed by voter)*

**X** \_\_\_\_\_  
Printed Name of Voter Maiden Name, if applicable

\_\_\_\_\_  
Date of Birth \*MS Driver's License # Daytime Phone #

\_\_\_\_\_  
New (Current Street Address - NO P.O. Box) City & Zip Code

\_\_\_\_\_  
Old (Previous Street Address - NO P.O. Box) City & Zip Code

\_\_\_\_\_  
Current Mailing Address City & Zip Code

Did you recently register to vote in this county? \_\_\_ Yes \_\_\_ No  
\* *If you do not have a Mississippi Driver's License, then provide the last 4 digits of your Social Security number.*

**AFFIDAVIT OF VOTER**  
*(Check only ONE box below)*

**This day, I personally appeared before the undersigned manager of the election and make the following affidavit, under penalty of law:**

- I am not registered to vote because I have been illegally denied registration; OR,  
I am eligible to vote in this election; I am a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date, and:
- I have moved recently from the old street address (provided above) to the new address (provided above); OR,
- I have not moved recently, but my name is not on the pollbook; OR,
- I did not present acceptable photo ID; OR,
- I have a religious objection to being photographed; OR,
- I do not otherwise qualify under state or federal law to cast a regular election day ballot.

**X** \_\_\_\_\_

Signature of Voter

Date

X

---

Signature of Poll Manager (Poll Manager: Be sure to complete Poll Manager Information on other side of this envelope.)

**NOTICE TO VOTER:**

- Be sure you have read and completed all areas printed above.
- Be sure you have signed this affidavit envelope.
- You are entitled to receive written information on how to learn if your affidavit ballot was counted and, if it was not counted, the reason it was not counted.

[Side 2: Flap Side of the Envelope]

2. POLL MANAGER  
(Must sign on the other side of envelope)

Election: [ ] Primary [ ] General [ ] Special

\_\_\_\_\_, 20\_\_\_\_ County of  
(Month, Date)

Reason for Affidavit Ballot

- Voter's name not on pollbook
- Voter did not present ID
- Voter's name on inactive list

Date of Election: \_\_\_\_\_  
\_\_\_\_\_

Ballot issued from: \_\_\_\_\_  
\_\_\_\_\_  
(Name of Precinct)

Comments:

---

3. FOR ELECTION COMMISSION OR PARTY COMMITTEE USE ONLY

Registered in Precinct: \_\_\_\_\_  
\_\_\_\_\_  
(Name of Precinct)

Voted in Precinct: \_\_\_\_\_  
\_\_\_\_\_  
(Name of Precinct)

Mark all that apply:

- Not registered and no evidence of registration
- Registered but name not on pollbook
- Registered too late
- Moved within county/municipality
- Moved outside county/municipality
- Inactive or purged voter
- No acceptable photo ID
- Voter presented photo ID within 5 business days after casting ballot.
- Voter did not present photo ID within 5 business days after casting ballot.
- Voter completed affidavit of religious objection within 5 business days after casting ballot.
- Voter did not complete affidavit of religious objection within 5 business days after casting ballot.

Final Action Taken on Affidavit Ballot:

- ACCEPTED**
- REJECTED**

**Follow-Up Action Taken:**

- Address changed/updated in SEMS
- Voter returned to active status in SEMS
- Information forwarded to county/municipality
- Mail-in voter registration sent to voter

EXHIBIT C. INSTRUCTIONS FOR VOTERS WHO CAST AFFIDAVIT BALLOTS

**You have cast an affidavit ballot because:**

You are not registered to vote because you may have been illegally denied registration; *or*

You are eligible to vote in this election; you are a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date, *and:*

- You have moved recently from an old street address, as provided on your affidavit ballot envelope, to a new address, also provided on your affidavit ballot envelope; *or*
- You have not moved recently, but your name is not on the pollbook; *or*
- You did not present photo ID; *or*
- You have a religious objection to being photographed; *or*
- You do not otherwise qualify under state or federal law to cast a regular Election Day ballot.

If you cast an affidavit ballot because you did not present photo ID, your affidavit ballot will not be rejected for this reason if you present acceptable photo ID in the Circuit Clerk's Office within the next five (5) business days. If you do not present acceptable photo ID in the Circuit Clerk's Office within the next five (5) business days, your affidavit ballot will not be counted.

If you cast an affidavit ballot because you did not present photo ID based upon a religious object to being photographed, your affidavit ballot will not be rejected for this reason if you complete an Affidavit of Religious Objection in the Circuit Clerk's Office within the next five (5) business days. If you do not complete an Affidavit of Religious Objection in the Circuit Clerk's Office within the next five (5) business days, your affidavit ballot will not be counted.

Under federal and state law, you are entitled to discover the disposition of your affidavit ballot. Please contact your party executive committee (in primary elections), your election commission (in general and special elections) or your Circuit Clerk to determine whether your affidavit ballot was counted and, if not, then why. Please do not telephone the contact until ten (10) days from today.

CONTACT: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

**1-10 Exhibit D**  
**MISSISSIPPI MAIL-IN VOTER REGISTRATION APPLICATION** Agency Code:

- You can use this form to: register to vote in Mississippi or change your name and/or address.
- If you are registering for the first time in Mississippi and DO NOT have a Mississippi driver's license or social security number, you must send with this application a copy of a current and valid photo ID or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows your name and address in this county.
- An application for voter registration must be postmarked or hand delivered to the Circuit Clerk's Office located in the county of your voting residence no later than 30 days before an election.
- You may not register to vote if you have been convicted in a Mississippi state court of any of the following crimes: voter fraud, murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, bigamy, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor vehicle, statutory rape, carjacking or larceny under lease or rental agreement.
- If you live in an area without house numbers or street names, please include a drawing of your location to enable us to identify your appropriate voting precinct.
- Photo ID Required to Vote: You will be required to present an acceptable form of photo identification when you vote at your polling place on Election Day or by absentee ballot in your Circuit Clerk's Office, unless exempted by law. For more information, go to [www.MSVoterID.ms.gov](http://www.MSVoterID.ms.gov) or call (844) 678-6837.

<b>Check One:</b> <input type="checkbox"/> New Registration <input type="checkbox"/> Change of Information	<b>Are you a citizen of the United States of America?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <b>Will you be 18 years of age on or before Election Day?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <i><b>NOTE: If you checked 'No' in response to either of these questions, DO NOT complete this form.</b></i> <b>Would you like to serve as an Election Day poll worker?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>				
<b>Name</b>	Last Name	Maiden Name	First Name	Middle Name	Suffix
<b>Physical Home Address (Where you live)</b>	Number and Street/Road/Dorm/Apt #				
	City	County	State: MS	Zip	
<b>Mailing Address (If different from above)</b>	Street or Post Office Box				
	City	County	State:	Zip	
<b>Date of Birth</b>	Month	Day	Year	<b>MS Driver's License Number or Last 4 Digits of your Social Security Number</b>  _____ or _____	
<b>Phone #</b>	Cell ( )	Work ( )			
<b>Email</b>					
<b>Previous Registration</b>	Name		Address		
	City	County	State:	Zip	

**VOTER DECLARATION- Read and Sign**

I swear/affirm, under penalty of perjury, that:

- I am a U.S. citizen.
- I will be 18 years of age on or before the next general Election Day.
- I am a resident of Mississippi, this county and this city for at least 30 days.
- I have not been adjudicated as mentally incompetent.
- I have never been convicted of voter fraud or any other disenfranchising crime OR, if convicted, I have had my voting rights restored as required by law.

- The address listed above is my legal place of residence.

**WARNING:** Giving false information to register to vote is a felony punishable by a fine of not more than \$5,000 or imprisonment for not more than 5 years, or both. Miss. Code Ann. § 23-15-17.

**X** \_\_\_\_\_  
Signature (or mark) of applicant

**Date:** \_\_\_\_\_

**X** \_\_\_\_\_  
If applicant is unable to sign, the person who assisted the applicant

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Address



Exhibit E

1- Part 10, Exhibit E

**INSTRUCTIONS**

**You may use this form to:**

- > Register to vote.
- > Change your registration information (i.e., mailing address, name, residence address).

**You must:**

- > Complete all sections of this form
- > Sign the form
- > Mail or hand deliver this form to your County Circuit Clerk **AT LEAST 30 DAYS** before the election.



**Secretary of State**

Delbert Hosemann

Elections Division  
401 Mississippi Street  
Jackson, Mississippi 39205

[www.ms.sos.gov](http://www.ms.sos.gov)  
[electionanswers@ms.sos.gov](mailto:electionanswers@ms.sos.gov)

**Hotline**  
**(800) 829-6786**

If you are qualified and the information on your form is complete, your County Circuit Clerk will mail a voter registration card that tells you where to vote.

**\*\*\* Identification Requirement \*\*\***

*If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the county you are now registering in, **you must send with this application, either :***

- a) a copy of current and valid photo identification; or*
- b) a copy of a current utility bill, bank statement, government check, paycheck, or other governments document that shows your name and address.*

*If you do not provide the information requested above, you may be required to provide to election officials either (a) or (b) above the first time you vote after January 1, 2004 at a voting place or by absentee ballot.*

1. Are you a citizen of the United States Of America?

Yes  No

2. Will you be 18 years of age on or before Election Day?

Yes  No

3. (Optional) Would you like to serve as Election Day Poll Worker?

Yes  No

➔ **If you checked "NO" in response to questions 1 or 2, DO NOT COMPLETE THIS FORM**

**Personal Information:**

Name Last First Middle Maiden Suffix

Home/Residence / 911 address Apt or Lot #

City ZIP

**Disenfranching Crimes:** Under state law, if you have been convicted of committing one of the following crimes your right to vote has been revoked: Arson, Armed Robbery, Bigamy, Bribery, Embezzlement, Extortion, Felony Bad Check, Felony

Date of Birth do  
 Contact Number Con t  
 County of Residence Cou ha  
 ve  
 Mailing Address (if different from a  
 home address - ex: P.O. Box) MS  
 drive  
 r's  
 License

**Required Information**

Mississippi Driver's License  
 Number en  
 ( se,  
 I n  
 f pr  
 y ovi  
 o de  
 u the

Shoplifting, Forgery, Larceny, Larceny under Lease or  
 Rental Agreement, Murder, Obtaining Money or

Goods under False Pretense, Perjury, Rape, Receiving  
 Stolen Property, Robbery, Theft, Timber Larceny,  
 Unlawful Taking of Motor Vehicle, Statutory Rape, or  
 Carjacking.

~~last 4 digits of your Social Security  
 Number)~~

Previous Address (including out of State) Previous County

**Declaration and Affidavit:**

I swear/affirm that: I have never been convicted of a disenfranchising crime, or I have had my rights restored as required by law. I have not been declared mentally incompetent by a court. Furthermore, I certify that I have truly answered all questions on this application for registration, and I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same.	Optional Home #
	Work #
	Cell #
<b>E-Mail</b>	

Signature (or mark) of applicant Date

If applicant is unable to sign, the person who assisted the applicant must sign above. Date

***False registration is a felony. The penalty for conviction of false registration is imprisonment for not more than five (5) years or a fine of not more than five thousand dollars (\$5,000), or both.***

1 Mississippi Administrative Code Pt. 10, Exhibit F. County Election Commissioner Per Diem Claim Form. REPEALED.