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**Absentee Voting**

- 1) Eligibility
- 2) Deadlines
- 3) First Time Voters
- 4) Obtaining and Completing
- 5) Military and Overseas Voters
- 6) Requested but Unreceived Ballots
- 7) Requesting an Absentee Ballot for Others
- 8) Returning an Absentee Ballot
- 9) Voting in Person after Requesting an Absentee Ballot
- 10) Assistance with an Absentee Ballot

**Election Official Authority**

- 1) State Election Officials
- 2) County/Local Election Officials

**Registration**

- 1) Eligibility
- 2) Residency Requirements
- 3) Application
- 4) Timing
- 5) Changes
- 6) College Students
- 7) Military Personnel and Overseas Voters
- 8) Removal from Registration List
- 9) Restoration of Voting Rights
- 10) Third-Party Registration

## **Responding to Challenges, Intimidation and Deceptive Practices**

- 1) Solicitation Boundaries
- 2) Challenges by Poll Workers
- 3) Challenges by Other Voters
- 4) Deceptive Information
- 5) Intimidation by Poll Workers
- 6) Intimidation by Other Voters
- 7) Police Presence

## **Voting In Person**

- 1) Early Voting
- 2) Where to Vote
- 3) Hours Polling Places are Open
- 4) Duties of Poll Workers
- 5) Who May Be Present
- 6) Identification Required
- 7) Missing from the Rolls
- 8) Changed Name or Address
- 9) Provisional Ballot
- 10) Assistance
- 11) Equipment Malfunctions
- 12) Language Assistance



## Absentee Voting

See Also: [Voting in Person – Early Voting](#)

### Table of Contents:

- 1) [Eligibility](#)
- 2) [Deadlines](#)
- 3) [First Time Voters](#)
- 4) [Obtaining and Completing an Absentee Ballot](#)
- 5) [Military and Overseas Voters](#)
- 6) [Assistance with an Absentee Ballot](#)
- 7) [Requested but Unreceived Ballots](#)
- 8) [Ballot Procedures](#)
- 9) [Returning an Absentee Ballot](#)
- 10) [Assistance with an Absentee Ballot](#)

### I. **Eligibility: Am I eligible to vote absentee?**

See Also: [Registration – Eligibility to Register](#)

**Response:** Generally, if you are a registered and qualified voter and unable to vote in your precinct on Election Day, you may vote by absentee ballot; this includes seniors, disabled persons, members of the armed forces, election workers, and anyone who will be away from his or her county of residence on Election Day for any reason. Absentee ballots must be obtained and completed prior to the deadlines as discussed in Item 2 below.

Mississippi election law provides that the following persons may vote by absentee ballot:

- (a) Any qualified voter who is a bona fide student, teacher or administrator at any college, university, junior college, high, junior high, or elementary grade school whose studies or employment at such institution necessitates his absence from the county of his voting residence on the date of any primary, general or special election, or the spouse and dependents of said student, teacher or administrator if such spouse or dependent(s) maintain a common domicile, outside of the county of his voting residence, with such student, teacher or administrator;
- (b) Any qualified voter who is required to be away from his place of residence on any election day due to his employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents of such person if he or she shall be residing with such absentee voter away from the county of the spouse's voting residence;
- (c) Any qualified voter who is away from his or her county of residence on Election Day for any reason;

- (d) Any person who has a temporary or permanent physical disability and who, because of such disability, is unable to vote in person without substantial hardship, or whose attendance at the voting place could reasonably cause danger to himself/herself or others;
- (e) The parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside of his county of residence or more than fifty (50) miles from his residence, if the parent, spouse or dependent will be with such person on election day;
- (f) Any voter who is 65 years of age or older;
- (g) Any member of the Mississippi congressional delegation absent from Mississippi on Election Day, and the spouse and dependents of such member of the congressional delegation;
- (h) Any qualified voter who will be unable to vote in person because he or she is required to be at work on Election Day during the times at which the polls will be open;
- (i) Any member of the Armed Forces and their family members;
- (j) Any member of the Merchant Marine or the American Red Cross who is serving outside the United States, and such person's spouse or dependents;
- (k) Any disabled war veteran who is a patient in any hospital and such person's family members;
- (l) Any civilian serving outside of the United States with any branch of the Armed Forces or with the Merchant Marine or American Red Cross;
- (m) Any citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia; or
- (n) Any citizen of Mississippi who is enrolled as a student at a United States Military Academy.

[Return to Top of Document](#)

2. **Deadlines:** How far in advance should I request and return an absentee ballot?

**See Also:** [Absentee Voting – Military and Overseas Voters](#)

**Response:** You may request an absentee ballot beginning forty-five days prior to an election. If the election is on a Tuesday, you must request an absentee ballot no later than noon on the Saturday immediately before the election. If the election is on a Saturday, you must request an absentee ballot no later than the Thursday immediately before the election. If the election is held on any other day of the week, you must request and absentee ballot no later than two days immediately before that election. The November 6, 2012 election falls on a Tuesday.

[Return to Top of Document](#)



3. **First Time Voters and Absentee Ballots: If I'm a first time voter, can I cast an absentee ballot?**

**See Also:** [Absentee Voting – Military and Overseas Voters](#)

**Response:** There are no provisions in the Mississippi election code which expressly prohibit a first-time voter from casting their vote via an absentee ballot.

**[Return to Top of Document](#)**

4. **Obtaining and Completing an Absentee Ballot: How do I get an absentee ballot and how do I complete it?**

**See Also:** [Requesting an Absentee Ballot for Others; Eligibility; Deadlines for Obtaining and Submitting an Absentee Ballot](#)

**Response:** To vote absentee, you must complete a written application and submit it in the county in which you reside. You can submit your written application in person, by mail, by post card or by telephone (as described below). If you wish to submit a written application for an absentee ballot, you may copy the form located in Appendix A. [Miss. Code Ann. § 23-15-627]

**Submitting:** Absentee ballots received by mail, except for presidential ballots, must be received by the registrar by 5:00 p.m. on the day before the election. Any absentee ballot received after 5:00 p.m. on the day before the election will not be counted. All ballots cast by the absent voter appearing in person in the office of the registrar must be cast no later than 12:00 noon on the Saturday immediately before a Tuesday election, the Thursday immediately before a Saturday election, or two days before elections held on other days. [Miss. Code Ann. §§ 23-15-631, 23-15-637]

Presidential absentee ballots must be received by the registrar before the polls close on election day. [Miss. Code Ann. § 23-15-731, 23-15-733]

**[Further Explanation:](#)**

**[Requesting an Absentee Ballot](#)**

Within the applicable time period as described in Item 2 above (“Deadlines”), you may write to the county registrar in the county in which you are registered to vote and request an absentee ballot.

All absent voters as defined above may use a duly executed federal postcard application (“FPCA”) to request a ballot or to register to vote, or to do both simultaneously. The FPCA may be downloaded at <http://www.fvap.gov/request/request-ms.html>. Mississippi armed

services and overseas voters may also use the Federal Write-In Absentee Ballot in general, special, primary and run-off elections for local, state and federal offices. [Miss. Code Ann. §§ 23-15-677, 23-15-692]

For all elections except for municipal elections, you may also appear in person before the county registrar and request an absentee ballot. For municipal elections, you may appear in person before the city clerk of the municipality in which you live and request an absentee ballot. [Miss. Code Ann. § 23-15-715]

The registrar is also authorized to accept requests for absentee ballots by telephone. When you telephone to request that the registrar mail you an absentee ballot, the registrar will ask for your name and complete address. The registrar will write your name and address on the absentee ballot before sending it to you. [Miss. Code Ann. § 23-15-657]

You may also request an absentee ballot for a family member by telephone. Only the registered voter or a parent, child, spouse, sibling, legal guardian, or one empowered with a power of attorney for that voter can request an absentee ballot for the voter by telephone. [Miss. Code Ann. § 23-15-629]

Absent voters who have requested to receive absentee ballots and balloting materials may choose to receive such ballots and balloting materials by mail, facsimile device (fax) or electronic mail delivery (e-mail). [Miss. Code Ann. § 23-15-699(1)]

If you are permanently physically disabled, you are entitled to receive absentee ballots for every election without having to reapply. In order to receive absentee ballots for every election, include with your application a signed sworn statement from a licensed, practicing medical doctor or nurse practitioner stating that you are permanently physically disabled and that it is difficult for you to vote in person. [Miss. Code Ann. § 23-15-629]

### [Completing an Absentee Ballot](#)

All voters must complete the envelope and ballot and return it to the registrar so that it is received prior to the relevant deadline (see Item 2 above).

Absentee ballots must be completed in front of an attesting witness. The voter and attesting witness must sign over the flap of the envelope. The registrar must be the attesting witness if the absentee ballot will be completed in the county of residence unless the voter is temporarily or permanently physically disabled or over sixty-five years of age. Any voter using the registrar as the attesting witness has to go to the registrar's office. Otherwise, the voter may use any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment as an attesting witness.

In the case of an absent voter who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen years of age or older and such person is not required to have the authority to administer an oath.

After marking the ballot, the voter is required to fill out and sign the Voter's Certificate. The attesting witness is required to fill out and sign the Certificate of Attesting Witness. The Voter's Certificate and the Certificate of Attesting Witness are located at Appendix E. [Miss. Code Ann. §§ 23-15-631, 23-15-635, 23-15-719]

[Returning an Absentee Ballot:](#)

The registrar is authorized to receive by mail, electronic facsimile (fax) devices and electronic mail delivery (e-mail):

- (a) Voted absentee ballots;
- (b) Completed federal postcard applications; and
- (c) Completed Federal Write-In-Absentee Ballots. [Miss. Code Ann. § 23-15-699(3)]

Each county clerk shall furnish a suitable electronic mail delivery (e-mail) address that voters can use to submit their ballots. [Miss. Code Ann. §§ 23-15-677, 23-15-699]

If the absent voter does not indicate a preference, delivery of the ballot will be sent by mail. [Miss. Code Ann. § 23-15-699(2)]

**[Return to Top of Document](#)**

**5. [Military and Overseas Voters: How do I request, obtain and return an absentee ballot, and what are the deadlines for me to do so?](#)**

***See Also:*** [Registration – Military Personnel and Other Voters Living Overseas](#)

[Response:](#) Mississippi election law provides that any qualified voter serving in the armed forces of the United States, or the spouse or dependent of the person serving, or any qualified voter residing overseas may vote via absentee ballot.

For information on obtaining and returning the absentee ballot, see Item 3 above (“Obtaining and Completing an Absentee Ballot”). For information on deadlines, see Item 2 above (“Deadlines”).

[Further Explanation:](#)

[Who can request a ballot:](#)

Mississippi election law allows following persons to obtain an absentee ballot:

- (a) Any enlisted or commissioned members of the United States Army, the United States Navy, the United States Air Force, the United States Marines, or any of the respective components or various divisions thereof; or any persons in any division of the armed services of the United States, who are citizens of Mississippi;

- (b) Any member of the Merchant Marine and the American Red Cross who is a citizen of Mississippi;
- (c) Any disabled war veteran who is a patient in any hospital and who is a citizen of Mississippi;
- (d) Any civilian attached to and serving outside of the United States with any branch of the Armed Forces or with the Merchant Marine or American Red Cross, and who is a citizen of Mississippi;
- (e) Any citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia;
- (f) Any citizen of Mississippi enrolled as a student at a United States Military Academy.
  - The spouse and dependents of any absent voter as set out in paragraphs (a), (b), (c) and (d) above may vote an absentee ballot if also absent from the county of their residence on the date of the election and otherwise qualified to vote in Mississippi. [Miss. Code Ann. §§ 23-15-673]

[Return to Top of Document](#)

**6. [Assistance with an Absentee Ballot:](#) Can I obtain assistance in voting an absentee ballot if a disability makes it difficult for me to do so otherwise?**

**See Also:** [Voting in Person – Assistance](#)

**Response:** Yes. Any voter casting an absentee ballot who declares that he requires assistance to vote by reason of blindness, temporary or permanent, physical disability, or inability to read or write, shall be entitled to receive assistance in the marking of his absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, or the voter's employer, or agent of that employer. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope. For a form of this certificate, please refer to Appendix H.

[Return to Top of Document](#)

**7. [Requested but Unreceived Ballots:](#) What do I do if I requested an absentee ballot and never received it?**

**Response:** If you never received an absentee ballot you can check the status of your ballot application by contacting your local election office. Contact information for your local election office can be found at the Secretary of State's website at [http://www.sos.ms.gov/elections\\_voter\\_info\\_center\\_absentee.aspx](http://www.sos.ms.gov/elections_voter_info_center_absentee.aspx). If a ballot is shown as having been mailed out and reasonable amount of time has passed. If an absentee ballot is transmitted clerk's cannot resend another absentee ballot. However, the voter can vote in their precinct on election day. The voter should contact the local election office in these circumstances.

[Return to Top of Document](#)

## 8. Ballot Procedures:

- The registrar will keep all applications for absentee ballots and, within twenty-four hours, if possible, send to the absent voter the proper affidavit and the proper ballot or ballots applicable to the elections. [Miss. Code Ann. §§ 23-15-677, 23-15-687]
- After making one application for an absentee ballot, you should receive an ballot for:
  - the next federal general elections, including all primary elections associated with the elections; and
  - all state and county primary and general elections that occur after the registrar receives your application until the date of the next (second) federal general election. [Miss. Code Ann. §§ 23-15-677, 23-15-687]
- The registrar preserves all applications for absentee ballots for one year as a record to be furnished to any court or other duly constituted authority for inspection or evidence if properly requested. [Miss. Code Ann. §§ 23-15-677, 23-15-687]
- If the register rejects an application for an absentee ballot or denies a request to register to vote from a uniformed services applicant or an overseas voter, it is required to provide the person with the reasons for the rejection. [Miss. Code Ann. §§ 23-15-677, 23-15-687]
- Any runoff election for a federal election shall be considered a continuation of such federal election. [Miss. Code Ann. §§ 23-15-677, 23-15-687]

### General:

The Secretary of State may exercise emergency powers concerning absentee voting and registration of military personnel over any election during an armed conflict or other military contingencies involving United States Armed Forces or mobilization of those forces, including state national guard or reserve components. The Secretary of State shall adopt rules describing the emergency powers and the situations in which the powers will be exercised. Please refer to Appendix H [Miss. Code Ann. §§ 23-15-677, 23-15-701]

[Return to Top of Document](#)

## Election Official Authority

<b>Table of Contents:</b>
---------------------------

- |   |
|---|
| 1) <b>What are the duties of the Secretary of State?</b>          |
| 2) <b>What are the duties of county/local election officials?</b> |

### 1. What are the duties of the Secretary of State?

Response: The Secretary of State is Mississippi's chief election officer pursuant to the National Voter Registration Act of 1993. As the chief election officer of Mississippi, the Secretary of State shall have the power and duty to gather sufficient information concerning voting in elections in Mississippi. The Secretary of State shall submit this information in an annual report to the legislature, the governor and attorney general of Mississippi, as well as the general public of the state.

[Return to Top of Document](#)

### 2. What are the duties of county/local election officials?

Response: Each county has a board of five elected Election Commissioners, one from each district in the county. Election Commissioners manage the polling locations by, for example, preparing the ballots, staffing the polling locations, certifying the election and purging the voter rolls. The Chair of the Board of Election Commissioners is in charge of printing and distributing the ballots. [Miss. Code Ann. § 23-15-213, Miss. Code Ann. § 23-15-367(3)]

Three Election Managers (also known as "poll workers") are appointed by the Election Commissioners in each voting precinct prior to each election. They should not all belong to the same political party. [Miss. Code Ann. § 23-15-231] Their primary duty is to ensure that the election is conducted fairly under the law, in particular by evaluating voters' qualifications. Election Managers have the power to examine prospective voters under oath on issues relevant to the person's qualifications as a voter. [Miss. Code Ann. § 23-15-233] They also have the discretionary power to appoint additional Election Managers. [Miss. Code Ann. § 23-15-235]

Duties and responsibilities relating to municipal elections are handled by Municipal Commissioners, a distinct and separate position from the County Election Commissioners and the Election Managers.

Further Explanation:

#### **Board of Supervisors**

The Board of Supervisors of each county has authority over financial matters, such as the salaries of local election officials, the construction and maintenance of voting locations, and the provision of election supplies, such as ballot boxes, registration books, tables and chairs. [Miss. Code Ann. §§ 23-15-211, § 23-15-259]

The boards of supervisors define the boundaries of the supervisors' districts and voting precincts in the county, and designate the voting place in each voting precinct. No changes to a supervisor's district or voting precinct can become effective within two (2) months before an election in that district or voting precinct. [Miss. Code Ann. § 23-15-285]

## **Registration**

*See Also: [Voting in Person – Registration Missing from the Roll](#)*

## **Eligibility to Register:**

### **Table of Contents:**

- 1) Eligibility to Register**
- 2) Residency Requirements**
- 3) Applications for Registration**
- 4) Timing of Registration**
- 5) Changes to Registration Information**
- 6) College Students**
- 7) Military Personnel and Other Voters Living Overseas**
- 8) Removal from Registration List**
- 9) Restoration of Voting Rights**
- 10) Third Party Registration**

### **1. Eligibility to Register: Who can register to vote?**

*See Also: [Restoration of Voting Rights](#); [Residency Requirements](#)*

Response: You are entitled to register to vote if you are a U.S. citizen, you are at least eighteen years old, you have not been convicted of certain felonies or declared mentally incompetent, and you are a legal resident of Mississippi in the county in which you seek to vote.

#### Further Explanation:

You may not register to vote if you have been convicted of vote fraud or one of the following felonies listed in Section 241 of the Mississippi Constitution: murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy; or if you have been adjudicated mentally incompetent and have not had your rights restored by law. [Miss. Code Ann. § 23-15-11]

**[Return to Top of Document](#)**

### **2. Residency Requirements: Am I a legal resident of Mississippi and of the county in which I intend to vote?**

Response: You are a legal resident of Mississippi if, on the date of the election, you will have resided in the state for at least thirty days, and you are a legal resident of the county in which you intend to vote if on the date of the election you will have resided in that county for at least thirty days.

[Further Explanation:](#) For the purposes of Mississippi elections law, you are a “resident” if you intend to remain at your Mississippi address for the time being, and you intend to make it your principal home. Your old residence or “domicile are synonymous for election purposes.

A person’s domicile in election matters has been defined as the place where he has his true, fixed permanent home and principle establishment, and to which whenever he is absent he has the intention of returning. A domicile continues until another is acquired by removal to a new locality with intent to remain there. The old domicile”) must be abandoned without any present intent to return there. [Gerner v. State of Miss. Democratic Executive Comm., 956 So 2d 906 (Miss. 2007)]

Note that the thirty day residence period is measured from the date of election, not the date of registration, and you must register at least thirty days before the election. Therefore, you qualify as a resident of Mississippi as long as you consider the state your principal home when you register, and you intend to remain there at least until the date of the election.

### [Return to Top of Document](#)

### 3. [Applications for Registration:](#) How do I apply and what information do I have to provide?

**[See Also:](#) *Eligibility to Register; Military Personnel; Timing of Registration; Residency Requirements***

[Response:](#) You may register to vote either in person or by mail. To register in person, visit your County Clerk’s Office, usually located at the county courthouse; your Municipal Clerk’s office, usually located at City Hall; anywhere you apply for or renew your driver’s license; or any state or federal agency offering government services.

To register by mail, you must use the form designated by the Secretary of State’s office. The form is available at the **Secretary of State’s website**, and may also be obtained by calling your county clerk, or by picking up a mail-in application at the courthouse, public library or other participating government office. You may also register to vote when applying for or renewing a driver’s license, or when applying for services at numerous state and federal government agencies.

[Further Explanation:](#)

[Required Disclosure for Voters \(Mail-in Registration only\):](#)

- Identification requirement: one of the following:
  - Mississippi Driver’s License Number; or
  - Last 4 digits of Social Security Number; or
  - Copy of current and valid photo identification (may be either mailed with the registration or presented at the voting place); or

- Copy of a current utility bill, bank statement, government check, paycheck, or other government document showing your name and address (may be either mailed with the registration or presented at the voting place).
- Other information you need to provide:
- Legal name, including the first name, middle or maiden name, if any, and last name;
- Month, day and year of birth;
- Physical home address (If the address is “non-traditional,” you may attach a drawing or locational map showing your address);
- Mailing address, if different from physical home address;
- Any former name or address that you have previously been registered to vote under;
- Signature and date of application.

Uniformed and Overseas Citizens Voting:

All absent voters may use a duly executed federal post card application to request an absentee ballot or to register to vote, or to do both simultaneously. [Miss. Code Ann. § 23-15-677]

A postage paid application can be obtained from a military voting officer, American organizations overseas, or United States Embassies and Consulates. A non-postage paid application can be downloaded at the Federal Voting Assistance Program website at <http://www.fvap.gov/>. The federal post card application should be filled out and sent to the appropriate county clerk in Mississippi by fax or email. A list of clerks’ addresses and fax numbers can be found at <http://www.sos.state.ms.us/elections/VoterRegistrars.asp>.

Required Disclosure for Voters:

The voter will be required to complete a Mississippi Voter Registration Application and provide the following information or answers to the following questions when registering to vote:

- whether the voter is a citizen of the United States of America (if the answer to the question is "no," then the voter is not eligible to vote);
- whether the voter will be 18 years of age on or before the election date (if the answer to the question is "no," then the voter is not eligible to vote);
- whether the voter would like to serve as an Election Day Poll Worker;
- name;
- address;

- date of birth;
- one of the following for identification purposes:
  - (a) Mississippi driver's license number;
  - (b) last four digits of the voter's social security number;
  - (c) a copy of a current and valid photo identification; or
  - (d) 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.
- Note: If a voter does not have either (a) or (b) listed above, and the registration form is submitted by mail and the voter has never registered to vote in the county he is registering in, the voter must send in with the application either (c) or (d). If the information in (a) through (d) is not provided, the voter may be required to provide to election officials either (c) or (d) above the first time the voter votes at a voting place or by absentee ballot.
- voter's signature;
- date of application; and
- daytime phone number.

[<http://www.sos.state.ms.us/elections/VoterRegistration/UpdatedVoterReg.pdf>]

The voter may return their application:

By mail: An applicant may return a completed registration form by mail to the county registrar. The postmark date of a mailed application shall be the date of registration. Because mail-in voter registration forms must be postmarked no later than thirty (30) days prior to the election date, this year they must be postmarked no later than Sunday, October 7. Since many post offices are closed on weekends, applicants should mail or deliver applications no later than Friday, October 5 to avoid missing the deadline. [Miss. Code Ann. §23-15-47(2)(a)]

In person: An applicant may register to vote by visiting the county circuit clerk (usually in the county courthouse) or municipal clerk (usually in City Hall). You also may register to vote when applying for or renewing your driver's license, or when applying for services at numerous state and federal government agencies. The applicant must register at least thirty (30) days prior to the election. In most cases, circuit clerks and municipal clerks are required to register voters at any time during the usual business hours of 8:00 a.m. until 5:00 p.m. The Circuit Clerk's Office must remain open Saturday October 6 from 8:00 a.m. until 12:00 noon for voter registration. This is the last day to register to vote for the presidential election in the Circuit Clerk's Office. [Miss. Code Ann. §23-15-47(1)-(2); <http://www.sos.state.ms.us/Elections/voterinfoguide.asp>; <http://www.sos.ms.gov/links/elections/home/tab5/2012%20Elections%20Calendar.pdf>]

Through a third person: The provisions in the Mississippi code relating to registration by mail have so explicit prohibitions preventing a qualified elector from authorizing a third person to mail or deliver his or her completed mail-in voter registration form. [Op. Att’y. Gen., No. 96-0657, Carter (Sept. 19, 1996).]

#### Processing Applications:

When a registrant has completed the application, the registrar enters the Statewide Elections Management System voter record where the voter status is marked "ACTIVE," "PENDING" or "REJECTED". If an applicant is not qualified to register to vote, then the registrar shall enter the Statewide Elections Management System voter record where the voter's status shall be marked "PENDING" or "REJECTED". If the registration is denied, the registrar shall inform the applicant immediately that the application is denied and advise the applicant of the date, time, and place of the next meeting of the county election commissioners. [Miss. Code Ann. §§23-15-41 and 23-15-45]

For application by mail: Within twenty-five (25) days of receipt of a mail-in-application, the county registrar must complete action on the application, including an attempt to notify the applicant of the status of the application. [Miss. Code Ann. §23-15-47(2)(a)]

Upon receipt of a mail-in application, the county registrar will verify the application by contacting the applicant by telephone, by personal contact with the applicant, or by any other method approved by the Secretary of State. [Miss. Code Ann. §23-15-47(2)(b)]

#### Naturalized Citizens:

If you are a naturalized citizen, you must present to the county clerk a certified copy of your final order or decree of naturalization, or your naturalization certificate or a certified copy or duplicate of your naturalization certificate, before or at the time you apply to register. [Miss. Code Ann. § 23-15-15]

#### Submitting the Application:

You may submit the form either by mail or by visiting the county clerk (usually in the county courthouse) or municipal clerk (usually in City Hall).

If you are physically disabled and unable to visit the office of the registrar to register to vote due to such disability, you may contact the registrar and request that the registrar or his deputy visit you for the purpose of registering you to vote. [Miss. Code Ann. § 23-15-37(4)]

If you are unable to read or write, for reason of disability or otherwise, the registrar or deputy registrar must read the application and oath aloud to you and record your answers. [Miss. Code Ann. § 23-15-39(7)]

#### Notification of Application Acceptance:

If you apply by mail, and your application is approved, the county registrar will mail you a voter's registration card specifying your voting location. If this registration card is returned as undeliverable, your registration will be void. [Miss. Code Ann. § 23-15-47(2)(c)]. If you have applied by mail and have not received a registration card you should contact the county registrar to determine the reason; the contact information can be found here:  
[http://www.sos.ms.gov/elections\\_voter\\_info\\_center\\_absentee.aspx](http://www.sos.ms.gov/elections_voter_info_center_absentee.aspx)

If you apply in person, your information will be entered into the Statewide Elections Management System and you will immediately be given a copy of your application with the voting location written on it. This copy is sufficient registration unless your application is challenged. [Miss. Code Ann. §§ 23-15-39(5), 23-15-39(8)]

#### Notification and Reasons for Rejection of Application:

If your application cannot be verified by the County Clerk, or if your mail-in application is incomplete, illegible, or you are not eligible to vote or already registered to vote, your application may be rejected. However, the registrar may write or call you to correct minor mistakes on the application. If you are contacted in this manner and provide the necessary information, you will be registered to vote. [Miss. Code Ann. § 23-15-47(2)]

If your application is rejected, you have the right to attempt to register again, and the registrar should notify you of this right when informing you in writing of the rejection. [Miss. Code Ann. § 23-15-47(2)(e)]

#### Appeal Process:

If you are denied the right to register as a voter, you may appeal the decision to the board of election commissioners by filing with the registrar, on the same day of such denial or within five days thereafter, a written application for appeal. [Miss. Code Ann. § 23-15-61]

### **Return to Top of Document**

#### **4. Timing of Registration: How far in advance of the election do I need to register?**

Response: You must register at least thirty days prior to the general election. This year, the last day you can register in person at the county clerk's office (usually in the county courthouse) is Saturday, October 6, 2012, when the office must by law remain open from 8:00 a.m. until 12:00 noon. [Miss. Code Ann. § 23-15-37(2)]

Mail-in applications must be postmarked no later than Sunday, October 7, 2012 to be accepted. [Miss. Code Ann. § 23-15-47(2)(a)] However, note that post offices are usually closed on Sunday or all weekend. Therefore, you should mail your application no later than Friday, October 5, 2012 to avoid missing the deadline. [**Mississippi Secretary of State Elections Calendar**]

### **Return to Top of Document**

5. **Changes to Registration Information: How and when do I change the name, address or party affiliation on my registration?**

**Response:** You must update your voter registration if you move to a different county or if you change your name. You may do so by notifying the county clerk and completing a new registration application. [**Voter Registration Form**]

**Further Explanation:**

If you move from one voting precinct to another voting precinct within the same county, you are entitled to have your registration transferred to your new voting precinct upon making written request therefor at any time up to thirty days prior to the election at which you wish to vote, and if the move occurs within thirty days of such election, you are entitled to vote in your new voting precinct by affidavit ballot. [Miss. Code Ann. § 23-15-13] The written request need not be an official registration form; it may also be, for example, a change of address form filed with the county registrar. [Op. Att’y. Gen., No. 2001-0026, Bowman (January 26, 2001)]

**[Return to Top of Document](#)**

6. **College Students: Can I register to vote in Mississippi if I’m a college student from out of state?**

**See Also:** [Eligibility to Register](#); [Residency Requirements](#)

**Response:** The Mississippi Election Code does not specifically address whether college students from out-of-state who are attending schools in Mississippi are eligible to register to vote in Mississippi. For the purposes of Mississippi elections law, you are a “resident” if you intend to remain at your Mississippi address for the time being, and you intend to make it your principal home. See the section titled “Eligibility to Register” for further information on who is entitled to register to vote in Mississippi as well as the Brennan Center student voter guide.

If you moved from Mississippi to attend school in another state, or moved from your home county to attend school in another county, you may still vote in Mississippi and in your home county unless you have registered to vote in the other state or county. If you have done so, you may re-register in Mississippi by following the normal procedures. [Brennan Center]

**[Return to Top of Document](#)**

7. **Military Personnel and Other Voters Living Overseas: How do I register if I’m a serving abroad in the military or otherwise living abroad?**

**Response:** All absent military personal (as described in the section titled “Absentee Voters – Military and Overseas Voters” hereto) may use a duly executed **federal postcard application** (“FPCA”) to request a ballot or to register to vote, or to do both simultaneously. The FPCA may be downloaded at <http://www.fvap.gov/request/request-ms.html>. Mississippi armed services and overseas voters may also use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and federal offices. [Miss. Code Ann. §§ 23-15-677, 23-15-692]

**[Return to Top of Document](#)**

**8. [Removal from Registration List:](#) Under what circumstances can my name be removed from the list of registered voters?**

Response: You will be de-registered if you are convicted of a disqualifying crime; these include vote fraud, murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement and bigamy. [Miss. Code Ann. § 23-15-11] You may also be de-registered if you change your residency to another state or are determined to be incapacitated. [Miss. Code Ann. § 23-15-39(4)]

Further Information:

The National Voter Registration Act sets forth the procedure that must be followed in order to remove a voter's name from the official list of eligible voters. It provides that a State shall not remove the name of a registrant from the official list of eligible voters on the ground that the registrant has changed residence unless the registrant (i) confirms in writing that the registrant

has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, or (ii) has failed to respond to a notice or "confirmation card" sent by forwardable mail on which the registrant may state his or her current address. Such "confirmation card" is a postage prepaid and pre-addressed return card, on which the registrant may state his or her current address. This confirmation card must be accompanied by a notice that if the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction. The registrant must return the card at least thirty days prior to an election. If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote. If a registrant does not vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, the registrant's name will be removed from the list of eligible voters. [42 U.S.C. 1973gg-6(d)]

Timeline for Revising of Books:

The revisions of the registration books and the pollbooks is scheduled for specific times throughout the year. The commissioners may continue to purge names from the registration books and pollbooks within ninety days of a regularly scheduled primary or general election for federal office, with the exception that the removal of names of ineligible voters based on residency must be completed before ninety days prior to a regularly scheduled election. [42 U.S.C. 1973gg-6, Op. Att'y. Gen. 2006-00620 (Dec. 8, 2006)]

Remedies for Removed Voters:

Voters whose names were erased from registration books must apply for re-registration, and if such re-registration is denied, then must appeal to the board of election commissioners, and, if necessary, to the circuit court. [Calvert v. Crosby, 139 So. 608 (Miss. 1932)]

[Return to Top of Document](#)

9. **Restoration of Voting Rights: Am I ineligible to vote because of a felony conviction, and if so, how can my voting rights be restored?**

Response: A resident of Mississippi who has been convicted of a disqualifying offense may not vote in Mississippi elections. These offenses include vote fraud, murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement and bigamy. [Miss. Code Ann. § 23-15-11] If a person has been convicted of a crime other than one of those listed, he or she can vote by absentee ballot while incarcerated after registering by mail in the county in which he or she resided immediately prior to incarceration. A person will not be deemed a resident of a county solely because of being incarcerated in a facility that is located in that county.

[Return to Top of Document](#)

10. **Third Party Registration: What does a third party registration group have to do to comply with the law?**

General Assistance with Registration and Other Election Documents:

Another person may assist a voter in filling out the registration form. [Miss. Code Ann. § 23-15-39(6); Op. Att’y. Gen., 1989 WL 503362, Rogers (Aug. 9, 1989) (Every individual who possesses the requisite qualifications to be a qualified voter and desires to register is entitled to have the assistance of the person of his choice to complete the voter registration form)] Any person or group assisting in the process of completing the mail-in registration form must provide their own name and address in the designated space on the form. [**Voter Registration Form**]

There are no explicit prohibitions preventing a qualified voter from authorizing a third person to mail or deliver his or her completed mail-in voter registration form. [Op. Att’y. Gen., No. 96-0657, Carter (Sept. 19, 1996).]

[Return to Top of Document](#)

## Responding to Challenges, Intimidation and Deceptive Practices

<b>Table of Contents:</b>
---------------------------

- |  |
|--|
| 1) <a href="#">Electioneering Boundaries</a>             |
| 2) <a href="#">Challenges by poll workers and others</a> |
| 3) <a href="#">Deceptive Information</a>                 |
| 4) <a href="#">Intimidation by Poll Workers</a>          |

### 1. [Electioneering Boundaries](#): What is the electioneering boundary at my polling place?

Response: No election candidate, representative of such candidate, or any proponent or opponent of any constitutional amendment, local issue or other measure printed on the ballot may post or distribute cards, posters or other campaign literature within one hundred fifty feet of any entrance of the building where any election is being held. [Miss. Code Ann. § 23-15-895]

Additionally, a space thirty feet in every direction from the polls, or the room in which the election is held, shall be kept open and clear of all persons except the election officers and two challengers of good conduct and behavior, selected by each party to detect and challenge illegal voters. [Miss. Code Ann. § 23-15-245]

**Return to Top of Document**

### 2. [Challenges](#): Can my ballot be challenged?

Your eligibility to vote can be challenged at the time that you cast your vote. Poll workers, other voters, candidates, and partisan poll watchers can challenge your eligibility based on your residency qualifications and various other grounds, listed below.

If such a challenge is made, the poll managers will consider the challenge and make an immediate decision. If they unanimously decide that the challenge is proper, you will cast your vote using a “rejected” ballot that will not be counted. If they decide that the challenge is frivolous or in bad faith, they will reject it and give you a regular ballot. Otherwise, you will be given a provisional ballot marked “challenged.” Challenged ballots may or may not be counted, at the discretion of the poll workers. [Miss. Code Ann. §§ 23-15-571, 23-15-579; **Brennan Center**]

Grounds for challenging a voter’s right to vote: A person can be challenged as unqualified to vote on the following grounds:

- he is not a registered voter in the precinct;
- he is not the registered voter under whose name he has applied to vote;
- he has already voted in the election;
- he is not a resident in the precinct where he is registered;

- he has illegally registered to vote;
- he has removed his ballot from the polling place;
- he is otherwise disqualified by law; or
- he is ineligible to vote by absentee ballot.

[Miss. Code Ann. § 23-15-571(3)(a)-(g); 23-15-643]

[Return to Top of Document](#)

**3. [Deceptive Information:](#) What should I do if I see or receive deceptive information regarding an upcoming election?**

Contact an Election Protection supervisor immediately at 1-866-687-8683. You may also contact the Secretary of State's Elections Fraud Hotline at 1-800-629-6786 or P.O. Box 136, Jackson, MS 39205-0136.

You may also file a written complaint with the Election Commissioners in your county. If you do so, they will be required to conduct a hearing on the complaint and give notice to the district attorney. [Miss. Code Ann. § 23-15-903]

[Deceptive information provided during registration:](#) If you have reason to believe that a false registration has occurred, you may notify any law enforcement officer with proper jurisdiction. That officer will be required to conduct an investigation and file a report with the registrar, who must promptly determine whether to accept or reject the registration. The maximum punishment for filing a false registration is a five thousand dollar fine and five years in prison.

You may not be held criminally or civilly liable for your actions in notifying a law enforcement officer of suspected false registration. [Miss. Code Ann. § 23-15-17]

[Return to Top of Document](#)

**4. [Intimidation at the Polls:](#) What should I do if someone attempts to intimidate me at the polls?**

[Response:](#) It is illegal to procure, or attempt to procure, the vote of any voter by means of violence, threats of violence, or threats of withdrawing business or trade, or of enforcing the payment of a debt, or of bringing a suit or criminal prosecution, or by any other threat or injury. Doing so is punishable by imprisonment for up to one year or a fine of up to one thousand dollars, or both. [Miss. Code Ann. § 97-13-37]

It is also illegal to prevent, or try to prevent, by illegal force, or threats of force, any voter from voting. Doing so is punishable by imprisonment for up to two years or a fine of up to five hundred dollars, or both. [Miss. Code Ann. § 97-13-39]

If someone attempts to intimidate you at the polls, contact an Election Protection supervisor immediately at 1-866-687-8683. You may also contact the Secretary of State's Elections Fraud Hotline at 1-800-629-6786 or P.O. Box 136, Jackson, MS 39205-0136.

[Return to Top of Document](#)

## **Voting in Person**

**See Also:** Absentee Voting – [Voting in Person after Requesting an Absentee Ballot](#)

### **Table of Contents:**

- |   |
|---|
| <ol style="list-style-type: none"><li>1) <b>Early Voting</b></li><li>2) <b>Where to Vote</b></li><li>3) <b>Hours Polling Places Are Open</b></li><li>4) <b>Duties of Poll Workers</b></li><li>5) <b>Who May be Present at Polling Places</b></li><li>6) <b>Identification Requirements</b></li><li>7) <b>Registration Missing from the Rolls</b></li><li>8) <b>Changes to Name or Address</b></li><li>9) <b>Provisional Ballots</b></li><li>10) <b>Assistance</b></li><li>11) <b>Equipment Malfunctions</b></li></ol> |
|---|

**1. [Early Voting](#): Can I vote in person before the election day, and how?**

**See Also:** [Hours Polling Places Are Open](#)

**Response:** There is no early voting in Mississippi.

[Return to Top of Document](#)

**2. [Where to Vote](#): Where is my polling place?**

**Response:** You can find your polling location by entering your residential address into the online Voter Polling Place Locator.

[Return to Top of Document](#)

**3. [Hours Polling Places Are Open](#): When does my polling place open and when does it close?**

**Response:** Polling places are required by law to be open between the hours of 7 a.m. – 7 p.m. on Election Day. [Miss. Code Ann. § 23-15-541]

[Return to Top of Document](#)

4. **Duties of Poll Workers: What functions do the different poll workers serve?**

**Response:** Three Election Managers (also referred to as “poll workers”) are appointed by the Election Commissioners in each voting precinct prior to each election. They should not all belong to the same political party. [Miss. Code Ann. § 23-15-231] Their primary duty is to ensure that the election is conducted fairly under the law, in particular by evaluating voters’ qualifications. Election Managers have the power to examine prospective voters under oath on issues relevant to the person’s qualifications as a voter. [Miss. Code Ann. § 23-15-233] They also have the discretionary power to appoint additional Election Managers. [Miss. Code Ann. § 23-15-235]

[Return to Top of Document](#)

5. **Who May be Present at Polling Places: Who is permitted by law to be present at a polling place during voting hours?**

**Response:** Only the officers of the election, and those appointed by them to assist therein, a candidate or the candidate’s representative [authorized by Miss. Code Ann. § 23-15-57]), and two poll watchers from each political party [authorized by Miss. Code Ann. § 23-15-245] may be present in the room containing the ballot boxes. [Miss. Code Ann. § 23-15-551]

[Return to Top of Document](#)

6. **Identification Requirements: What form of identification should I bring with me to the poll?**

**Response:** Mississippi has introduced, but not implemented, a law requiring voters to present valid photo identification in order to cast a vote. This law will not be implemented by the November 6, 2012 election. [League of Women Voters]

You are entitled to vote regardless of whether you provide photo identification or other valid identification (see below) but you should, if possible, bring valid photo identification with you when voting in order to protect yourself.

**Registration by Mail:** If you registered by mail and did not submit a copy of your identification with your application, you may be required to present identification at the polls. Bring one of the following pieces of identification with you when you vote or you may not be permitted to vote:

- Mississippi Driver’s License Number; or
- Last 4 digits of Social Security Number; or
- Copy of current and valid photo identification (may be either mailed with the registration or presented at the voting place); or

- Copy of a current utility bill, bank statement, government check, paycheck, or other government document showing your name and address (may be either mailed with the registration or presented at the voting place).

Note that if you registered in person, or registered by mail and provided a copy of identification with your application, this requirement does not apply to you.

[Further Information:](#)

In a 2011 referendum, Mississippi voters approved a new law requiring voters to present “current and valid photo identification” before being permitted to vote. This law is currently enacted in Mississippi but has not yet been implemented, nor has it secured the necessary approval by the U.S. Department of Justice under the Voting Rights Act of 1965. It is not expected to be approved before the November 2012 election.

Under the new voter ID law, any government-issued photo identification, student cards from accredited Mississippi colleges, and tribal identification cards are specifically listed as “valid photo identification.” Other forms of photo identification may also be considered valid, although the legislation appears to leave this decision to the discretion of the Election Managers. [Miss. Code Ann. § 23-15-563(2)]

Note that even under the terms of the new law, you are entitled to vote by affidavit ballot if you do not have valid photo identification, provided you present valid photo identification to the registrar within five days of the election or, if you have a religious objection to being photographed, swear an affidavit in the registrar’s office to that effect within five days of the election. [Miss. Code Ann. § 23-15-563(3)]

**[Return to Top of Document](#)**

**7. [Registration Missing from the Rolls:](#) What do I do if I’m registered to vote but my name doesn’t appear on the rolls at my precinct?**

**[See Also:](#) [Provisional Ballots](#)**

[Response:](#) If your name doesn’t appear on the voter rolls and your eligibility to vote cannot otherwise be established, you are entitled to cast a provisional ballot, also known as an affidavit ballot, in the precinct in which you are registered.

However, casting an affidavit ballot is a last resort, and before doing so you should attempt to determine whether you are in fact voting in the correct precinct and why your name is missing from the rolls. [Miss. Code Ann. §§ 23-15-13, 23-15-573] Your affidavit ballot will not be counted if it is determined that you voted at the wrong precinct, and elections officials are required to notify you of this when you seek to cast an affidavit ballot in a federal election. [Consent Decree, Order and Judgment, United States v. Bolivar County, No. 2:08cv33-b-A (N.D. Miss. Feb 27, 2008)]

In federal elections, election officials are required to determine “by any means possible,” including contacting the office of the county clerk or consulting maps of voting precincts, whether a voter whose name is not on the precinct’s voter registration list is in the appropriate

precinct under state law, and if not, direct that voter to the appropriate precinct. [Consent Decree, Order and Judgment, United States v. Bolivar County, No. 2:08cv33-b-A (N.D. Miss. Feb 27, 2008)]

### [Return to Top of Document](#)

#### 8. **Changes to Name or Address: Am I able to vote if my name or address has changed but I haven't updated my voter registration yet?**

**See Also:** [Provisional Ballots](#)

**Response:** If you changed your name or moved from a different state or to a different county within the state at least thirty days before the election, you need to submit a new registration with your updated information by the normal registration deadline (at least thirty days before the election).

If you changed your name or moved from a different state or to a different county within the state less than thirty days before the election, you will not be able to update your registration. Unlike most states, Mississippi does not provide a sixty day "grace period" for name or address changes. However, it appears that if you were properly registered at the registration deadline and your name or address subsequently changes, you may still properly vote using the name and address that you are registered under.

If you move within the same county more than thirty days prior to the election, you must file a change of address form with the county registrar. [Miss. Code Ann. § 23-15-573] If you moved within the same county within thirty days of the election, you can vote by affidavit ballot in the new election precinct upon signing an affidavit which (i) confirms all of your required addresses and telephone numbers; (ii) is signed by one of the election managers; and (iii) states that the voter believes he is registered to vote in jurisdiction in which he offers to vote. [Miss. Code Ann. §§ 23-15-13, 23-15-573; Op. Atty. Gen. No. 2001-0026, Bowman (January 26, 2001); Op. Atty. Gen., No. 2003-0497, Sautermeister (Sept. 26, 2003)]

### [Return to Top of Document](#)

#### 9. **Provisional Ballots: Under what circumstances am I entitled to cast a provisional ballot and how can I make sure it is counted?**

**Response:** A provisional ballot, known in Mississippi as an affidavit ballot, allows you to record your vote on election day when your eligibility to vote is in question. After the election, the Election Commissioners will examine the records and determine whether you were eligible to vote and, as a consequence, whether your vote will be counted. [Miss. Code Ann. § 23-15-573]

Casting an affidavit ballot is a last resort, and before doing so you should attempt to determine whether you are in fact voting in the correct precinct and why your name is missing from the rolls. You may vote by affidavit ballot if:

- You believe that you are a registered voter in the jurisdiction and are eligible to vote in an election, but your name does not appear in the poll books; or

- You are not able to cast a regular election day ballot under a provision of state or federal law but are otherwise qualified to vote; or
- You believe that you have been illegally denied registration.

When you cast an affidavit ballot, you must provide your name, address, telephone number, and a signed statement that you believe you are registered to vote in the jurisdiction. [Miss. Code Ann. § 23-15-573(2)]

When you vote by affidavit ballot, the Election Commissioners are required by law to provide you with written information that allows you to ascertain, once the ballots have been counted, whether your ballot was counted and, if the vote was not counted, the reasons the vote was not counted. Election officials are required to compile and maintain a list in the county clerk's office with this information. In a federal election, election officials must provide you with a toll-free phone number that you can call to determine whether your affidavit ballot was counted, and must also send you a letter within twenty-one days of the election stating whether your ballot was counted. [Miss. Code Ann. §§ 23-15-573(1), 23-15-573(6), Consent Decree, Order and Judgment, United States v. Bolivar County, No. 2:08cv33-b-A (N.D. Miss. Feb 27, 2008)]

Further Explanation:

You must vote by affidavit ballot if your vote is a result of a federal or state court order or other order extending the time established by law for closing the polls. Any provisional ballot cast as a result of the foregoing must be separated and kept apart from other provisional ballots not affected by the order to extend the time for the closing of the polls. [Miss. Code Ann. §23-15-573(7)]. [Miss. Code Ann. § 23-15-573(7)] If this is the case, the Election Commissioners will provide you with an affidavit ballot.

Note that, because they require a determination of your eligibility as a voter to be made after the election, affidavit ballots are not anonymous. If you vote by affidavit ballot, the Election Commissioners will enclose the ballot and your written affidavit in a sealed envelope and write your name on the outside of the envelope. [Miss. Code Ann. § 23-15-573(1)(c)]

**Return to Top of Document**

**10. Assistance: What forms of assistance are available to me at my polling place if a disability makes it difficult to vote otherwise?**

Response: You may request and receive assistance with voting and the voting equipment at the polling place for any of the following reasons: you are blind, disabled or illiterate, you mistakenly mark a ballot, or you speak a language other than English.

If you wish to vote outside the polling place because you are disabled and will have difficulty entering the polling place to cast your vote, the election officials should allow you to vote from the curbside.

### Further Explanation:

#### Assistance for Voters with Disabilities:

A voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may request any person of the voter's own choice, other than the voter's employer, an agent of the employer, or an officer or agent of his union, to assist the voter in casting his vote. [Miss. Code Ann. § 23-15-549]

Aid in marking a ballot may only be given to a voter that is unable to mark his ballot because he is blind, disabled or illiterate. An election manager must be satisfied that the voter requesting assistance is either blind, physically disabled or illiterate and needs assistance in marking his ballot. [O'Neal v. Simpson, 250 So. 2d 998, 1009 (Miss. 1997), cert. denied 435 U.S. 934]

#### Polling Place Accessibility for Voters with Disabilities:

Curbside voting is available to any voter with a physical disability who travels to his polling place, in the sound discretion of the poll managers of an election. If a poll manager determines that curbside voting is appropriate, two or managers shall determine whether the disabled person is qualified to vote, and if so, shall allow the disabled voter to cast his vote in secret. After the disabled person casts his ballot, the managers shall mark the pollbook "voted" by the voter's name in the pollbook. [Miss. Code Ann. § 23-15-541(2)].

If the ballot provided to the disabled voter is a paper ballot, the initialing manager shall initial the ballot, and the disabled voter, after marking his ballot shall fold the ballot or place it in the ballot sleeve. The initialing manager or alternate initialing manager shall determine whether the initials on the ballot are genuine, and upon a determination that the initials are genuine, mark "voted" by the voter's name. The initialing manager shall without delay place the ballot in the ballot box. [Miss. Code Ann. § 23-15-541(2)(b)]

If, while a voter is voting by curbside, there are fewer than three managers immediately present within the polling place conducting an election or a political party primary, all voting at the polls shall stop until the managers conducting the curbside voting procedure return so that there are at least three poll managers immediately present within the polling place to conduct the election or party primary at all times, and until a minimum of three (3) managers are present, the remaining poll manager or managers shall ensure the security of the ballot box, the voting devices, and any ballots and election materials. [Miss. Code Ann. § 23-15-541(2)(c)]

#### Voting Machine Accessibility

Voters with disabilities must also have access to at least one voting machine that is accessible for individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy or independence) as is provided to other voters. [42 U.S.C. § 15481(a)(3)]

### [Assistance When Voters Mistakenly Mark a Ballot:](#)

If you make a mistake or otherwise spoils your ballot, you may obtain others, one at time, not exceeding three in all, upon returning each spoiled ballot. [Miss. Code Ann. § 23-15-553]

### [Further Explanation:](#)

The officer who furnishes the official ballots for any polling place where a voting machine is to be used, shall also provide two sample ballots or instruction ballots, which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day. [Miss. Code Ann. § 23-15-411]

In voting precincts using voting machines, officials in charge of the election shall designate suitable and adequate times and places where voting machines shall be exhibited to give instructions to voters as to how to use the voting machines. [Miss. Code Ann. § 23-15-419]

### [Assistance in Languages Other than English:](#)

The Voting Rights Act of 1965 requires nine counties in Mississippi to provide all materials related to elections, including ballots, in English and other languages. The following counties covered by the language minority provisions of the Voting Rights Act must provide materials in the American Indian language of Choctaw: Attala, Jackson, Jones, Kemper, Leake, Neshoba, Newton, Scott, and Winston County. [42 U.S.C. § 1973aa-1a; 67 Fed. Reg. 48,871 (2002)]

## [Return to Top of Document](#)

### **II. [Equipment Malfunctions:](#) What should I do if malfunctioning voting equipment prevents me from voting?**

[Response:](#) You should request to use an unofficial ballot. Election officials must provide you with unofficial ballots that will be counted with the votes registered on the voting device, if a voting device malfunctions and this otherwise would prevent you from voting.

### [Further Explanation:](#)

If a voting device at a polling place malfunctions and cannot be repaired or replaced quickly and there is no other device in the polling place that can be used to perform the function of the device that malfunctions, unofficial ballots made as nearly as possible in the form of the official ballot may be used until the voting device is repaired or replaced. Such ballots shall be received by the managers and placed by them in a receptacle in such case to be provided by the managers, and counted with the votes registered on the voting device; and the result shall be declared the same as though there had been no accident to the voting device; the ballots thus voted shall be preserved and returned as herein directed, with a certificate or statement setting forth how and why the same were voted. [Miss. Code Ann. § 23-15-473]

## [Return to Top of Document](#)