

ELECTION PROTECTION **YOU HAVE THE RIGHT TO VOTE**

FREQUENTLY ASKED QUESTIONS: MISSISSIPPI

Questions Involving Access to the Ballot:

1. It is after 7:00 AM and the polling place is not open.

Where available, contact the Legal Command Center in the voter's area immediately so that a mobile field attorney can go to the precinct. An attorney will contact the county election officials to report the problem.

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by back-up paper ballots or by provisional ballots.

Where there is no Legal Command Center, call the county circuit clerk's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

3. It is 7:00 PM and my precinct is closed or closing and they will not let me vote.

Contact the Legal Command Center so that a mobile field attorney can be assigned to go to the precinct immediately. An attorney will contact the county election officials to report the problem.

Where there is no Legal Command Center, call the county circuit clerk's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

4. There are equipment problems at my precinct and I cannot vote. What should I do?

Encourage the voter to ask to vote by a back-up paper ballot or by affidavit ballot. Call the Legal Command Center immediately so that an attorney can go to the precinct to check on the problem. An attorney will also contact the county election officials to report the problem.

Where there is no Legal Command Center, call the county circuit clerk's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

Identification and Provisional Ballots:

1. I do not have any identification with me. Can I vote?

Yes. The voter may vote by affidavit ballot if the voter declares that he or she is a registered voter in the jurisdiction in which the voter desires to vote and is eligible to vote in the election but the voter's name does not appear on the pollbooks, or (b) if the voter 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) if the voter has been illegally denied registration, after signing a written affidavit before one of the managers stating that the voter meets one of the above requirements.

2. I am a registered voter who is not on the rolls at my precinct. Can I vote?

Confirm that the voter is a qualified to vote (i.e., meets the age, criminal status and durational residency requirements found on page 3 of the manual) and that the voter registered in time to vote in this election. Next, using the online poll locator tool, make sure the voter is at the correct polling place.

If the voter has registered on time, is eligible and is in the correct polling place, direct the voter to ask the poll worker to call the county clerk and confirm the their registration. If the voter still is not on the rolls, let them know that the voter can vote affidavit ballot, by signing a written affidavit before one of the managers stating that the voter meets the requirements for casting an affidavit ballot (see question 1 above).

3. Poll workers are turning voters away if they don't have photo ID.

Call the Legal Command Center immediately to report the problem. An attorney will be dispatched to the polling place. Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot.

Where there is no Legal Command Center, call the county circuit clerk's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

4. I have been offered an affidavit ballot. What should I do?

Affidavit ballots are a LAST resort. Whenever a voter is asked to vote by affidavit ballot, the voter must sign a written affidavit before one (1) of the managers of election stating that he or she is entitled to vote, or that he or she is not able to cast a regular election day ballot but is otherwise qualified to vote or that he or she has been illegally denied registration. Such person may prepare his or her vote and the election officer will enclose

the ballot in an envelope with the written affidavit of the voter, seal the envelope and mark that voter's name clearly upon the envelope. The affidavit must include the complete name, all required addresses and telephone numbers, and a statement that the voter believes he or she is registered to vote in the jurisdiction in which he or she offers to vote and the voter's signature, and the signature of one (1) of the election managers. A separate register will be maintained for affidavit ballots, and the voter must sign the register upon completing an affidavit. In canvassing the returns of the election, the executive committee in primary elections, or the election commissioners, in a general election, will examine the records and allow the ballot to be counted if the elector is registered and duly qualified to vote, or will not allowed the ballot to be counted if he or she is not registered and qualified.

When a person is offered the opportunity to vote by affidavit ballot, he or she will 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.

The county registrars and municipal registrars will implement a secure free access system by which persons who vote by affidavit ballot may determine if their ballots were counted.

Where to Vote:

1. Where do I vote (for voter's who have not moved)?

You can look up polling locations at www.vote411.org. (Also include any state or county sponsored phone numbers or websites for polling place locators.)

2. I have moved from within the same county and have not updated by address for voter registration purposes. Where should I vote?

If the voter has moved within the same county less than 30 days before an election, the voter can vote by affidavit ballot in the precinct of the voter's residence if the voter's name does not appear on the pollbook of the voter's precinct.

3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?

If the voter did not request the registration transfer more than 30 days before the election, the voter will be permitted to vote by affidavit ballot in the new election precinct upon signing an affidavit confirming all required addresses and telephone numbers and that is signed by one of the election managers.

4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?

A voter who moves from one county to another must register in the new county of resident in order to be permitted to vote.

Assistance at the polls:

1. I am physically disabled and need assistance; will my polling place be accessible?

A physically disabled voter who does not vote by absentee ballot and who drives, or is driven, to the polling location, but is unable to enter the physical location where the voting is taking place may vote by “curbside voting.” In these cases, an election manager will assist the voter outside of the polling location. If a voter reports that a polling place does not have “curbside polling,” call the Legal Command Center so an attorney can get in touch with the responsible election official to report the problem immediately. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

2. I am blind; physically disabled or can not read and require assistance at the polls in order to vote. Can I get assistance at the polls?

A voter requiring assistance at the polls for any of the reasons stated above can take a person of their choice into the voting booth (except employer, an agent of employer, an officer or agent to their union). Election Protection volunteers can serve as assistants to disabled voters or those who cannot read or write if asked to do so by the voter. If a poll worker refuses to allow a disabled voter or one who is unable to read or write to bring a person of their choice into the voting booth call the Legal Command Center or, where there is no Legal Command Center, call the election superintendent’s office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem

The Voting Rights Act of 1965 requires 9 counties in Mississippi to provide all materials related to elections, including ballots, in English and other languages. Following is a list of counties covered by the language minority provisions of the Voting Rights Act as well as which languages are covered¹

- Attala County American Indian (Choctaw)
- Jackson County American Indian (Choctaw)
- Jones County American Indian (Choctaw)
- Kemper County American Indian (Choctaw)
- Leake County American Indian (Choctaw)

¹ According to the plan for compliance with the Help America Vote Act of 2002 prepared by the Secretary of State and submitted on August 12, 2003, the procedure to provide materials related to elections in English and other languages is ongoing.

- Neshoba County American Indian (Choctaw)
- Newton County American Indian (Choctaw)
- Scott County American Indian (Choctaw)
- Winston County American Indian (Choctaw)

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls.

It shall be unlawful for any candidate for an elective office, or any representative of such candidate, or for any proponent or opponent of any constitutional amendment, local issue or other measure printed on the ballot to post or distribute cards, posters or other campaign literature within one hundred fifty (150) feet of any entrance of the building wherein any election is being held. It shall be unlawful for any candidate or a representative named by him in writing to appear at any polling place while armed or uniformed, nor shall he display any badge or credentials except as may be issued by the manager of the polling place; they can solicit you if they comply with this rule.

In addition, each candidate has the right, either in person or by a representative to be named by him, to be present at the polling place, and the managers shall provide him or his representative with a suitable position from which he or his representative may be able to carefully inspect the manner in which the election is held. He or his representative shall be allowed to challenge the qualifications of any person offering to vote, and his challenge shall be considered and acted upon by the managers.

Each political party may have two (2) poll watchers in each polling room during the election. Each candidate may have one (1) watcher in each polling room during the election. Each shall be allowed within thirty (30) feet of where the voting is taking place to watch and observe the conduct of electors and officials.

No persons may be present within 30 feet from the polls other than the election officers and two party challengers.

If they are violating these requirements, contact the Legal Command Center to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

As long as the voter has NOT already submitted the absentee ballot, and is otherwise qualified, they should be allowed to vote in person by REGULAR ballot

3. There are people at the polls trying to intimidate voters.

Call the Legal Command Center immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Legal Command Center so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. After hanging up with the caller, call back the Legal Command Center and fill the attorneys there in on the details. Also, alert the call center manager.

Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem. Again, be sure to alert the call center manager.

4. I have a felony conviction. Can I vote?

If you have been convicted of a crime other than murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy, you can vote, including by absentee ballot while incarcerated, after registering by mail in the county in which you resided immediately prior to your incarceration. A conviction of a federal crime or a conviction by a state other than Mississippi does not affect the right to vote in Mississippi. In addition, if you are convicted of one of the disqualifying crimes, the right to vote may be restored by a pardon or executive order issued by the Governor upon discharge from probation. The right to vote may also be restored by a two-thirds vote of the state legislature.

5. I am a college student, can I vote where I go to school?

College students may register and vote where they go to school provided that they consider that location their voting residence. A voting residence is the residence the student claims as their home; the residence which qualifies them to vote on a particular ballot. Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that they have registered on time for this election. If so, contact the Legal Command Center to dispatch an attorney to the location and contact the appropriate election official. Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.