

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

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

Immediately contact the Mississippi Elections Division to report the problem. You can find information on County Voting Registrars at:  
<http://www.sos.state.ms.us/elections/VoterRegistrars.asp>.

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 paper ballots (preferably) or by provisional ballots if there are no machines available. Provisional ballots are a LAST resort.

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

Immediately contact the Mississippi Elections Division to report the problem. You can find information on County Voting Registrars at:  
<http://www.sos.state.ms.us/elections/VoterRegistrars.asp>.

**3. 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 provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

**Identification and Provisional Ballots:**

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

Yes. No identification is required to vote if a person is otherwise qualified to vote.

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

Confirm that the voter is qualified to vote (i.e., meets the age, criminal status, and durational residency requirements) and that the voter registered in time to vote in this election. Next, using the online poll locator tool at [www.vote411.org](http://www.vote411.org), make sure that the voter is at the correct polling place.

If the voter has registered on time, is eligible to vote, and is in the correct polling place, direct the voter to ask the poll worker to call the county clerk and confirm their registration. If the voter still

is not on the rolls, let them know that the voter can vote by affidavit ballot by signing a written affidavit before one of the managers, stating that the voter meets the requirements for casting an affidavit ballot.

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

Immediately alert a commander 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.

### **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 of the election managers, stating that he or she is entitled to vote, that he or she has been illegally denied registration, or that he or she is not able to cast a regular election day ballot but is otherwise qualified to vote. Such person may prepare his or her ballot and the election officer will enclose that 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 voter's complete name, all required addresses and telephone numbers, and a statement, signed by the voter and one election manager, that the voter believes that he or she is registered to vote in the jurisdiction in which he or she offers to vote. A separate register will be maintained for affidavit ballots, and the voter must sign the register upon completing the 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 qualified to vote, or will not allow the ballot to be counted if the voter is not registered and qualified to vote.

When a person is offered the opportunity to vote by affidavit ballot, he or she will be provided with written information describing how to ascertain whether the affidavit ballot was counted and, if the vote was not counted, the reasons it was not counted.

Both the county 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](http://www.vote411.org).

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

If the voter has moved within the same county less than thirty (30) days before an election and the voter's name does not appear on the poll book of the voter's precinct, the voter can vote by affidavit ballot in the precinct of the voter's current residence.

### **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 thirty (30) days before the election or has moved to a new precinct within 30 days of the election, the voter can 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 an election precinct in one county to an election precinct in another county must register in the new county of residence in order to vote. This must be done thirty (30) days prior to the election.

**5. I have recently moved to Mississippi from another State. Can I vote in Mississippi during this election?**

Yes, however, Mississippi has a residency requirement of thirty (30) days before a person is eligible to vote in an election. In addition, even if the voter meets the residency requirement they also must register in Mississippi at least thirty (30) days before the election.

## **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 through "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 voting," alert the on-call attorney in that jurisdiction. If the jurisdiction does not have an on-call attorney alert a commander so an attorney will get in touch with the responsible election official to report the problem immediately.

**2. I am blind, physically disabled or cannot 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 reason stated above can take a person of their choice into the voting booth (except their employer or an agent of their employer and an officer or agent of 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 alert a commander.

The Voting Rights Act of 1965 requires nine (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 the languages that are covered. <sup>1</sup>

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<sup>1</sup> 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.

- 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)
- 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. Is this legal?**

A candidate can solicit you at the polls, however, a candidate for public office or his representative cannot post or distribute cards, posters, or other campaign literature within one hundred fifty (150) feet of any entrance to a building where any election is being held. Additionally, a candidate or his representative cannot be armed or in uniform, or display any badge or credentials except as may be issued by the manager of the polling place.

No person may be present within thirty (30) feet from the polls other than the election officers and two party challengers.

If they are violating these requirements, alert a commander 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.

### **2. Does a Candidate or Political Party have the right to inspect the voting process?**

Each candidate does have the right, either in person or by a representative to be named by him, to be present at the polling place, and to be provided with a suitable position from which he or his representative can carefully inspect the manner in which the election is held. Additionally, the candidate or 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 candidate may also have one (1) watcher in each polling room during the election, and each political party may have two (2) poll watchers in each polling room. 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.

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

Alert a commander immediately and an attorney will be dispatched to the polling place. If the voter agrees, put him/her 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, and 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.

**4. I will not be able to make it to the polls on Election Day. Will I still be able to vote?**

Yes, Mississippi law says that an otherwise qualified voter who is unable to make it to his/her polling place on Election Day may vote by absentee ballot. The absentee ballot must be completed in front of an attesting witness, with the elector and attesting witness signing 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 (65) years of age. Any voter using the registrar as the attesting witness will 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.

A voter may vote in person in the office of the registrar up to 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. All absentee ballots returned by mail must be RECEIVED by the office of the registrar by 5:00 PM on the day preceding the election.

**5. 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, he should be allowed to vote in person by REGULAR ballot.

**6. I'm standing in line and it is 7PM. Will I still be able to vote?**

Yes. As long as you are standing in line to vote before 7 p.m. you must be allowed to vote.

**7. I have a felony conviction. Can I vote?**

If you have been convicted of a crime, including a felony, other than murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, 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 legislature.

**8. 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 his home.

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 he has fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that he/she has registered on time for this election. If so, alert a commander to dispatch an attorney to the location and contact the appropriate election official.