

U.S. ELECTION ASSISTANCE COMMISSION



2014 Election Administration & Voting Survey

Mississippi

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2014 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

We have provided you with your answers to the 2012 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2012 with an "X" as shown below:

X **No Change Since 2012**

If the response has changed since 2012, please mark Changed Since 2012 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2012 response and record your 2012 response between the red bracketed text lines, as described below.

X **Changed Since 2012**

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin definition (a) below this line.]

*Please note the Mississippi Code does not define many of the terms listed in this subsection. Code sections that reference these terms will be provided.

Miss. Code Ann. §§ 23-15-613; 23-15-483; 23-15-523

[End definition (a) above this line.]

b. Under-vote

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin definition (b) below this line.]

Miss. Code Ann. § 23-15-613

[End definition (b) above this line.]

c. Blank ballot

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin definition (c) below this line.]

Miss. Code Ann. §§ 23-15-483; 23-15-523; 23-15-591; 23-15-541; 23-15-335

[End definition (c) above this line.]

d. Void/Spoiled ballot

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin definition (d) below this line.]

Miss. Code Ann. §§ 23-15-477; 23-15-517

[End definition (d) above this line.]

e. Provisional/Challenged ballot

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (e) below this line.]

Miss. Code Ann. §§ 23-15-573; 23-15-643; 23-15-571; 23-15-579

[End definition (e) above this line.]

f. Absentee

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (f) below this line.]

Miss. Code Ann. §§ 23-15-713; 23-15-671; 23-15-673

[End definition (f) above this line.]

g. Early voting

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (g) below this line.]

Not Applicable

[End definition (g) above this line.]

h. Active Voter

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (h) below this line.]

Miss. Code Ann. § 23-15-41

[End definition (h) above this line.]

i. Inactive Voter

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin definition (i) below this line.]

Not Applicable

[End definition (i) above this line.]

j. Other terms (please specify) _____

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Identify each TERM and definition separately and begin below this line.]

Not Applicable

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any significant changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ No Change Since 2012 ☒ Changed Since 2012

2012 Response:

[Begin response to above question (A2) below this line.]

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B1) below this line.]

Hybrid

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above clarification question to B1 below this line.]

Local jurisdictions transmit voter registration information to the state registration list instantaneously.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B2) below this line.]

- a. NVRA requirements
- b. No

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B3) below this line.]

- a. NVRA requirements
- b. Yes

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B4) below this line.]

We currently link electronically with DPS, DOH and AOC. These state agencies regularly send data files that are integrated into the voter registration system. In the system, all new registrations are verified against other voter records, DPS records, DOH and AOC for potential matches. Existing voter records are also compared to new information from outside data sources for potential matches.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B5) below this line.]

Individual counties are responsible for conducting voter roll maintenance. The State provides NCOA data to the counties through the Statewide Elections Management System (SEMS) – Mississippi's statewide voter roll. NCOA data is uploaded into SEMS, and SEMS

alerts each county's SEMS users when a possible voter match exists. The county then processes the NCOA data in accordance with the National Voter Registration Act. County election officials have found NCOA to be a useful tool in conducting voter roll maintenance.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B6) below this line.]

- a. Persons convicted of any one of twenty-two disenfranchising crimes recognized in Mississippi will either be removed from the voter rolls, if currently registered, or prohibited from registering to vote.
- b. Disenfranchised voters may petition their representative in the legislature to have their voting rights restored by the legislature or they may be granted a full pardon by the Governor. Additionally the Governor may restore the civil rights of an individual through an executive order.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B7) below this line.]

Yes, voters may obtain information regarding voter registration from the Secretary of State's website. Voters may download, print and sign voter registration applications from the Secretary of State's website. UOCAVA voters may return signed Federal Postcard Applications via email.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin response to above question (a) below this line.]

The votes are counted at a central location within each county.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin response to above question (b) below this line.]

Results are tabulated and reported by precinct.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin response to above question (c) below this line.]

Absentee ballots are reported separately. They are then added to the total.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

☒ No Change Since 2012

☐ Changed Since 2012

2012 Response:

[Begin response to above question (d) below this line.]

The UOCAVA votes are counted and reported in the same manner as other absentee ballots.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ No Change Since 2012

☐ Changed Since 2012

2012 Response:

[Begin response to above question (C2) below this line.]

In order to vote absentee a voter must declare one of the reasons stated in Miss. Code Ann. 23-15-627.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ No Change Since 2012

☐ Changed Since 2012

2012 Response:

[Begin response to above question (C3) below this line.]

No

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ No Change Since 2012

☐ Changed Since 2012

2012 Response:

[Begin response to above question (C4) below this line.]

No

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (C5) below this line.]

If a person declares that he is a registered voter in the jurisdiction in which he offers to vote, and he is eligible to vote in the election but his name does not appear on the pollbooks, or if he has been illegally denied registration, he may vote by affidavit ballot. Miss. Code Ann. § 23-15-573.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (C6) below this line.]

- a. If the voter is not registered in the precinct, then the ballot will not count.
- b. In canvassing returns the County Election Commission may review the ballot to make a determination as to whether the ballot should be counted. Miss. Code Ann. § 23-15-573.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (C7) below this line.]

- a. Post-election audits are not provided for in statute.
- b. Ballot boxes may be viewed or examined by certain parties any time within 12 days after the canvass and examination of the ballot boxes. Miss Code Ann. § 23-15-911.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

 x **No Change Since 2012** **Changed Since 2012**

2012 Response:

[Begin response to above question (C8) below this line.]

Pollworkers must attend an eight hour training course once every four years. Miss. Code Ann. § 23-15-239.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (D1) below this line.]

76 counties use the TSX DRE machines and 2 counties use other DRE machines which are all incapable of an over-vote and can ascertain the amount of under-voting. The 4 other counties use scannable ballots or a combination of scannable ballots and a DRE system which may be over-voted, but will be rejected by the scanner for the first vote attempt. A second attempt will allow the vote to be cast. The number of over and under votes may be ascertained.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

 No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (a) below this line.]

No identification required, unless prospective voter is attempting first-time voting after submitting an unverified mail-in voter registration application.

[End response to above question (a) above this line.]

b. casting an in-person ballot;

 No Change Since 2012 x Changed Since 2012

2012 Response:

[Begin response to above question (b) below this line.]

None

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

☐ No Change Since 2012 ☒ Changed Since 2012

2012 Response:

[Begin response to above question (c) below this line.]

None

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin response to above question (d) below this line.]

None

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

☐ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin response to above question (e) below this line.]

Not Applicable

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ No Change Since 2012 ☐ Changed Since 2012

2012 Response:

[Begin response to above question (D3) below this line.]

- a. Miss. Code Ann. Section 23-15-577 allows for a candidate or a representative of a candidate to be present to inspect the manner in which the election is held. Further, Miss. Code Ann. Section 23-15-245 requires that bailiffs in each polling place must keep clear a space thirty feet in every direction except election officers and two challengers of good conduct and behavior, selected by each political party.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (E1) below this line.]

No, it has not been revised.

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

 x No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (E2) below this line.]

Not Applicable

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.