U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

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 2016 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.

Information Supplied By	
Name	Kim Turner
Title	Assistant Secretary of State, Elections Division
Office/Agency Name	Mississippi Secretary of State's Office
Address 1	401 Mississippi Street
Address 2	Post Office Box 136
City	Jackson
State	Mississippi
Zip Code	39205
E-mail Address	kim.turner@sos.ms.gov
Telephone (area Code and number)	(601) 359-5137
Fax Number (area code and number)	(601) 576-2545

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

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

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

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

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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 2014** ☐ **Changed since 2014**

2014 Response:

*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

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Miss. Code Ann. § 23-15-613

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not Applicable

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Miss. Code Ann. § 23-15-41

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Miss. Code Ann. §§ 23-15-153, 23-15-221

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not Applicable

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
	HB 809: adoption by the Legislature and implementation of an on-line system by which registered Mississippi voters may update their name and/or address information, both within the same county or different county of current registration

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Hybrid	

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Local jurisdictions transmit voter registration information to the statewide elections management system instantaneously.	

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

a. NVRA requirements
b. No

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

a. NVRA requirements
b. Yes

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

We currently link electronically with the Department of Public Safety, i.e. driver's license agency ("DPS"), the Department of Health ("DOH") and the Administrator of Courts ("AOC"). These state agencies regularly send data files that are integrated into the statewide voter registration system. In the system, all new registrations are either verified through AAMVA (a social security number check) or DPS (a driver's license number check), if that information is provided by the applicant. Existing voter records are compared to new information from outside data sources for potential matches to update driver's license information and to determine a potential change in voter status due to death or conviction of a disenfranchising crime.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Individual counties conduct voter roll maintenance. The Secretary of State provides NCOA data to the counties through the Statewide Elections Management System (SEMS). NCOA data is uploaded into SEMS, and SEMS alerts each county's users when a possible voter match exists. The county processes the NCOA data in accordance with the NVRA. County election officials have found NCOA to be a useful tool in conducting voter roll maintenance.

2016 Response:

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?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

a. Not all felony convictions are disenfranchising in the state of Mississippi. Persons convicted of vote fraud or any one of twenty-two disenfranchising crimes, in a Mississippi state court, are removed from the voter rolls, if currently registered, or prohibited from registering to vote.
b. No. Disenfranchised voters may petition their representative in the Mississippi Legislature to have their voting rights restored or they may seek a full pardon by the Governor. The Governor also may restore the civil rights of an individual through an executive order.
c. Yes.

2016 Response:

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.).

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Yes. Voters may obtain information regarding voter registration from the Secretary of State's website (yallvote.sos.ms.gov). From this site, voters may download and print voter registration applications to send to their voting registrars. Currently registered voters may also update their name and/or address on-line from this site. UOCAVA voters may electronically complete and return by email a Federal Post Card Application or download and print the same to mail the FPCA to their voting registrars.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

A determination as to whether an absentee ballot is to be accepted or rejected is made at the precincts by the poll workers. In some counties which utilize precinct scanners, the accepted ballots are opened and counted at the precincts. In other counties which utilize the DRE voting system, the accepted ballots are opened and counted by a central scanner at a central location within each county, i.e., courthouse.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Results are tabulated and reported by precinct.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA absentee ballots are processed, counted and reported in the same manner as other absentee ballots.

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

In order to vote by an absentee ballot, a voter must declare one of the reasons stated in Miss. Code Ann. §§23-15-627 or 23-15-673 (UOCAVA).
In 2014, Miss. Code Ann. § 23-15-673 was amended to add an additional category of absentee voters entitled to request, receive an return an absentee ballot by email, fax or mail, i.e., first/emergency responders.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If a person declares 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 poll books, or he has been illegally denied registration, he may vote by affidavit ballot. Miss. Code Ann. § 23-15-573.

If a presents in person to vote by absentee ballot at his Circuit Clerk's office, or presents in person to vote on Election Day at his polling place and is unable to present an acceptable form of photo ID, or has a religious objection to being photographed and therefore does not have an acceptable form of photo ID, is entitled to cast an affidavit ballot. The affidavit ballot shall be counted if the voter presents an acceptable form of photo ID in the Circuit Clerk's office within five (5) business days after Election Day. With regard to a voter with a religious objection to being photographed, the affidavit ballots shall be counted if the voter executes an Affidavit of Religious Objection in the Circuit Clerk's office within five (5) business days after Election Day.
Miss. Code Ann. § 23-15-563.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

a. No. If the voter is not registered in the polling place at which he/she cast a ballot, the ballot will not be counted.
b. In canvassing the election returns, the County Election Commissioners review the voter's information as provided on the affidavit ballot envelope and as available to them through the Statewide Elections Management System to determine whether the ballot is accepted or rejected. Miss. Code Ann. § 23-15-573.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

a. Post-election audits are not required by Mississippi statute.
b. Ballot boxes may be viewed or examined by candidates or their representatives any time within 12 days after the canvass and certification of the election results. Miss Code Ann. § 23-15-911.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Poll workers must complete a training session conducted by the executive committee of each county, in the case of a primary election, or the election commissioners of each county, in the case of all other elections, in conjunction with the Circuit Clerk, not less than five (5) days prior to each election. No poll worker may serve in any election unless he has received training at least once during the twelve (12) months immediately preceding the date upon which the election is held.
In addition, poll workers must also complete an eight-hour training course which meets the requirements of the Secretary of State every four (4) years. A version of this course is available and may be taken online. Miss. Code Ann. § 23-15-239.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

76 counties use the TSX DRE voting system, and 1 county uses the iVotronic DRE voting system. The DRE voting machines prevent "over-votes" but permit and capture the number of "under-votes;" however, an under-vote is brought to the attention of the voter prior to his casting his ballot.
4 counties use precinct scanners, which likewise will bring an over-vote or under-vote to the attention of the voter prior to casting his ballot but will accept both such votes upon the second attempt. The number of over and under votes may be ascertained.
1 county uses both the TSX DRE voting system and the DS 200 precinct scanners.

2016 Response:

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

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No identification required, unless mail-in applicant fails to provide a Mississippi driver's license number or the last four (4) digits of his social security number, in which case the applicant is asked to provide a current and valid photo ID or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the applicant's name and address located within the county.

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Each person who appears to vote by absentee ballot in person at the Circuit Clerk's Office or at a polling place on Election Day must present a current and valid photo ID. An acceptable form of photo ID includes, but is not limited to, the following:
1. A driver's license,
2. A photo ID card issued by a branch, department, agency or entity of the State of Mississippi,
3. A U. S. passport,
4. An employee photo ID card issued by any branch, department, agency or entity of the U. S. government, the State of Mississippi or any county, municipality, board, authority or other entity of this state,
5. A license to carry a firearm,
6. A tribal photo ID card,
7. A U. S. military photo ID card,
8. A student photo ID card issued by any accredited college, university, or community or junior college in the State of Mississippi, and
9. A Mississippi Voter ID card.

Miss. Code Ann. § 23-15-563.

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Please see the response above with regard to the photo identification requirement set forth by Miss. Code Ann. § 23-15-563 for in person absentee voting. No photo identification is required to be presented or included with absentee ballots returned by mail, email or facsimile.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Miss. Code Ann. § 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. § 23-15-245 requires bailiffs in each polling place to keep clear a space of thirty feet in every direction except for election officers and two challengers of good conduct and behavior, selected by each political party.	

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* 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.

NOTES – please place longer responses below