

VOTER PROTECTION

CREDENTIALLED POLL WATCHER'S ELECTION DAY HANDBOOK

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Mississippi Association for Justice
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PLEASE NOTE!

All Poll Watchers must be credentialed by a political party or a candidate who's name is on the November 4th general election ballot. Please contact your state political party, your County Executive Committee Chairperson or the candidate for your credentialing letter.

THE POLL WATCHER'S ROLE

You have been credentialed to represent a political party or a candidate at a polling place on Election Day. This is a very important responsibility and one to be taken very seriously. In addition to representing a political party or a candidate in the most positive manner possible, your job is to help make sure that the voting process is carried out legally within the precincts. As a credentialed Poll Watcher, your actions are limited by law, but your observations, notes and recollections are not. You are the candidate's or party's eyes and ears in the polling place and your willingness to perform this duty is essential to a fair process on Election Day.

Please read through these materials to familiarize yourself with your role in maintaining integrity in the voting process within the precinct.

Thank you for helping protect our constitutional right to vote.

THE TEAM

You are part of a very important team which has been assembled to help protect the integrity of the polling places. In addition to yourself and others serving as credentialed Poll Watchers, volunteer lawyers will be available to make sure the elections are being conducted openly and honestly throughout the state.

REMEMBER:

You are representing a political party or candidate. Always be calm and courteous in your dealings with election officials, voters and the public.

SUPPLIES

In addition to this document, you should bring with you:

- 1. Your signed and credentialed letter noting your position as a poll watcher for your political party or candidate.**
- 2. A notebook**
- 3. Pens or pencils**
- 4. A cell phone and charger**
- 5. A list of important phone numbers (see back of this guide)**
- 6. Drinks and snacks**
- 7. A folding chair in case a seat is not available within the polling place.**

WHEN YOU ARRIVE

The polls open at 7:00 a.m. and close at 7:00 p.m. This will be a long day so be prepared to settle in.

Present your credentials to the Poll Manager. The manager will direct you to where you will be seated throughout the day. This will be in a place that is out of the way of voter traffic but positioned so that you can observe the process. If you cannot observe the process, first advise the Poll

Manager. If no help is offered, make a note of this and, at your earliest convenience, step outside and call the Election Protection number 1-888-601-VOTE (8683) to report the problem.

THE POLL MANAGER'S DUTIES

Here is what Poll Managers are instructed to do when a credentialed Poll Watcher, such as yourself, is in the polling place –

Check written credentials of Poll Watchers (Miss. Code Ann. § 23-15-245) and monitor Poll Watchers by using the following guidelines:

- a) Every candidate (or political party in General or Special Elections) on the ballot has the right to have one (1) Poll Watcher present at the polling place to carefully observe the election and challenge the qualifications of Voters.
- b) A candidate representative must have written credentials from the candidate.
- c) A party representative (only in General Elections) must have written credentials from the state/county party chair. Political parties may have two (2) Poll Watchers in General and Special Elections only.
- d) A candidate or his/her Poll Watcher may challenge the qualifications of any person offering to vote or any absentee voter. His/her challenge shall be considered and acted upon by the Poll Managers.
- e) Poll Watchers are not allowed to campaign or attempt to influence or persuade voters.
- f) A candidate or his/her Poll Watcher shall be provided a suitable position from which he/she may be able to carefully inspect the manner in which the election is held.
- g) Poll Watchers may be present at the public counting of the ballots.
- h) Prohibitions of Poll Watchers include but are not limited to:

- Moving about the polling place greeting voters.
 - Influencing voters.
 - Interrupting the election process
 - Distributing or displaying campaign material within one hundred fifty (150) feet of any entrance where the election is being held.
- (Source: Mississippi Secretary of State's Office)
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REPORTING PROBLEMS

As a credentialed Poll Watcher, you should first make a written note of the issue and then calmly bring any problems or irregularities you observe to the attention of the Poll Manager. If no action is taken to correct the problem, then you should step outside at your earliest convenience and report the matter to the Election Protection phone number 1-888-601-VOTE (8683).

NOTE: There is a specific process for challenging an elector's ballot which is addressed on page 18 of this handbook.

WHAT TO WATCH FOR

Here are some polling place irregularities that should be noted in your journal and addressed to the Poll Manager first, and to the appropriate phone numbers if necessary.

1. No campaign material or literature can be distributed within 150 feet of any entrance to the polling place.

Literature

It is unlawful for any candidate for elective office, or any representative of such candidate, to post or distribute literature within one hundred fifty (150) feet of any entrance of a building where an election is being held. Source: Mississippi Secretary of State's Office

Private Property

If a polling place is within one hundred fifty (150) feet of private property, the owner of the property may display campaign material. Polling places that are held on private property are leased to the county for the day of the election, wherein the one hundred fifty (150) feet rule applies. A candidate may go to the private property and politely ask if the literature could be moved, but the owner is under no obligation to remove anything.

Source: Mississippi Secretary of State's Office

2. The presence of law enforcement officers, stationed patrol cars, flashing lights and other acts that could be interpreted as intimidation of voters are not allowed at the polling places by federal law. It is of course expected that law enforcement officers will come into the polling places to vote. They should just not be stationed outside or inside the polling places.

Other Prohibitions

It is unlawful for any candidate for elective office, or any representative of a candidate, to post or distribute cards, posters, or other campaign literature within one hundred and fifty (150) feet of any entrance to a building in which an election is being conducted. It is also unlawful for a candidate, or his/her authorized representative, to appear at any polling place armed or uniformed or displaying any badge or credentials except as may be issued by the Managers of the precinct. (Miss. Code Ann. § 23-15-895) Source: Mississippi Secretary of State's Office

3. All Poll Watchers must be credentialed in writing. In other words, an individual can't just come into the polling place and claim to be a candidate or party representative. (All other credentialed Poll Watchers should have been as carefully screened as you have been.)

4. Poll watchers and others cannot do anything that hinders the progress of voters into the polling place.

5. Persons creating disturbances at the polling place shall be arrested.

Disturbances

If anyone becomes unruly or abusive, the Bailiff should ask him/her to leave. If he/she will not leave, call a local law enforcement officer. All Poll Managers and persons in the voting place are to aid in keeping the peace. If law enforcement officers must handle the situation, they must leave the premises upon completion. Under federal law, uniformed persons at a polling place are considered a form of intimidation.

Source: Mississippi Secretary of State's Office

No Liquor/Alcohol

All intoxicated or disorderly persons disturbing the peace by noise or violence in the polling place shall be arrested, jailed, or kept in custody. Such persons may be permitted, if they are a qualified voter, to vote while in custody. (Miss. Code Ann. § 23-15-893) Source: Mississippi Secretary of State's Office.

6. Disabled individuals may request curbside voting, and the request must be honored.

Curbside Voting Ballots

A physically disabled voter who does not vote by absentee ballot and who drives or is driven to the polling place but is unable to enter the structure where the actual voting is taking place, may be provided necessary assistance in voting if the Poll Managers, in exercising sound discretion, determine that the voter is actually at the polling place.

(Attorney General's Opinion, July 1, 1959, Biennial Report, p. 23)

HAVA requires that each voter be provided an opportunity to privately and independently cast their ballot. Physical access to the polling location for disabled individuals and utilization of the TSX voting machines address this requirement and all qualified voters should be encouraged to vote utilizing the touch screen system within the polling location. However, if a voter chooses not to enter the polling location, a

paper ballot should be provided and the Poll Manager should follow the paper ballot procedures. The Initialing Manager shall initial the ballot in red ink. Source: Mississippi Secretary of State's Office.

If you observe that a disabled individual has not been properly helped, make a written note and call Mississippi Protection & Advocacy at 1-800-772-4057 .

7. Campaign workers or supporters may not wear lapel stickers or campaign T-shirts or any other campaign-related paraphernalia into the polling place.

Wearing Campaign Paraphernalia

Wearing T-shirts, buttons, stickers, etc., with a candidate's name or picture on it within one hundred fifty (150) feet of any entrance to a building where an election is being conducted, constitutes the posting of campaign literature and is prohibited. Such paraphernalia must be covered or removed before a voter comes within one hundred fifty (150) feet of any entrance to a building where an election is being conducted. (Miss. Code Ann. § 23-15-895) Source: Mississippi Secretary of State's Office.

8. Both still and video cameras should not be allowed inside the polling place, unless specifically allowed for news purposes and permitted by the voter being photographed. Filming the polling place can be interpreted as intimidation of voters.

9. Loitering around the polling place is prohibited.

Thirty-Foot Rule

No loitering is allowed within thirty (30) feet of the polling place. The Bailiff is to keep the area clear. After casting his/her vote, a voter should leave, making room for other voters. If he/she does not leave, after being asked to leave by the Bailiff, [the polling manager should] call a local law enforcement officer. Source: Mississippi Secretary of State's Office.

10. "Running voters" is a practice once frequently used to keep people from voting. The scheme goes like this: Voters come in to vote and they are told they are not on the voting roll. They are directed to another precinct in the district where they find they are not on that roll either. The object is

to make the voter give up and go home without voting. However, voters are allowed to cast AFFIDAVIT BALLOTS if they believe they should be registered to vote at the polling place.

POLL MANAGERS AFFIDAVIT (PROVISIONAL) BALLOT CHECKLIST

1. ___ Voter appears at the polling place and Poll Managers determine that voter’s name is not on the Poll-books.
2. ___ The Poll Managers must then determine if the voter should be voting at another polling place. This is done by referring to a master list of all voters, or by contacting the Circuit /Municipal Clerk, Election Commission, or Executive Committee and by simply asking where the Voter resides.
3. ___ If the voter resides in another precinct, the Poll Manager must tell the voter he/she must go to that precinct’s polling place. Reason: if the voter casts a ballot in a precinct where the voter does not reside, the entire ballot must be rejected by the Election Commission or Executive Committee.

If a voter casts an affidavit ballot in the wrong precinct, it will not be counted.

4. ___ If the Poll Managers establish that the voter is in the correct precinct but his/her name is not in the Poll-book, they should advise the voter that he/she may vote by affidavit ballot. The voter must then sign a separate sign-in sheet (receipt book). Do not have the voter sign the same receipt book that all non-affidavit ballot voters sign. Instead, provide a separate sign-in sheet for this purpose, labeled “Affidavit Voters.”
5. ___ The voter and Poll Manager should complete the appropriate sections of both sides of the affidavit ballot envelope as follows:
 - a. ___ The Poll Manager checks the type of election, the name of the county/municipality, the reason for using an affidavit ballot, and prints the name of the precinct and date.
 - b. ___ The voter provides as much of the requested identifying information as possible (date of birth, social security number, address, etc.)
 - c. ___ The voter checks the appropriate box under Affidavit of Voter.
 - d. ___ If the voter has moved within the county where he/she is registered to vote, then the physical address of the current residence is provided, along with the name of the county/municipality.
 - e. ___ The voter signs the envelope.
 - f. ___ The Poll Manager signs the envelope.
6. ___ The Poll Manager provides the blank ballot to the voter.
7. ___ The voter is provided a suitable place where he/she can mark the ballot in secret.
8. ___ The voted ballot is folded by the voter and handed to the Poll Manager who places it in the affidavit ballot envelope and seals the envelope.
9. ___ The sealed affidavit ballot envelope is then placed in the ballot box.
10. ___ After the individual has cast an affidavit ballot, the Poll Manager shall provide information on a toll-free access system and written information on how to use this system for affidavit voters to learn the outcome of their ballot.

Source: Secretary of State’s Office

INSTRUCTIONS FOR VOTERS WHO CAST AFFIDAVIT BALLOTS

You have had to cast an affidavit ballot because you certified that:

- I am not registered to vote because I have been illegally denied registration; **or**,
- I am eligible to vote in this election; I am a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date, **and**:
- I have moved recently from the old street address written above to the new address written above; **or**,
- I have *not* moved recently, but my name is not on the Poll book; **or**,
- I do not otherwise qualify under state or federal law to cast a *regular Election Day ballot*.

Under new federal law, the Help America Vote Act of 2002, you are entitled to discover the disposition of your affidavit ballot. Please contact your County Party Executive Committee to determine whether your affidavit ballot counted and if not, why not.

Source: The Secretary of State's Office

If you see repeated instances of voters appearing in your polling place after having been sent there from another polling place and they find they are not registered at your polling place either, take written note, step outside and call the Election Protection phone number 1-888-601-VOTE (8683) at your earliest convenience.

11. "Assisting voters." There are specific rules for assisting voters. In the past, precinct "bosses" would accompany people into the voting booth to make sure they voted "right." Additionally, often husbands voted for their wives. According to the Secretary of State's Office, the law states that the following rules apply on Voter Assistance:

- 1. People who are blind, physically disabled or cannot read or cannot write are the ONLY individuals who can request assistance.**
- 2. Voters needing assistance must tell the managers he or she needs help to mark the ballot, state one of the above reasons why help is needed and select someone to help him or her vote.**

3. The voter can have anyone help him mark his or her ballot, except his employer or the employer's representative or a representative of any union of which her or she is a member.

Voter Assistance. Any voter who declares to the managers of the election, that he/she requires assistance to vote because of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice other than the voter's employer, an agent of the employer, or an officer or agent of the voter's union. The person providing assistance must not tell the voter whom or what to vote for or against. (Miss. Code Ann. § 23-15-549)

Source: Secretary of State's Office.

Any voter, who declares *blindness, physical disability, or inability to read/write*, may receive assistance in the booth (Miss. Code Ann. § 23-15-549). These are the only valid reasons.

1. How Does a Voter Get Assistance in the Voting Booth?

To receive assistance in the voting booth, the voter must tell the Poll Manager that he/she needs help marking his/her ballot, state one of the reasons listed above and pick someone to help him/her.

2. Who Can Assist a Voter in the Voting Booth?

Anyone may assist a voter in marking his/her ballot except the voter's employer, the employer's representative, or a representative of any union of which the voter is a member. (Miss. Code Ann. § 23-15-549)

Source: Mississippi Secretary of State's Office.

12. Official Sample Ballots are posted at the polling places. It is permissible for voters to bring other types of sample ballots to the polls as an aid to remember who to vote for. Care should be taken that no such sample ballots are left in the voting booth.

Use of Sample Ballots

It is permissible for an individual voter to bring a sample ballot into the polling place for the voter's own use as a reminder of the candidate(s) for whom he/she intends to vote. A voter, however, cannot be permitted to use the sample ballot as campaign literature in attempting to influence other Voters within the polling place. Source: Mississippi Secretary of State's Office.

13. Voter ID is a requirement ONLY IN A SPECIFIC SITUATION AS OUTLINED BELOW:

VOTER REQUIREMENTS FOR FIRST TIME MAIL-IN REGISTRANTS If the voter registered to vote by mail after January 1, 2003, and did not submit a copy of the required identification with the application or did not match with the state's driver's license database and is voting for the first time in the jurisdiction, **he/she must present identification to cast a regular Election Day ballot.**

Acceptable forms of identification are:

1. A current and valid photo identification (e.g., driver's license);
2. A current utility bill with voter's name and address;
3. A current bank statement with voter's name and address;
4. A current government check with voter's name and address;
5. A current paycheck with voter's name and address; or
6. Any other government document that shows voter's name and address.

If the voter does not have a form of identification, the voter may cast an affidavit ballot to determine whether the affidavit ballot was counted and if not, why not (Miss. Code Ann. § 97-15-573). Source: Mississippi Secretary of State's Office

VOTER'S RIGHTS

As qualified electors, all voters have the right to:

- Ask questions;
- Request assistance with voting, prior to voting ONLY if the person is visually impaired, physically disabled, or illiterate;
- Review a sample ballot posted at the polling place prior to voting, and take information into the voting booth (i.e. sample ballot);
- Mark ballot in private, free from intimidation; (NOTE: Voter intimidation is a criminal offense under Miss. Code Ann. §§ 97-13-37; 97-13-39);
- Receive and cast a ballot if in line to vote at the time the polls close at 7:00 p.m.;
- Choose NOT to cast a vote in any particular race, while completing the rest of the ballot;
- Have his/her ballot counted, if it is cast legally;
- Request and vote by affidavit ballot if name does not appear on the Pollbook and he or she is in the correct polling place. Election Commissioners or political party committees will verify information at the close of the polls to determine if ballot was legally cast;
- Request and vote by affidavit ballot, if he/she registered by mail since January 1, 2003, and is flagged in the Poll book to show identification, but does not have a HAVA-approved form of identification to present (Refer to details in Section C);
- Receive written information on how to learn if your affidavit ballot was counted
- Be treated with politeness and respect by all election workers.

Source: Mississippi Secretary of State's Office

UNUSUAL BALLOT SITUATIONS

Emergency Ballots

Optical Scan ballots may be used as Emergency ballots but only in the event of a malfunction in the TSX voting machines that make the units unavailable for voting. If such an emergency occurs, voters should be validated and checked in under the normal process, then issued an Optical Scan ballot. The voted ballot will be deposited in the Ballot Box. **Optical Scan emergency ballots are not to be used as a convenience item such as when the polls are busy and a voter might have to wait for a TSX unit.** (Miss. Code Ann. § 23-15-531.12)

These ballots must be initialed by the Initialing Manager in red ink. All Emergency ballots will be counted at Election Central. **They shall not be entered into the TSX units at the precinct.**

Spoiled Ballots

A person who has mistakenly marked a ballot is entitled to receive up to three (3) ballots. If a ballot is spoiled write "Spoiled" across the face of the ballot and place it in the spoiled ballot envelope. During precinct closing, count the total number of ballots in the envelope and write the total on the front of the envelope. All spoiled ballot envelopes should be placed in the ballot box at the end of the day.

Source: Mississippi Secretary of State's Office

CHALLENGED BALLOTS

As a credentialed Poll Watcher, you should be prepared to enter a challenge if you believe an individual is attempting to vote illegally at your assigned polling place. You should exercise calm and be polite in your assertion. Here are the **only** reasons you should use to assert a challenge:

1. You personally know the individual lives outside the voting precinct.
2. You personally know the individual is not who he or she is claiming to be.
3. You personally know the individual is not qualified to vote by reason of a disqualifying felony conviction.
4. You personally saw the individual take his or her ballot from the polling place.
5. You personally know the individual already cast an absentee ballot.

If you can swear to any of the above situations, you should immediately inform the Poll Manager that you are entering a challenge to the ballot and state the reason why. The Managers will then proceed to process the challenge. **You should make no further comments unless asked a question by an Poll Manager.** Make written note of the challenge and step outside to call Election Protection 888-601-VOTE (8683) your earliest convenience. Under no circumstances should you engage in a verbal exchange with the challenged voter. Instead, address all your comments to the Poll Manager.

Challenged Ballots

If a voter is challenged, the Poll Managers must CONSIDER AND ACT on each challenge. Refer to the following checklist for details on this procedure.

POLL MANAGER’S CHALLENGED BALLOT CHECKLIST CHALLENGES

Who can challenge a voter?

- A candidate;
- **A candidate’s official Poll Watcher;**
- A political party’s official Poll Watcher (not applicable for party primaries);
- Any qualified voter from that precinct; or
- Any Poll Manager in the polling place.

What are the bases for a challenge?

- He/she is not a registered voter in the precinct;
- He/she is not the registered voter under whose name he/she has applied to vote;
- He/she has already voted in the election;
- He/she doesn’t live in the precinct where he/she is registered;
- He/she has illegally registered to vote;
- He/she has taken his/her ballot from the polling place;
- He/she has cast an absentee ballot but is ineligible to do so; or
- He/she is otherwise disqualified by law.

There are no other reasons for a challenge. (Miss. Code Ann. §§ 23-15-571; 23-15-643; 23-15-731)

The following procedures must be followed when a person’s ballot is challenged:

ACTION I: If the Poll Managers believe the challenge is FRIVOLOUS, DISREGARD the challenge and accept the offered vote as though it had not been challenged. Provide the voter with a Voter Access Card and allow them to vote on the TSX Voting System. In an affidavit, emergency, or curbside situation; provide the voter with a paper ballot.

ACTION II: If a Voter is challenged and the Poll Managers cannot reach a unanimous decision, a paper ballot shall be supplied to the voter. The ballot is counted separately from the unchallenged ballots as follows:

- a) “Challenged” is marked on the ballot; and
- b) The ballot is placed in a separate envelope labeled “Challenged Ballots;” and finally
- c) At the close of the polls AND after all the unchallenged ballots have been counted, tallied, and totaled, the challenged ballots are separately counted, tallied, and totaled, with a separate return made of the challenged ballots.

ACTION III: If in the UNANIMOUS opinion of the Poll Managers the challenge is valid or well taken, a paper ballot shall be supplied to the voter. The ballot is REJECTED in the following manner:

1. Mark “Rejected” on the back of the ballot;
2. Write the name of the voter on the back, and place it in a strong envelope marked rejected; then
3. Seal the envelope and return it in the ballot box or ballot bag.

(Reference: Miss. Code Ann. § 23-15-579)

Source: Mississippi Secretary of State’s Office

Source: All text taken from the Mississippi Secretary of State’s Office is from Mississippi Poll Manager Guide for use with the TSX System; Last Revised: June 11, 2007

PHONE NUMBERS TO CALL:

ELECTION PROTECTION 1-888-601-VOTE (8683)

DISABILITY ADVOCATES 1-800-772-4057

COUNTY PARTY CHAIR

SECRETARY OF STATE'S OFFICE
ELECTIONS HOTLINE – (800) 829-6786
(601) 359-6537

ATTORNEY GENERAL (601) 359-4250

Secretary of State Website:
www.sos.state.ms.us (Elections)
for more information on Election Law