

Municipal Election Commissioners Duties and Responsibilities  
as set forth by the Mississippi Secretary of State's Office

- The Mississippi State HAVA (Help America Vote Act) plan requires Municipal Election Commissioners to be certified by the Mississippi Secretary of State's Office to conduct elections within six (6) months of any regularly scheduled Primary or General Election.
- Municipal Election Commissioners are responsible for conducting municipal general and special elections.
- The term of office for Municipal Election Commissioners is the same as the municipal governing authority.
- The municipal governing authority determines the compensation, if any, to be paid to the Municipal Election Commissioners.
- The Republican and Democratic Municipal Executive Committees (who are in charge of primary elections) may enter into written agreements with the Municipal Election Commission to perform almost all statutory duties involved in the conduct of the Primary Election. Executive Committees cannot "contract away" their obligation to determine the qualifications of the primary election candidates.
- The Municipal Election Commission determines the qualifications of the independent candidates and of the party nominees (winners from the primary elections) for the General Election. Things the Commission must look at are:
  - Did the candidate timely submit his/her qualifying papers?
  - Is the candidate a qualified elector (registered voter) of the municipality and/or the district or ward?
  - Has the candidate been convicted of a felony in a MS State Court; or of a felony in a federal court or any crime in any other state court which would be considered a felony in MS after 12/8/1992?
  - Does the candidate meet all other qualifications of the office sought?
- If the Municipal Election Commission determines that a candidate is not qualified, the candidate must be provided a 3-days advanced written notice and a hearing must be held during which the candidate may be heard.
- On or before the 2<sup>nd</sup> day before any general or special election, Commissioners must conduct testing for logic and accuracy on voting machines. They shall also test all memory cards and encoders.
  - Public notice of the time and place of the test shall be made at least 5 days prior to the date of the test. Anyone is permitted to observe testing.
- Each Municipal Election Commission is required to designate one (1) commissioner to be responsible for causing the printing of the ballots for general and special elections.
  - The order in which the titles of various offices shall be printed, the arrangement of the names of candidates, and the size, print, and quality of the paper of the official ballot is left to the discretion of the commissioner designated to have the ballots printed.
  - On the ballots for general and special elections, there must be one (1) blank space under the title of each office.

- The Municipal Election Commission shall appoint a minimum of three (3) registered voters of the municipality to serve as poll managers for each polling place. If there is only one polling place in a municipality, the three (3) Municipal Election Commissioners shall act as Poll Managers for the general or special elections. Municipal Election Commissioners can use their discretion to appoint additional poll managers for each polling place. There shall be no more than nine (9) poll managers per polling place per election.
  - Alternate poll managers should be appointed and trained so they are available in the event a poll manager is unable to serve on Election Day.
  - Poll managers must be a registered voter of the municipality in which he/she is to serve.
  - For general and special elections, poll managers must be appointed far enough in advance of the election so training may be provided no less than five (5) calendar days prior to the election. This training is required to last at least four (4) hours.
  - The Municipal Election Commission in conjunction with the Municipal Clerk are responsible for conducting training sessions to instruct Poll Managers as to their duties in the proper conduct of the election.
  - At least twenty-one (21) days before each election, the Municipal Election Commission must appoint persons to instruct poll managers in the use of voting machines.
  - The Municipal Election Commission must designate one (1) poll manager as the Bailiff for each polling place. The Bailiff has a number of statutory duties including:
    - To ensure a space of thirty (30) feet in every direction from the polls or the room in which the election is held is kept open and clear of all persons except: (a) election officials, (b) voters waiting to cast their ballots, (c) candidates on the ballot or one representative of each candidate on the ballot, and (d) two poll watchers authorized by each political party having a candidate on the ballot in a General or Special Election only. (Miss. Code Ann. §§23-15-245, 23-15-577)The Bailiff must ensure the candidate or candidate’s authorized representative or political party’s authorized poll watcher(s) do not move about the polling place greeting or speaking with voters, do not attempt to influence any voter, and do not interfere with the election process.
    - To ensure no one conducts campaigning activity within one hundred fifty(150) feet of any entrance to the building in which an election is being held, which activity includes, but is not limited to, the distribution or posting of campaign literature and the greeting of or speaking with voters. (Miss. Code Ann. §23-15-895 )
    - To remove from the poll place all persons creating any disturbance in and about the polling place. (Miss. Code Ann. §23-15-241 )
    - To ensure all qualified voters have unobstructed access to the polls for the purpose of voting when others are not voting.(Miss. Code Ann. §23-15-241 )
    - To call upon anyone present at the polling place for assistance and, if necessary, the Sheriff or other local law enforcement officials for assistance, in enforcing the law.(Miss. Code Ann. §23-15-245 )
    - To verify presented photo ID fairly depicts the voter, but only if a poll manager already has determined the presented photo ID does not fairly depict the voter.

- To verify the voter's name on the presented photo ID is substantially similar to the voter's name as it appears on the poll book, but only if a poll manager already has determined the name on the presented photo ID is not substantially similar to the voter's name as it appear on the poll book
  - The Municipal Election Commission must designate one (1) as the Receiving and Returning Manager for each polling place. The Receiving and Returning Manager has a number of statutory duties including:
    - On the day before the election, obtain from the Municipal Clerk or the Election Commission the box(es) for his/her precinct containing the ballots and all other necessary materials, including the poll book, receipt books, absentee ballots, paper ballots, the blank tally sheets, the blank forms to be used in making returns, the cards of instruction, stationery, and supplies.
    - Ensure the box(es) and the contents are not tampered with prior to the opening of the polls by verifying the original seal on the ballot box.
    - Deliver the ballot box(es) and the contents to the appropriate polling place by 6:00 a.m. on Election Day. (Miss. Code Ann. §23-15-477)
    - Return the ballot box(es) sealed and secured with all contents therein and other materials to the Municipal Clerk's office on election night.
- Immediately upon the closing of the polls, the Poll Managers shall count the ballots and ascertain the number of votes cast in each voting precinct for each of the candidates or ballot measures and make a return thereof to the Municipal Election Commissioners. On the day following the general or special election, the Election Commission shall canvass the returns from all voting precincts, and within five (5) business days after the election or as soon as practicable thereafter, shall deliver a certificate to each person receiving the highest number of votes.
- Within five (5) business days after any election or as soon as practicable thereafter, the Election Commission shall transmit a statement to the Secretary of State certifying the names of the persons elected, the vote totals for each candidate, and vote totals for and against each ballot measure in the municipality. The statement shall contain a certification, signed and dated by a majority of the Election Commissioners, which shall read as follows: "We, the undersigned municipal election commissioners, do hereby certify that this statement contains the official vote for the election reflected therein." The statements are transmitted to the Secretary of State's Office on the official recapitulation form as created by the Secretary of State's Office, and it may be sent by mail, email or fax.
- Municipal Election Commissioners have the affirmative duty to ensure all ballots, both voted and unvoted, are kept secure and are carefully accounted for.