

# Election Statute Navigator: Mississippi

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/mississippi/covid/#tracker>.

## *Voter Registration*

- Voters (other than above) register prior to Election Day **§ 23-15-37**
  - Deadlines: 30 days before election
- Registration via mail available **§ 23-15-47**
- In-Person registration available **§ 23-15-37**
  - Locations: registrar office
- Preregistration allowed **§ 23-15-11**
  - 18 by the election
- Residency requirement **§ 23-15-11**
  - resided in this state for thirty (30) days and for thirty (30) days in the county in which he or she seeks to vote, and for thirty (30) days in the incorporated municipality in which he or she seeks to vote
- Prior conviction eligibility **§ 23-15-19**

## *State Absentee, Early, and Mail Voting*

- Listed excuses to vote absentee **§ 23-15-715**
- Absentee ballot application is verified **§ 23-15-715**
- Permanent absentee voting options **§ 23-15-629**
  - Voters with Permanent Disabilities
- Notary or witness signatures required on return envelope **§ 23-15-633**
- Absentee ballot verification details **§ 23-15-639**
  - The application for an absentee ballot must be signed by an official authorized to administer oaths for absentee balloting which includes any notary public, U.S. postmaster, assistant U.S. postmaster, U.S. postal supervisor, clerk in charge of a contract postal station, or other officer having authority to administer an oath or take an acknowledgment of acting as an attesting witness. This is provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person age 18 or older and such person is not required to have the authority to administer an oath. Voters must sign a certificate and the ballot must also be accompanied by an attesting witness certificate. Absentee ballots are not counted if the envelope is not signed

by the voter and an attesting witness. Election officials compare the signature on the ballot envelope with that on the absentee ballot application. If the signatures match, the ballot is counted. If the signatures do not match, the ballot is rejected.

- Deadline by which election official must receive absentee/mailed ballots **§ 23-15-637**
  - The day before the election.
- Absentee/Mail ballot processing and counting procedures **§ 23-15-639**

## *In-Person Voter ID*

- Photo ID requirements **§ 23-15-563**
- Exceptions to Voter ID Requirements: **§ 23-15-563**
  - An elector who has a religious objection to being photographed may vote by affidavit ballot, and the elector, within five (5) days after the election, shall execute an affidavit in the registrar's office affirming that the exemption applies.
- Options for voters without ID: **§ 23-15-563**
  - A person who appears to vote in person at a polling place and does not have identification as required by this section may vote by affidavit ballot. The affidavit ballot shall then be counted if the person shall present acceptable photo identification to the registrar within five (5) days.

## *Affidavit Voting*

- Affidavit ballot availability **§ 23-15-573**
  - If any person declares that he or she is a registered voter in the jurisdiction in which he or she offers to vote and that he or she is eligible to vote in the election, but his or her name does not appear upon the pollbooks, or that he or she is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote, or that he or she has been illegally denied registration, or that he or she is unable to present an acceptable form of photo identification
- Time allotted to determine the status of affidavit ballot **§ 23-15-573**
  - Five business days
- Affidavit ballot acceptance reasons: **§ 23-15-573(3)(d)**
  - (i) Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date of the election and presents an acceptable form of photo identification;
  - (ii) Returns to the circuit clerk's office within five (5) business days after the date of the election to obtain the Mississippi Voter Identification Card, or in municipal election, returns to the municipal clerk's office within five (5) business days after the date of the election to present his or her Mississippi Voter Identification Card or Temporary Mississippi Voter Identification Card; or
  - (iii) Returns to the circuit clerk's office, or to the municipal clerk's office for municipal elections, within five (5) business days after the date of the election to execute a separate Affidavit of Religious Objection.

## *Polling Place*

- Electioneering or campaigning must not be closer than 150 feet to the entrance of the polling place **§ 23-15-895**
- Rules governing poll observers **§ 23-15-571**
- Poll watcher qualifications **§ 23-15-571**
  - Poll watchers may be designated by political parties and candidates whose name appears on the ballot in the precinct. Challenges may also be made by candidates, qualified electors, managers, clerks, and poll workers.
- Police presence **§ 23-15-257**
  - The marshal or chief of police shall perform, in respect to the municipal elections, all the duties prescribed by law to be performed by the board of supervisors in reference to furnishing voting compartments for state and county elections.
- Photography restrictions **§ 23-15-577(4)**

## *State Emergency Rules and How Elections are Affected*

- Secretary of State has authority to set rules and procedures (after declaring “election emergency”) **§ 23-15-701**
- Explicit remedies in election statute **§ 23-15-531.12**

## *Counting Rules*

- Voting system requirements **§ 23-15-531.1**
- Counting procedures **§ 23-15-523**

## *Contest/Protest, Recount Rules*

- Contest filing guidelines **§ 23-15-927**
- Challenging a candidate **§ 23-15-961, § 23-15-963**
- Challenging a voter **§ 23-15-571**