

# Mississippi Municipal Attorneys Association

## 2024 Municipal Election Overview

Presented by:  
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### Section 5, Voting Rights Act

- Since June, 2013, preclearance of a change in existing voting practice from the U.S. Department of Justice is no longer required. (*Shelby County, AL v. Holder*)



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### Municipal Boundaries and Districts

- Redistricting is required every ten (10) years with the census to ensure equal representation.
- Any redistricting changes must be implemented in SEMS, and voters must be notified of any changes to polling places by sending a new voter registration card.



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## Municipal Boundaries and Districts

- Only voters who reside within the corporate boundaries of the municipality may participate in municipal elections.
- If your municipality is divided into wards or districts, only voters who reside within those wards or districts may vote in those races.

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## Municipal Boundaries and Districts

- Municipal governing authorities may:
  - Possibly divide the municipality into wards.
  - Possibly divide the municipality into voting precincts with different polling places for those precincts.
- Municipal boundaries and districts must be entered into the Statewide Elections Management System (SEMS).

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## Municipal Population and Aldermen

- Municipal population 10,000 or more:
  - 7 aldermen, elected at large or by wards
- Municipal population 10,000 or less:
  - 5 aldermen, elected at large or by wards
- Municipal population of 500 or less:
  - 5 aldermen, but municipality may vote to reduce to 3

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## Municipal Election Commissioners

The municipal governing authority appoints registered voters of the municipality as election commissioners based the population:

- Less than 20,000: 3
- 20,000 or more, but less than 100,000: 5
- 100,000 or more: 7



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## Municipal Executive Committee

Municipal Executive Committees are responsible for conducting municipal primary elections.

- A Municipal Executive Committee has as many members as elected officers of the municipality and are elected in the Primary Election.
- Vacancies are filled by appointment of the remaining members of the Executive Committee.
- Members are elected in the Primary Election.



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## Municipal Executive Committee

A political party which does not have a Municipal Executive Committee already in place may establish a temporary Executive Committee no later than 30 days of the qualifying deadline for municipal candidates.

- Miss. Code Ann. § 23-15-313

If no temporary committee is formed, the county executive committee may serve as the temporary municipal executive committee.



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### Executive Committee Contract

Municipal Executive Committees may enter into written agreements with Municipal Election Commissions or Municipal Clerks to perform certain statutory duties in a Primary Election if the political party with which such municipal executive committee is affiliated: (a) has cast for its candidate for Governor in the last two (2) gubernatorial elections 10% of the total vote cast for Governor; or (b) has cast for its candidate for Governor in three (3) of the last five (5) gubernatorial elections 25% of the total vote cast for Governor.



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### Executive Committee Contract

- Appoint poll managers (*Miss. Code Ann. § 23-15-265*),
- Train poll managers (*Miss. Code Ann. § 23-15-239*),
- Distribute ballot boxes (*Miss. Code Ann. § 23-15-267*),
- Print ballots (*Miss. Code Ann. § 23-15-333*),
- Distribute to poll managers (*Miss. Code Ann. § 23-15-335*), and
- Canvass and certify the election (*Miss. Code Ann. § 23-15-597*).



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### Statewide Elections Management System

- Electronic Voter Roll for the entire State of Mississippi.
- Municipal Clerks are registrars of voters of the municipalities. (*§23-15-35, Miss. Code Ann.*)
- Coordination and cooperation between the Municipal Clerk and Election Commissioners and the County Circuit Clerk and Election Commissioners.



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## Voter Registration

- The Municipal Clerk's Office must be open the Saturday before the 30<sup>th</sup> day before any regularly scheduled Primary or General Election from 8am until 12 noon.
- A voter must be registered in the municipality 30 days prior to Election Day.
  - If the 30<sup>th</sup> day falls on a Sunday or holiday, the voter registration deadline is the following business day.

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## Voting Machines

- Municipalities are not required to use any particular type of voting technology.
- Optical Mark Reading (OMR) voting machines are utilized in Primary and General Elections for county elections and are required for federal elections.
- Municipalities may use any voting method, but the municipality bears the cost.

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## Cost of Elections

The municipality pays all costs of all municipal elections: Primary, Primary Runoff, General and Special Elections.

- The municipal governing authority determines the compensation, if any, to be paid to the Municipal Election Commissioners and any compensation above the statutory minimum to be paid to poll workers.
- The municipal governing authority also determines the compensation of the Resolution Board.

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## Municipal Special Election

- When a vacancy exists in municipal office and there is more than six (6) months left in the term, the vacancy must be filled by a special election.
- Within ten days after the vacancy occurs, excluding Saturdays, Sundays, and legal holidays, the governing authority must meet and enter an order setting the special election.
- Miss. Code Ann. Section 23-15-857

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## Municipal Special Election

- The election must be held on a date no less than thirty (30) days or more than forty-five (45) days from the day that order is entered.
- The qualifying deadline will be by 5:00 p.m. at least twenty (20) days before the date of the election. If the 20<sup>th</sup> day is a Sunday or legal holiday, then paperwork must be accepted on the following business day.
- Miss. Code Ann. Section 23-15-857

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## Municipal Special Election

- After the election date has been sent, the municipal clerk must provide notice. The notice shall be published at least thirty (30) days before the date of the election.
- Further, the notice must be published at least once each week in a newspaper of general circulation and posted in three public places around the municipality. One of these will be city hall.
- Miss. Code Ann. Section 23-15-857

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## Municipal Special Election

- For municipalities with more one thousand (1,000) residents, candidates must submit a petition signed by no less than fifty (50) qualified electors.
- For municipalities with less than one thousand (1,000) residents, candidates must submit a petition signed by no less than fifteen (15) qualified electors.
- Miss. Code Ann. Section 23-15-857

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## Candidate Qualifying

- Qualifying Deadline – 60 days before the date of the first Primary Election.
  - January 31st
- Deadline applies to both party primary and independent (general election) candidates.
- All candidates file their qualifying papers with the Municipal Clerk.
  - A municipal executive committee must have informed the clerk in writing they will be conducting a primary to accept fees/paperwork. If there is no municipal executive committee, the county executive committee must agree to run the election before paperwork can be accepted.

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## Qualifying Candidates

The Municipal Executive Committee for the Primary Election and the Municipal Election Commission for the General and Special Election determine the candidates' qualifications:

- Did the candidate timely submit the qualifying documents?
- Has the candidate lived in the municipality for two years before the date of the General Election?
- Is the candidate a qualified elector of the municipality and district/ward, if the office is a district/ward seat?
- Has the candidate been convicted of a disqualifying crime?
- Does the candidate meet the qualifications of the office sought.

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## Miss. Code § 23-15-300

- Any candidate for any municipal office shall be a resident of the municipality that he or she seeks office in for two (2) years immediately preceding the day of the elections
  - This does not apply to a municipality with less than 1,000 residents according to the latest federal decennial census.
  - Mayor-Council: Council members *must* be resident of ward for two (2) years. (Miss. Code Ann. § 21-8-7).
- Municipal election commissioners, or party executive committee in a primary, shall review and determine whether the candidate meets the applicable residency requirements under 23-15-299 and 23-15-359.

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## Independent Candidate Qualifying

Independent candidates file a:

- Petition signed by no less than 50 qualified electors of municipality or district if the population is 1000 or more; 15 qualified electors of municipality or district if the population is less than 1000, and
- Statement of Intent.
  - Forms are available on our website:  
<http://www.sos.ms.gov/Elections-Voting/Pages/Candidate-Qualifying-Forms.aspx>.

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## Independent Candidate Qualifying

- Upon receipt of a filed Petition, the Municipal Clerk must verify the number of signatures are of registered voters of the municipality and/or district, and attach a Certificate.
- The filed Statement of Intent and Petition, with Certificate, should then be forwarded to the Municipal Election Commission.

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## Additional Candidate Requirements

Statement of Economic Interest:

- Candidates, within 15 days of qualifying deadline.
- Incumbents, on or before May 1<sup>st</sup> each year.
  - [www.ethics.state.ms.us](http://www.ethics.state.ms.us)

Campaign Finance Disclosure Reports.



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## Qualifying Candidates

When the Executive Committee or the Election Commission determines a candidate is not qualified, the candidate must be provided written notice and an opportunity to be heard.

- Let the candidate know his/her deficiency, when the committee is meeting, and offer suggestions of what to bring (proof of residency, pardon or non-adjudication, etc.).



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## Printing the Primary Election Ballot

- The Municipal Executive Committee in a primary election is responsible for proofing and printing the ballot.
- The candidates' names are to be listed in alphabetical order.
- If only one candidate qualified for a particular office, the candidate's name need not be listed on the ballot, but the committee must declare that candidate to be the party's nominee.
- If all races are unopposed, the election should be dispensed with and the candidates declared the party's nominees.



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## Printing the General Election and Special Election Ballot

- One commissioner designated by the Municipal Election Commission is responsible for proofing and printing the ballot.
- The order in which the candidates' names are listed is left to the discretion of the designated commissioner.

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## Printing the General Election Ballot

If only one candidate qualified for a particular office, the candidate's name must be listed on the ballot.

If only one candidate qualified for all offices on the general election ballot, the Election Commission may dispense with the election and declare each candidate elected without opposition.

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## Absentee Voting

- Absentee ballot applications must be available 60 days before any election.
- Absentee ballots must be available 45 days before an election, or as soon as possible.
- Absentee ballots must be printed on tinted paper of a tint different from that of the regular official ballot.

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## Absentee Voting Deadlines

- Municipal Clerk's Office must be open from 8:00 a.m. to 12 noon the two (2) Saturdays immediately before each election.
- Deadline for in-person absentee voting: Saturday before a Tuesday election, 12 noon.
- Deadline for receipt of absentee ballots returned by mail: Five (5) business days after the date of the election at 5:00 p.m. if postmarked on or before Election Day.
- Deadline for UOCAVA ballots returned by email or fax: 7:00 p.m. on Election Day.

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## Additional Responsibilities

The Municipal Clerk's Office must ensure:

- All voted absentee ballots are immediately placed and kept in a sealed ballot box,
- Absentee ballots and applications are kept in a secured location at the clerk's office, and
- All absentee ballots received after the deadline are marked with the date and time of receipt and properly preserved.

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## Voter Photo Identification

Any voter who casts an absentee ballot in the Municipal Clerk's Office or who casts a ballot in person on Election Day must present a current and valid, acceptable form of photo ID.

- Valid means the photo ID has no expiration date at all, or was not issued more than ten (10) years prior to the date it is presented in the Clerk's Office during absentee voting or in the polling place on Election Day.

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## Acceptable Photo ID

1. Driver's license;
2. Photo ID card issued by any branch, department, agency, or entity of the State of Mississippi;
3. United States passport;
4. Employee photo ID card issued by any branch, department, agency, or entity of the U.S. government;
5. License to carry a pistol or revolver;
6. Tribal photo ID card;
7. Student ID card, issued by any accredited college, university or community or junior college in the State of Mississippi;
8. Mississippi Voter ID card;
9. Any photo ID issued by any branch, department, agency, or entity of the U.S. government or any state government, such as a driver's license issued by a state other than Mississippi.

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## Absentee Voting with Voter ID

A voter who casts an absentee ballot by mail, e-mail or fax is NOT required to present or provide a copy of a photo ID when returning his/her voted absentee ballot.

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## Poll Managers

- The Executive Committee for the Primary Elections and the Election Commission for the General and Special Elections appoint a minimum of three (3) registered voters of the municipality to serve as poll managers at each precinct.
- 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.

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## Student Poll Worker Interns

Section 23-15-240, Miss. Code allows students to be appointed as poll worker interns; this law allows teenagers to become more acquainted with their community, elections and their county elected officials. Student Interns must be

- Recommended by a principal or other school official,
- At least 16 years of age at the time of the election,
- A resident of the county/municipality, and
- Enrolled in a public high school, accredited private school, junior college, college/university or legitimate home instruction program.

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## Appointing Additional Poll Managers

- Election Commissioners may, in their discretion, appoint up to an additional three (3) poll managers for the first 500 voters and may appoint additional poll managers, as deemed necessary, for each one thousand (1,000) registered voters or fraction thereof in each voting precinct above the first five hundred (500). Those poll managers appointed after the first 500 voters must be approved by the municipal governing authorities.

**Reference:** *Miss. Code Ann. § 23-15-235*

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## Poll Manager Training

- The Executive Committee for the Primary Election and the Election Commission for the General Election, in conjunction with the Municipal Clerk, is responsible for conducting poll manager training.
- All poll workers must have received training within 12 months of the election.
- Training must be completed no later than five (5) days before the date of the election.

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## Compensation of Poll Managers

- Poll Managers are paid a minimum of \$125 per election.
- The manager who is designated as the Receiving and Returning Manager is entitled up to an additional \$25 for taking the boxes to the polling place and up to another \$25 for returning the boxes after the election. The Receiving and Returning manager is also entitled to receive mileage for each mile traveled in excess of ten (10).
- Municipal governing authorities may pay managers an additional amount not to exceed \$75 per election.

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## Poll Manager Training Materials

The Secretary of State's Office provides the following Poll Manager Training Materials:

- Mississippi Poll Manager Guide
- On-Line Poll Manager Training
- Municipal Election Handbook
- Materials may be downloaded from the Secretary of State's website from any computer.

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## Resolution Board

- A Resolution Board must be appointed to process and count absentee ballots. A Resolution Board is also necessary if your municipality is utilizing a precinct or central scanner to review ballots rejected by the scanner.
- An odd number of not less than three (3) registered voters of the municipality.
- Members cannot include:
  - Election Commissioners, candidates and parents, siblings or children of candidates,
  - Members of a Municipal Executive Committee, in a Primary Election, and
  - Members of a Municipal Executive Committee, in a General Election unless members of all political parties who have a candidate on the ballot are appointed.
- Must attend a two-hour training specific to the Resolution Board's duties.

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## **Purpose of the Resolution Board**

- Election Day:
  - Process and count absentee ballots.
- Post-Election Day:
  - Manually review all damaged, defective, blank or over-voted ballots rejected by the tabulating equipment.
  - Determine the intent of the voter and record the vote intended by the voter.
  - Process absentee ballots received by mail within five (5) business days of Election Day.

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## **Resolution Board**

- Notice of the meeting of the resolution board must be posted at least five (5) business days prior to the date of the meeting. The notice must be posted at the meeting place of the officials in charge of the election and at each polling place on election day.
- The notice must include the time, location, and purpose of the meeting.
- These are public meetings, and the public must be allowed to observe meetings of the resolution board.

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## **Contact Information**

**Mississippi Secretary of State's Office**  
***Elections Division***

*P.O. Box 136*  
*Jackson, MS 39205*  
*(601)576-2550*  
*Elections Hotline (800)829-6786*  
[\*ElectionsAnswers@sos.ms.gov\*](mailto:ElectionsAnswers@sos.ms.gov)  
[\*www.sos.ms.gov\*](http://www.sos.ms.gov)

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