ELECTION PROTECTION 866 OUR VOTE

MISSISSIPPI – Fall 2021

Frequently Asked Questions

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Note: This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter's contact information should follow-up be necessary.

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QUESTIONS

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REGISTERING TO VOTE

1. **STATUS: Am I registered to vote?**

   Voters can determine whether they are registered to vote by filling out a form on the Secretary of State Website (https://www.msegov.com/sos/voter_registration/amiregistered/Search) Use of this form requires the last four digits of the voter's social security number.

2. **HOW: How do I register to vote? What if I don't have access to a computer and/or printer?**

   Voters can register to vote by filling out the Mississippi Mail-In Voter Registration Application (https://www.sos.ms.gov/content/documents/elections/Voter_Registration.pdf) and mailing it to their local election office.

   If a voter does not have access to a computer and/or printer, the individual can also register to vote in person at the:
   - Circuit Clerk's Office;
   - Municipal Clerk's Office;
   - The Department of Public Safety (when you get your driver's license);
   - Any state or federal agency offering government services, such as the Department of Human Services[1]

3. **IDENTIFICATION: What ID is required to register to vote?**

   Voters will need their Mississippi Driver's License and the last 4 Digits of their Social Security Number to register to vote[2] OR

   Those registering for the first time in Mississippi who DO NOT have a Mississippi driver's license or social security number: must send the Mississippi Mail-In Voter Registration Application along with a copy of 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 your name and address in this county.[3]

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[1] Miss. Sec'y of State, *Mississippi Voter Information Guide* at 2, https://www.sos.ms.gov/content/documents/elections/VoterInformationGuide.pdf. *See also* Miss. Code Ann. §§ 23-15-33 (registration pursuant to the National Voter Registration Act of 1993, 52 U.S.C. §§ 20503-20504, 20506, which provides for registration at other agencies), 23-15-37 (registration times and places).
[2] Miss. Sec'y of State, *Mail-In Voter Registration Application Instructions* at 1, https://www.sos.ms.gov/content/documents/elections/Voter_Registration.pdf)
[3] *Id.*

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4. **DEADLINES: When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?**

   An application for voter registration must be postmarked or hand delivered to the Circuit Clerk's Office located in the county of your voting residence no later than 30 days before an election. **The registration deadline for the 2021 General/Special Election was October 4, 2021.**[4]

5. **SAME DAY: Does my state have Same Day Registration (i.e. I can register to vote the same day I vote)? If so, what is the process?**

   No, Mississippi does not offer same day voter registration.

6. **PERMANENT MOVE: I have moved permanently and I didn't update my voter registration, can I vote?**

Refer to the table below. The answer to this question depends on when and where the voter moved.

	Moved within the same precinct	**Moved to a different precinct but within the same county**	**Moved to a different election jurisdiction (typically county)**	**Moved from a different state**
Moved within 30 days of Election Day	Because the polling place will be the same for the new and old address, the voter should go to that polling place. The voter will be able to cast an affidavit ballot[5]	Go to the polling place that corresponds with the NEW address. The voter will be able to cast an affidavit ballot[6]	Cannot vote in the new county or old county by regular or affidavit ballot, unless it is a presidential election year, in which case the voter may vote for the President and Vice President at the polling place in the old county.[7]	A voter may vote for the President and Vice President in the State in which they resided immediately prior to moving if they have satisfied, as of the date of their change of residence, the requirements to vote in that State or by absentee ballot in the State in which they resided immediately prior to moving if they satisfy the requirements for absentee voting in that State.[8]
Moved more than 30	Because the polling place will be the same for	Go to the polling place that corresponds with	Can vote in the NEW precinct as long as they are a	Can vote in the NEW precinct as long as they are a registered voter in the

[4] Miss. Sec'y of State, *Mississippi Voter Information Guide* at 1, https://live-micheal-watson-secretary-of-state.pantheonsite.io/sites/default/files/election_and_voting/VoterInformationGuide.pdf.
[5] Miss. Code Ann. § 23-15-13.
[6] Miss. Code Ann. § 23-15-13.
[7] *See* Miss. Code Ann. § 23-15-11 (voter must reside "for thirty (30) days in the county in which he or she seeks to vote," among other requirements, in order to be eligible to vote in Mississippi); 52 U.S.C.A. § 10502(e).
[8] 52 U.S.C.A. § 10502(e).

days before Election Day	the new and old address, go to that polling place. The voter will be able to cast an affidavit ballot[9]	the NEW address. The voter will be able to cast an affidavit ballot[10]	registered voter in the state of Mississippi[11]	state of Mississippi.[12] If a voter has not re-registered with that address, you cannot vote, except for the President and Vice President in a Presidential Election.

7. TEMPORARY MOVE: I have moved temporarily due to COVID-19 or some other reason. Where can I vote?

Under Mississippi law, certain excuses allow a voter to cast their absentee ballot by mail, including:

- Any person who is the parent, spouse or dependent of a person with a temporary or permanent disability who is hospitalized outside of their country or more than 50 miles away from their residence and the parent, spouse of dependent will be with the hospitalized on election day;
- Any person outside of their county of residence on election day; or
- any person with a temporary or permanent disability.

Contact your Circuit Clerk to see if you are entitled to vote by mail.

8. STUDENT: I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?

If a student attends school in Mississippi and meets other eligibility requirements, they can establish residency and vote if they (1) have resided in that county and municipality for 30 days and (2) have a present intention to remain at the Mississippi school address for the time being.[13]

If a student is taking classes remotely, outside the county and municipality, they will not be able to establish the residency requirement needed to vote in Mississippi. The student must register to vote in the county and municipality to vote.[14]

9. LIVING ABROAD: I am living abroad and/or am serving in the military. How can I register and/or vote?

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[9] Miss. Code Ann. § 23-15-13.

[10] Miss. Code Ann. § 23-15-573(1)(b); see also Miss. Code Ann. 23-15-11 (eligibility requirements to be a qualified elector "in and for the county, municipality and voting precinct of his or her residence" include, among other requirements, residing in the state, county, and incorporated municipality for 30 days).

[11] *See* Miss. Code Ann. § 23-15-11.

[12] *See* Miss. Code Ann. § 23-15-11.

[13] *See* Miss. Code Ann. § 23-15-11 (eligibility requirements); Op. Att'y Gen. (Sept. 12, 1991), 1991 WL 578031.

[14] *See* Miss. Code Ann. § 23-15-11 (eligibility requirements)

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) provides for certain provisions to assist voters living abroad to receive and return their absentee ballot in time to be counted on election day.

UOCAVA Voters - Please contact your Circuit Clerk to request an absentee ballot for any upcoming elections your County may be having this year OR alternatively complete and return the Federal Postcard Application by email, fax or mail (https://www.sos.ms.gov/content/documents/elections/Voter%20Registration%20and%20Absentee%20Ballot%20Request%20(FPCA).pdf).[15]

Important dates:

- The **deadline for UOCAVA voters** to vote by absentee ballot for the General/Special Election is **November 2, 2021, at 7:00 p.m. CST, if submitting by email or fax.**
- If **submitting by mail**, it must be **postmarked by November 2, 2021,** and **received within five (5) business days—by November 9, 2021, at 5:00 p.m**.

10. CRIMINAL CONVICTION: I have a criminal conviction. Can I vote?

Individuals who have been convicted in Mississippi for a disenfranchising crime cannot vote. The disenfranchising crimes are: voter fraud, murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, bigamy, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor vehicle, statutory rape, carjacking, and larceny under lease or rental agreement.[16] If a voter has not been convicted of one of the above crimes in Mississippi and is otherwise qualified, they may vote.

An individual can still vote if convicted of a similar offense in another state or of a federal felony.[17]

11. INCARCERATED: I am currently in jail. Can I vote?

Unless you have been convicted by a Mississippi court of one of 23 specific disenfranchising crimes (voter fraud, murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, bigamy, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor vehicle, statutory rape, carjacking, and larceny under lease or rental agreement) you can vote in Mississippi at all times – **even while you are incarcerated**.[18]

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[15] For more information *see* Secretary of State's website (https://www.sos.ms.gov/Elections-Voting/Pages/Military-Overseas-Voter.aspx)

[16] Miss. Const. Art. 12, § 241; Miss. Code Ann. § 23-15-19; Op. Att'y Gen. No. 2009-00210 (July 9, 2009), 2009 WL 2517257.

[17] *Middleton v. Evers*, 515 So. 2d 940, 944 (Miss. 1987) (another state); *cf. State ex rel. Muirhead v. State Bd. of Elections Comm'rs*, 259 So. 2d 698 (Miss. 1972) (holding that state constitutional disqualification of those convicted of certain offenses from holding state office does not apply to federal convictions).

[18] Miss. Const. Art. 12, § 241; Miss. Code Ann. § 23-15-19; Op. Att'y Gen. No. 2009-00210 (July 9, 2009), 2009 WL 2517257.

Please note, no person shall be deemed to be a resident of a county solely because of being incarcerated in a facility under the jurisdiction of the Department of Corrections that is located in such county.[19]

12. NOT ON ROLLS AT POLLING PLACE: I am at my polling place and am not on the voter registration roll. Can I vote where I am?

A Voter may vote by an affidavit ballot if the voter's name is not in the voter registration roll and is at the correct polling place. If a voter casts an affidavit ballot in the wrong polling place, the entire ballot will be rejected and will not be counted.[20]

13. I THOUGHT I WAS REGISTERED: My name isn't on the voter registration roll but I thought I was registered. Could it have been removed? What do I do?

A voter's name can be removed from the list of registered voters by in the following situations:

- The registrant's address has changed to outside of the county[21],
- Death,
- Written request of the voter,
- Received an adjudication of mental incompetence,
- Conviction of a disenfranchising crime, or
- Disqualification for any other cause.[22]

Any voter whose name was removed in one of the above ways and who subsequently becomes eligible to vote must re-register in order to have their name restored to the statewide voter registration system.

Volunteers can take steps to help to determine why a voter's name is not appearing on the list of registered voters:

- Check the voter's registration status using the registration lookup tool to make sure the voter is registered to vote and is at the right place. (See Question #1.)
- Has the voter moved recently? Could they be registered at an old address? Check that address in the registration lookup tool. (See Question #1 and Question #6.)
- Has the voter changed their name recently, or could they be registered under a different name? Check that name (and any variations of the voter's name, especially for hyphenated names, which sometimes confuse databases) in the registration lookup tool. (See Question #1.)

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[19] *See* Miss. Code Ann. § 47-1-63. Residency of prisoner as affected by incarceration in facility of Department of Corrections.

[20] *See* Mississippi Poll Manager Guide, Election Day Operations (https://www.sos.ms.gov/links/elections/2014/MS%20Poll%20Manager%20Guide%20for%20Non-TSX%20Counties_April%202014.pdf)

[21] The National Voter Registration Act of 1993, Section 8. The Act requires States to conduct a general voter registration list maintenance program that makes a reasonable effort to remove ineligible persons from the voter rolls by reason of the person's death, or a change in the residence of the registrant outside of the jurisdiction, in accordance with procedures set forth in the NVRA.

[22] Miss. Code Ann. § 23-15-153(1); *see also* Miss. Code Ann. § 23-15-151.

- When/where did the voter register to vote? Was that before the deadline? (See Question #4.)
- Contact the registrar's office to see if they have a record of the registration. If not, and if the voter registered at another government agency, contact that agency to see if it has a record of the registration.

If there are more than 30 days prior to the election, the voter has time to register in the county or municipality. Please refer to **#2 HOW: How do I register to vote?** for more information.

HOW TO VOTE: EARLY VOTING

14. AVAILABILITY: Is there early voting in my state (whether called early voting or in person absentee voting)? When is it?

Mississippi generally does not have in-person early voting although those voters who qualify to cast an absentee ballot may do so in person at the county registrar's office until 12:00 noon Central Time on the Saturday (October 30, 2021) immediately preceding an election held on a Tuesday (November 2, 2021, is the general/special election which is held on a Tuesday).[23]

15. ELIGIBILITY: Do I have to have a reason to vote early?

Yes, under Mississippi law, only the following categories of qualified electors are entitled to vote by in-person absentee before Election Day:

1. Anyone who is a bona fide student, teacher or administrator at any college, university, junior college, high, junior high, or elementary grade school whose studies or employment at such institution necessitates his or her absence from the county of his or her voting residence on the date of any primary, general or special election, or the spouse and dependents of that student, teacher or administrator if such spouse or dependent(s) maintain a common domicile, outside of the county of his or her voting residence, with such student, teacher or administrator.
2. Anyone who is required to be away from his or her place of residence on any election day due to his or her employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents of such person if he or she shall be residing with such absentee voter away from the county of the spouse's voting residence.
3. Anyone who is away from his or her county of residence on election day for any reason.

[23] Miss. Code Ann. § 23-15-637.

4. Any person who has a temporary or permanent physical disability and who, because of such disability, is unable to vote in person without substantial hardship to himself, herself or others, or whose attendance at the voting place could reasonably cause danger to himself, herself or others.
5. The parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside of his or her county of residence or more than fifty (50) miles distant from his or her residence, if the parent, spouse or dependent will be with such person on election day.
6. Any person who is sixty-five (65) years of age or older.
7. Any member of the Mississippi congressional delegation absent from Mississippi on election day, and the spouse and dependents of such member of the congressional delegation.
8. Any person who will be unable to vote in person because he or she is required to be at work on election day during the times at which the polls will be open.[24]

16. WHEN: When do the polls open/close during early voting?

Mississippi permits in-person absentee ballot voting prior to the election (See Question 14). Absentee ballot applications become available at your County Circuit Clerk's Office on September 3, 2021. Circuit Clerk's Offices are open during normal business hours (8 am to 5 pm, Monday through Friday). Absentee voters may cast their vote in person at the county registrar's office until 12:00 noon Central Time on the Saturday (October 30, 2021) immediately preceding an election held on a Tuesday.[25]

17. WHERE: Where do I vote during early voting?

A voter may vote absentee in person at their county Circuit Clerk's Office. To find your Circuit Clerk's Office, visit the Secretary of State's website for more information: County Clerks

IDENTIFICATION: What identification is required for early voting? Can I vote without providing identification?

Your County Circuit Clerk (or Deputy Circuit Clerk) will confirm you are a registered voter in the county by checking the Statewide Elections Management System, confirm your address, and check your photo ID. You will also be asked your reason for absentee voting.[26] See Question 36 for a list of accepted forms of photo ID.

HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL

[24] Miss. Sec'y of State, Step-By-Step Absentee Guide (https://www.sos.ms.gov/content/documents/elections/Step-by-Step%20Guide%20to%20Absentee%20Voting_forweb.pdf)
[25] Miss. Code Ann. § 23-15-637.
[26] Miss. Sec'y of State, Step-By-Step Absentee Guide (https://www.sos.ms.gov/content/documents/elections/Step-by-Step%20Guide%20to%20Absentee%20Voting_forweb.pdf)

18. AUTOMATIC: Do I have to request an absentee ballot or will my state mail me one automatically? How do I request one?

A voter must request an Official Application for Absentee Elector's Ballot which will be sent in the mail.

A voter can request an absentee ballot as follows:

- In Person: A voter must appear in person before the county registrar (generally the county circuit court clerk) or, for municipal elections, the city clerk and then request, execute, and file an application for an absentee ballot. If ballots have been printed, the voter will also cast their ballot at that time; if ballots have not yet been printed, the ballot will be mailed to the voter.[27]
- By Telephone: Voters can also request by telephone that the registrar mail an absentee ballot application to them.[28]
- By Mail: A voter can mail in a request for an absentee ballot if the voter temporarily resides out of the county of their residence, has a temporary or permanent physical disability, is 65 years old or older, or is the parent, spouse, or dependent of someone with a physical disability who is hospitalized outside the voter's county of residence or over 50 miles away from the voter's residence (as long as the voter will be with that person on Election Day).[29] Applications from voters temporarily residing outside the county must be sworn to and subscribed before an official who is authorized to administer oaths or to witness absentee balloting. Applications from voters with a temporary or permanent physical disability may be witnessed by any person at least 18 years old.[30]

A parent, child, spouse, sibling, legal guardian, those with power of attorney for a voter's affairs, or the agent of the voter may orally request an absentee ballot application on behalf of the voter if the person is designated in writing by the voter with a witness who is a Mississippi resident. Written designations are valid for one year.[31]

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[27] Miss. Code Ann. § 23-15-715(a).
[28] Miss. Code Ann. § 23-15-657.
[29] Miss. Code Ann. § 23-15-715(b).
[30] Miss. Code Ann. § 23-15-715(b). *See also* Miss. Code Ann. § 11-1-1 (list of officials authorized to administer oaths). This list includes but is not limited to: a judge of any court of record; clerk of such court; court reporter of such court; master; member of the board of supervisors; justice court judge; notary public; mayor, or police justice of a city, town, or village; municipal clerk; any officer of any other state or the United States authorized by law to administer oaths. Under Mississippi regulations, notaries public in Mississippi are required to waive any fee for notarizing absentee voters' applications and ballots. *See* http://www.sos.ms.gov/About/Pages/Press-Release.aspx?pr=834. Post office employees also may administer the oath, in which case they must authenticate their signatures with the post office's cancellation stamp. Other officers should not apply their seals. Voters in the Armed Forces also may execute their affidavits before a commissioned officer, warrant officer, or noncommissioned officer not lower in grade than sergeant rating. Miss. Code Ann. § 23-15-631(1)(c).
[31] Miss. Code Ann. § 23-15-627.

NOTE: all absentee by mail voters except those who have a temporary or permanent physical disability are required to have their application and ballot "notarized or signed by an official authorized to administer oaths for absentee voting." An absentee voter who has a temporary or permanent physical disability may have any person eighteen (18) years or older serve as the attesting witness for their application and ballot. However, a candidate, or the spouse, parent, or child of a candidate, may not be the attesting witness for any ballot on which the candidate's name appears unless the voter is a first-degree relative of the witness. Photo identification is not required for absentee voters who return their ballots by mail.

19. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?

Absentee Ballots may be requested beginning 45 days before the election but no later than noon on September 18, 2021, for the general/special election.

***20.* APPLICATION RETURN: Where and/or how can I return my absentee ballot application? Can someone return it for me?**

A voter can return their absentee ballot to the County Circuit Clerk's office either by mail or in person.

21. DIDN'T REQUEST IN TIME: What if I have not requested an absentee ballot by the deadline?

The voter must vote in person if they miss the voting deadline for in-person absentee voting deadline (October 4). Mail-in absentee ballots that are postmarked by November 2, 2021 (the day of the General/Special Election) will be valid if received by November 9, 2021.[32]

22. ELIGIBILITY: Do I have to have a specific reason for requesting to vote by absentee ballot?

Yes,under Mississippi law, only the following categories of people are entitled to vote absentee by mail-in ballot:

1. Any person who is temporarily residing outside of their county of residence, and the ballot must be mailed to an address outside the county.
2. Any person who has a temporary or permanent physical disability and who, because of such disability, is unable to vote in person without substantial hardship to himself, herself or others, or whose attendance at the voting place could reasonably cause danger to himself, herself or others.
3. The parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside of his or her county of residence or more than fifty (50) miles distant from his or her residence, if the parent, spouse or dependent will be with such person on election day.
4. Any person who is sixty-five (65) years of age or older. Please note, all absentee by mail voters except those who have a temporary or permanent physical disability are required to have their application and ballot "notarized or signed by an official authorized to administer

[32] Miss. Sec'y of State, Step-By-Step Absentee Guide (https://www.sos.ms.gov/content/documents/elections/Step-by-Step%20Guide%20to%20Absentee%20Voting_forweb.pdf)

oaths for absentee voting." An absentee voter who has a temporary or permanent physical disability may have any person eighteen (18) years or older serve as the attesting witness for their application and ballot. However, a candidate, or the spouse, parent, or child of a candidate, may not be the attesting witness for any ballot on which the candidate's name appears unless the voter is a first-degree relative of the witness. Photo identification is not required for absentee voters who return their ballots by mail.

23. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my application and/or absentee ballot?

At this time, there is no way for a voter to look up whether their ballot has been processed or received.

24. APPLICATION AND/OR BALLOT REJECTED: I learned my absentee ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

Voters should contact their County Circuit Clerk's Office county contact information

25. COMPLETING BALLOT: How do I complete the absentee ballot? Are there any identification requirements?

All absentee by mail voters except those who have a temporary or permanent physical disability are required to have their application and ballot "notarized or signed by an official authorized to administer oaths for absentee voting."[33] An absentee voter who has a temporary or permanent physical disability may have any person eighteen (18) years or older serve as the attesting witness for their application and ballot.[34] However, a candidate, or the spouse, parent, or child of a candidate, may not be the attesting witness for any ballot on which the candidate's name appears unless the voter is a first-degree relative of the witness.[35] Photo identification is not required for absentee voters who return their ballots by mail.[36]

Absentee voters who mark their ballots in person in their county of residence must do so at the county registrar's office (typically, the county circuit court clerk's office) unless the voter has a temporary or permanent physical disability or is at least 65 years old. The county registrar or a

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[33] Miss. Code Ann. §§ 23-15-627, 23-15-721(1). *See also* Miss. Code Ann. § 11-1-1 (list of officials authorized to administer oaths). This list includes but is not limited to: a judge of any court of record; clerk of such court; court reporter of such court; master; member of the board of supervisors; justice court judge; notary public; mayor, or police justice of a city, town, or village; municipal clerk; any officer of any other state or the United States authorized by law to administer oaths. Under Mississippi regulations, notaries public in Mississippi are required to waive any fee for notarizing absentee voters' applications and ballots. *See* http://www.sos.ms.gov/About/Pages/Press-Release.aspx?pr=834. Post office employees also may administer the oath, in which case they must authenticate their signatures with the post office's cancellation stamp. Other officers should not apply their seals. Voters in the Armed Forces also may execute their affidavits before a commissioned officer, warrant officer, or noncommissioned officer not lower in grade than sergeant rating. Miss. Code Ann. § 23-15-631(1)(c).

[34] Miss. Code Ann. §§ 23-15-627, 23-15-631, 23-15-721(2).

[35] Miss. Code Ann. § 23-15-631(e).

[36] Miss. Sec'y of State, *County Elections Handbook* at 33 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.

deputy must be the attesting witness for the ballot.[37] The voter should bring satisfactory identification. (See Question #3.)

Any absentee voter who needs assistance voting by reason of blindness, disability, or inability to read or write is entitled to have some person of their choice—other than a candidate on the ballot, a first degree relative of a candidate on the ballot (unless the person requesting assistance is a first degree relative of that person), a poll watcher observing the polling place, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union—mark the voter's choices or assist the voter in marking their choices on the ballot and complete the absentee voter's affidavit.[38]

A photo ID is not required to vote by absentee ballot by mail, email or fax; it is required for in-person absentee voting in the registrar's office.[39]

26. LOST OR SPOILED: What if I lost my absentee ballot or it is spoiled or I received an incorrect one?

Voters should contact their County Circuit Clerk's Office county contact information

27. NON-RECEIPT OF BALLOT: What if I requested an absentee ballot but have not received it? Can I do anything?

Voters should contact their County Circuit Clerk's Office county contact information

28. IN PERSON OPTION: What if I requested an absentee ballot but I want to vote in person on Election Day?

As long as the voter has not already submitted the absentee ballot, and is otherwise qualified, the voter is allowed to vote in person by regular ballot.[40] If the voter has already submitted the absentee ballot, that ballot is considered final and the voter may not vote in person on Election Day.[41]

29. BALLOT DEADLINES: What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?

Absentee ballots cast by mail must be postmarked on or before the date of the Election and received by the registrar no more than five business days after the election. **The postmarked deadline for the**

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[37] Miss. Code Ann. § 23-15-631(1)(a)-(b).
[38] Miss. Code Ann. § 23-15-631(1)(f).
[39] Miss. Sec'y of State, *County Elections Handbook* at 32-33 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf; *see also* Miss. Code Ann. § 23-15-719(1).
[40] *Cf.* Miss. Code Ann. § 23-15-639(1)(b) (procedure for accepting or rejecting absentee ballots in counting process includes checking whether voter voted in person at the polls on Election Day); Miss. Sec'y of State, *County Elections Handbook* at 42 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf (same).
[41] Miss. Code Ann. § 23-15-637.

General/Special Election is Tuesday, November 2, 2021.[42] **All ballots must be received by November 9, 2021 in order to be counted**.[43]

It is illegal for ballots cast away from the county registrar's office to be returned by hand delivery.[44]

Absentee ballots cast **in-person** must be cast no later than 5:00pm on the Saturday before each election. **The deadline for the General/Special Election is Saturday, October 30, 2021.**[45] The Circuit Clerk's office is open from 8:00am to 12:00pm on that Saturday.[46]

Military and Overseas Voters: Military and overseas voters who are absent from their county of residence and qualified to vote in Mississippi are subject to the voting procedures under the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA").[47] See https://www.sos.ms.gov/Elections-Voting/Pages/Military-Overseas-Voter.aspx and https://www.fvap.gov/mississippi.

30. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a completed ballot (instead of mailing it)?

No, it is illegal for ballots cast away from the county registrar's office to be returned by hand delivery.[48] Absentee ballots must be either returned by mail or voted in-person.

31. ASSISTANCE DROPPING OFF: Can someone drop off my completed ballot for me?

No, it is illegal for ballots cast away from the county registrar's office to be returned by hand delivery.[49]

32. IN PERSON ABSENTEE: Where do I vote in-person absentee?

At the Circuit Clerk's office of the county of the voter's residence. A photo ID is required for in-person absentee voting.[50] See Question 36 for a list of accepted forms of photo ID.

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[42] Miss. Code Ann. § 23-15-637.
[43] Miss. Code Ann. §§ 23-15-637, 23-15-731.
[44] Miss. Sec'y of State, *County Elections Handbook* at 23 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[45] Miss. Code Ann. § 23-15-653; *see also* Miss. Sec'y of State, 2020 Elections Calendar at 11, https://www.sos.ms.gov/content/documents/elections/2020%20Website%20Calendar.pdf.
[46] Miss. Code Ann. § 23-15-653; *see also* Miss. Sec'y of State, 2020 Elections Calendar at 11, https://www.sos.ms.gov/content/documents/elections/2020%20Website%20Calendar.pdf.
[47] *See* Miss. Code Ann. §§ 23-15-671 – 23-15-701; Miss. Sec'y of State, *County Elections Handbook* at 18-21 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[48] Miss. Sec'y of State, *County Elections Handbook* at 23 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[49] Miss. Sec'y of State, *County Elections Handbook* at 23 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[50] Miss. Sec'y of State, *County Elections Handbook* at 32 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf; *see also* Miss. Code Ann. § 23-15-719(1).

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HOW TO VOTE: ELECTION DAY

34. HOURS: When do the polls open and close on Election Day? What if the polls are closing but I'm in line?

The polls must be open from 7:00 a.m. to 7:00 p.m. Central Time on Election Day.[51] A voter in line at the polling place by 7:00 p.m. must be allowed to vote.[52]

***Note to hotline volunteer**: If you learn that a polling place prohibits those who were in line by the time the polls closed from voting, advise voters to stay at the polling location and contact your hotline captain immediately.

35. POLLING LOCATION: Where do I vote on Election Day?

Voters can determine the proper polling place by checking the Mississippi Secretary of State website (polling-place-locator) This provides polling place location for county elections.**However, your polling place for municipal elections may differ from your polling place for county elections.** To find out where your polling place is for municipal elections, contact your County Circuit Clerk or Municipal Clerk.

If a voter has moved recently and has not updated their voter registration, refer to Questions #6 and 7.

***Note to hotline volunteer**:* Advise voters to check the polling place listed on the Voter Notification Card they received from the local election authority a few days before the election.

36. IDENTIFICATION: What identification is required to vote on Election Day? Can I vote without providing identification?

To vote a regular ballot in person, a Mississippi voter must present a current and valid form of photo identification.[53] Valid forms of photo identification include:

- Mississippi Driver's License;
- US Passport;

[51] Miss. Code Ann. § 23-15-541(1).
[52] Miss. Code Ann. § 23-15-541(1) (stating that the polls shall "be kept open until the last qualified voter, who was standing in line at the polling place at 7:00 p.m., has cast his or her ballot, or 7:00 p.m., whichever is later.")
[53] Miss. Code Ann. § 23-15-563(1).

- Photo ID card issued by a branch, department, agency, or entity of the State of Mississippi;
- Photo employee ID card issued by a branch, department, agency, or entity of the US Government, the State of Mississippi, or any county, municipality, board, authority, or other entity of the State of Mississippi;
- Mississippi firearms license, with photo;
- Tribal photo ID card;
- US Military photo ID card;
- Photo ID card issued by an accredited Mississippi college, university, community college, or junior college;
- Photo ID issued by any branch, department, agency, or entity of the US government or any state government, such as a driver's license issued by a state other than Mississippi; or
- Mississippi Voter Identification Card.[54]

If a registered voter does not have any other acceptable forms of photo ID, a free Mississippi Voter Identification Card will be provided to the voter if requested.[55] A voter can obtain this card by bringing to any Circuit Clerk's office in Mississippi one of the following types of documents:

- any expired but valid photo identity document having the voter's name and photograph issued by the U.S. government or any U.S. state;
- a birth certificate or any other document with the voter's full legal name, date and place of birth;
- a Social Security card;
- a Medicare card;
- a Medicaid card;
- a Mississippi Voter Registration Card; or
- any of the following, as long as it includes the voter's name and current address:
    - utility bill issued within the preceding six months;
    - bank statement issued within the preceding six months;
    - paycheck issued within the preceding six months;
    - government check issued within the preceding six months;
    - IRS Form W-2, Wage and Tax Statement issued within the current calendar year; or
    - any other government document issued within the current calendar year.[56]

If the voter lacks all of these types of documents, the clerk may verify birth information free of charge if the voter provides the date of birth, state of birth, and the mother's maiden name.[57] A voter can obtain free transportation to the Circuit Clerk's office to obtain a Voter ID by calling 1-844-MSVOTER (1-844-678-6837).[58]

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[54] Miss. Code Ann. § 23-15-563(2); *see also* Miss. Sec'y of State, *County Elections Handbook* at 32 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[55] Miss. Sec'y of State, *How Can I Get a Mississippi Voter ID Card*, http://msvoterid.ms.gov/Pages/VoterIDHowtoGetID.htm.
[56] Miss. Sec'y of State, *What Documents Do I Need To Get a Voter ID Card?*, http://msvoterid.ms.gov/Pages/VoterIDDocuments.htm.
[57] Miss. Sec'y of State, *How Can I Get a Mississippi Voter ID Card*, http://msvoterid.ms.gov/Pages/VoterIDHowtoGetID.htm.
[58] Miss. Sec'y of State, *I Need Help Getting to a Circuit Clerk's Office*, http://msvoterid.ms.gov/Pages/VoterIDRide.htm.

A voter may use an expired photo ID as long as it is one of the above-listed acceptable forms of photo ID and is not more than 10 years old.[59]

The name on the photo ID only has to be substantially similar to the voter's name in the poll book. A name is substantially similar if:

- the voter's name on the presented photo ID is slightly different from the voter's name as it appears on the poll book;
- the voter's name on the presented photo ID (or on the poll book) is a customary derivation or abbreviation of the formal name, such as Bill, Will or Billy for William, Rick, Rich or Dick for Richard, or Meg for Margaret;
- the voter's name on the presented photo ID includes an initial or middle name which does not appear on the poll book, or vice versa;
- a first name, middle name, maiden name or initial of the voter appears in a different order on the presented photo ID than on the poll book, or vice versa; or
- the voter's middle or last name on the presented photo ID is different than his/her middle or last name on the poll book because of marriage or divorce, the name is substantially similar if:
    - a part of the name, address OR date of birth on the presented photo ID matches a part of the voter's name, address OR date of birth on the poll book, and
    - the photograph on the presented photo ID fairly depicts the voter.[60]

The address on the photo ID does not have to match the address on the voter rolls.[61]

A registered voter who does not have valid identification is still entitled to vote by a provisional Affidavit Ballot.[62] The Affidavit Ballot will be counted if the voter presents a photo ID or signs an affidavit affirming religious objection in the Circuit Court Clerk's office within 5 business days after Election Day. The deadline is November 9 for the General/Special Election.[63] (See Question #47.)

POLLING PLACE ISSUES

37. POLLING PLACE NOT OPEN: The polling place is not open. What do I do?

[59] Miss. Sec'y of State, *County Elections Handbook* at 32 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf; Miss. Sec'y of State, *What If My ID Is Expired*, http://www.msvoterid.ms.gov/Pages/Forms/expired%20form.pdf.
[60] Miss. Sec'y of State, *County Elections Handbook* at 34-35 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[61] Confirmed with call to the SOS Election Hotline: 800-829-6786.
[62] Miss. Code Ann. § 23-15-573(1).
[63] Miss. Code Ann. § 563(3)

Voters should contact their County Circuit Clerk's county or the Secretary of State's Election Hotline at 800-829-6786.

Note to hotline volunteer: If you learn of a polling place not opening on time or is closed, notify your hotline captain immediately.

38. LONG LINES: There are long lines at the polling place. What do I do? What if the polls are closing while I'm in line?

Voters should contact their County Circuit Clerk's Office (https://www.sos.ms.gov/Elections-Voting/Pages/County-Election-Info.aspx) or the Secretary of State's Election Hotline at 800-829-6786.

See Question # 34 for answer if voter is in line when polls are closing.

Note to hotline volunteer: If you learn of long lines, notify your hotline captain.

39. EQUIPMENT FAILURE: What should I do if there are equipment problems at my precinct?

Voters should immediately notify the election officers at the polling place if the voting equipment breaks down while the polls are open. If the problem cannot be fixed in a timely manner, a voter can use an emergency paper ballot and should request one if it is not offered.[64]

Note to hotline volunteer: If you learn of equipment not working properly at a polling place, notify your hotline captain immediately.

40. NO PPE/COVID: What if my polling place is not enforcing COVID-19 precautions or has run out of supplies?

To ensure voting is safe and secure on Election Day, the Secretary of State's Office is providing the following to all Counties:

- Personal protective equipment (PPE): Every poll manager will be provided with a mask, face shield, and gloves to prevent the spread of COVID-19.
- Hand sanitizer for each polling place.
- Masks for voters who do not bring their own to the polling place and wish to wear a mask. (Voters are not required to wear a mask, and voters can not be turned away or denied the right to vote if not wearing a mask.)
- Single use pens and/or styluses so voters can cast a ballot without touching a previously used marking device. Voters may take the pen or stylus as they leave the polling place or place the item in a box to be sanitized for future use.
- Disinfectant supplies for sanitizing the polling place.
- House Bill 1789 allows for at least one additional poll manager in each polling place to be hired specifically for sanitizing the polling place and assisting with social distancing for COVID-19.

[64] Miss. Code Ann. §§ 23-15-525, 23-15-531.12.

Individual counties may purchase additional supplies and sanitizing equipment to protect both election officials and voters, such as sneeze guards/protective barriers, and other items deemed essential by the county.

• All voters are strongly encouraged to wear a mask to the polling place, abide by social distancing recommendations, and practice good COVID-19 hygiene.
• Candidates or certified poll watchers are asked to wear masks when observing. Failure to wear a mask, if the county/state is under a mask mandate, may result in being asked to leave the polling place.
• If the physical structure of the polling place allows, the polling place should have a separate entrance and a separate exit for voters.
• Any voter exhibiting any symptoms of COVID-19 on Election Day, which include but are not limited to coughing, vomiting, headaches, fever, sore throat, congestion, or loss of taste and/or smell, is encouraged to vote curbside and not enter the polling place. For questions or concerns regarding curbside voting, please contact your local Circuit Clerk or Election Commissioners.
• Polling places will be arranged, if possible, to allow for six (6) feet between voters. Polling places will have visible markings to clearly indicate where voters are to stand. Any poll manager may enforce the social distancing recommendations currently in place.
• When evaluating a voter's photo ID, poll managers may ask the voter to step back six (6) feet and briefly lower his/her face covering so the poll manager can identify the voter in accordance with the Mississippi Voter ID Laws and Administrative Rules.

41. EQUIPMENT ASSISTANCE: I don't know how to use the voting equipment. Can I get help?

Polling Places with OMR Equipment (Paper Ballots): Voters must receive written and/or verbal instructions from the poll managers on how to cast their ballot before entering the voting booth. If voters need additional instructions on how to operate the machine, two election officers may, if necessary, enter the booth and give the voter instructions. However, the election officers may not in any way seek to influence the vote. After providing the necessary assistance, the officers must leave the booth so the voter can cast their vote in secret.[65]

Polling Places with DRE Equipment (Touch Screen/Button): Election officials must provide instructions inside each voting booth on how to vote on the equipment.[66]

Polling places must also display a sample ballot outside of the booth.[67]

Voters should also be aware that there is a time limit of 10 minutes for casting their vote within the voting machine booth, and a limit of 5 minutes if other voters are waiting.[68]

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[65] Miss. Code Ann. § 23-15-517.
[66] Miss. Code Ann. § 23-15-531.6(7)(b).
[67] Miss Code Ann. §§ 23-15-511 (sample ballot for polling places using optical-scan ballots), 23-15-531.6(7)(b) (sample ballot for polling places using DRE equipment).
[68] Miss. Code Ann. § 23-15-551.

For further instruction while voting at the polls on Election Day, voters should contact election officials or the Secretary of State's Office at 800-829-6786.

42. PHYSICAL DISABILITY: I have a physical disability and need assistance. Will my polling place be accessible?

Yes. All polling places must be accessible to all voters and ADA-compliant.[69] Every qualified elector is entitled to vote in Mississippi regardless of ability. A voter who has a physical disability that drives or is driven to the polling location, but is unable to enter the polling place may vote through curbside voting. A poll manager will assist the voter outside of the polling location.[70] If a voter reports that a polling place does not have curbside voting, alert the on-call attorney in that jurisdiction. If the jurisdiction does not have an on-call attorney, alert an Election Protection Captain so an attorney can contact the responsible election official to address the problem.

42. READING/LANGUAGE ASSISTANCE: I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Yes. Any voter who needs assistance voting by reason of blindness, disability, or inability to read or write English is entitled to have a person of their choice mark the voter's choices or assist the voter in marking their choices on the ballot EXCEPT:

- a candidate on the ballot;
- a first-degree relative of a candidate on the ballot;
- a poll watcher observing the polling place;
- the voter's employer or an agent of the voter's employer; or
- an officer or agent of the voter's union

A candidate or the spouse, parent, child, or sibling of a candidate may assist the voter if the person is a first-degree relative of the voter. A first-degree relative includes a parent, child, or sibling.[71]

43. CURBSIDE VOTING: When can I request curbside voting?

A voter with a physical disability who drives, or is driven, to the polling place but is unable to enter the polling place may vote curbside on Election Day.[72] A poll manager will assist the voter.

44. CAMPAIGNING: What rules apply to people campaigning or "hanging around" my polling place? Can people approach me?

Individuals are prohibited from distributing campaign material within 150 feet from the entrance to any polling place building. Campaign material includes any cards, posters or other campaign literature.[73] If the polling place is within 150 feet of private property, the property owner may "post

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[69] Miss. Code Ann. § 23-15-281(2).
[70] Miss. Code Ann. § 23-15-541(2); Miss. Sec'y of State, *County Elections Handbook* at 37 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[71] Miss. Code Ann. § 23-15-549.
[72] Miss. Code Ann. § 23-15-541(2).
[73] Miss. Code Ann. § 23-15-895.

or distribute or permit the posting and distribution of campaign material" on the property.[74] Individuals who are not election officials, voters and credentialed poll watchers may not stand within 30 feet of the polls or the room in which the election is being held.[75]

45. CHALLENGES: Someone is formally challenging my vote. What do I do?

Any person, although personally registered as an elector, may be challenged by any candidate, official poll watcher, qualified elector from the precinct in which the challenge is made, or any poll manager or poll worker. The person may be challenged on the following grounds:

1) The voter is not a registered voter in the precinct;
2) The voter is not the registered voter under whose name the voter has applied to vote;
3) The voter has already voted in the election;
4) The voter is not a resident in the precinct where the voter is registered;
5) The voter has illegally registered to vote;
6) The voter has removed their ballot from the polling place; or
7) The voter is otherwise disqualified by law.[76]

The challenge will be considered by all the poll managers at the time it is made.

- If the challenge clearly appears to be well taken in the unanimous opinion of the poll managers, the vote will be rejected and not counted. The challenged voter should mark their choices and cast their vote by paper ballot. After the ballot has been marked by the challenged voter, the poll manager will need to mark it as "REJECTED" and write the name of the voter and the reason the ballot of the challenged voter was rejected on the back of the ballot.[77]

- If the challenge clearly appears to be frivolous and not made in good faith in the unanimous opinion of the poll managers, the challenge will be disregarded and the voter is allowed to cast their vote regularly.[78]

- If it is unclear if the challenge is well taken or frivolous and no unanimous decision can be made by the poll managers, the challenged voter is entitled to mark their choices and cast their vote by paper ballot. After the ballot has been marked by the challenged voter, the poll managers will need to mark it as "CHALLENGED" and write the name of the voter and the reason the ballot of the challenged voter was challenged on the back of the ballot.[79]

If the voter believes they are a registered voter in the jurisdiction in which they desire to vote and is eligible to vote in the election, they should be entitled to complete a provisional Affidavit Ballot. Please refer to Question #47 for more information.

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[74] Miss. Sec'y of State, *County Elections Handbook* at 40 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[75] Miss. Code Ann. § 23-15-245; Miss. Sec'y of State, *County Elections Handbook* at 40 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[76] Miss. Code Ann. § 23-15-571(3).
[77] Miss. Code Ann. § 23-15-579(2).
[78] Miss. Code Ann. § 23-15-579(3).
[79] Miss. Code Ann. § 23-15-579(4).

46. POLICE/MILITARY PRESENCE: There are police/members of the military at the polling place. Is this okay? What do I do?

Voters concerned about police/military presence should contact their County Circuit Clerk's Office (https://www.sos.ms.gov/Elections-Voting/Pages/County-Election-Info.aspx) or the Secretary of State's Election Hotline at 800-829-6786.

Note to hotline volunteer: If you learn of police/members of the military at the polling place, notify your hotline captain immediately.

47. PROVISIONAL/AFFIDAVIT BALLOT: I have been offered a provisional/affidavit ballot. What should I do?

Ask why the voter was offered a provisional ballot (also called an Affidavit Ballot). A voter should be offered a provisional Affidavit Ballot only when:

- The voter's name does not appear on the poll book for any reason;
- The voter is unable to present acceptable photo identification;
- The voter is not able to cast a regular Election Day ballot under a provision of state or federal law but is otherwise qualified to vote;
- The voter is voting as a result of court or other order extending the time for the closing of the polls on Election Day;
- The voter has moved within the county or municipality within 30 days of the election; or
- The voter is a first-time, unverified mail-in voter and does not have a HAVA-approved form of identification.[80]

Other than for these reasons, the voter should be able to cast a regular ballot. A provisional ballot should be a last resort.

After voting by provisional Affidavit Ballot, a Poll Manager will place the Affidavit Ballot in an envelope. The affidavit is printed and written on the envelope itself. The affidavit envelope must include: the name of the voter, the voter's address (current and, if moved, previous), telephone number (if the voter has one), a statement of the voter's belief that they are registered to vote in the jurisdiction, the signature of the voter, and the signature of one of the Poll Managers.[81]

The Poll Manager must give the voter written instructions on how to find out if their Affidavit Ballot was counted. A provisional Affidavit Ballot may be rejected for the following reasons (this list is not exclusive):

- the voter is not a registered voter of the county;
- failure of both the voter and Poll Manager to sign the affidavit envelope;
- the voter is casting a ballot in a precinct in which they are not entitled to vote; or

[80] Miss. Code Ann. §§ 23-15-13, 23-15-563(3), 23-15-573; 52 U.S.C. § 21083(a)(5). *See also* Miss. Sec'y of State, *County Elections Handbook* at 36-37 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.
[81] Miss. Code Ann. § 23-15-573.

- failure to: (1) present an acceptable form of photo ID, (2) obtain the free Mississippi Voter ID card, or (3) complete an Affidavit of Religious Objection in the Circuit Clerk's office within five business days after Election Day.[82] (See Question 3.)

QUESTIONS

48. Whom should I contact if I have questions about any of the above?

Voters should contact their County Circuit Clerk's Office (https://www.sos.ms.gov/Elections-Voting/Pages/County-Election-Info.aspx) or the Secretary of State's Election Hotline at 800-829-6786 (https://www.sos.ms.gov/Elections-Voting/Pages/Contact-Us.aspx).

[82] *See* Miss. Sec'y of State, *County Elections Handbook* at 36-37 (Rev. Oct. 2019), https://www.sos.ms.gov/Elections-Voting/Documents/County%20Election%20Handbook_10%202019.pdf.