

REPORT OF ABSENTEE VOTING



DELBERT HOSEMANN
Secretary of State

**Hattiesburg Municipal Special Election
Office of Mayor
September 24, 2013**

**Prepared by:
Elections Division
of the
Mississippi Secretary of State's Office**

Table of Contents

I. OVERVIEW	2
II. APPLICABLE LAW.....	3
III. PRECINCT BY PRECINCT SUMMARY REVIEW.....	5
A. DIXIE PINE.....	5
B. HIGHLAND PARK.....	5
C. WESLEY MANOR	6
D. WEST HILLS/USM	7
E. SIGLER CENTER/BLAIR	8
F. ROWAN	8
G. TRAIN DEPOT.....	9
H. GRACE CHRISTIAN.....	10
I. BURGER CENTER/USO	11
J. THAMES.....	12
K. CAMP SCHOOL	12
L. KAMPER PARK.....	13
M. TIMBERTON.....	14
N. NORTH HEIGHTS.....	15
IV. ASSISTANCE AND DELIVERY	15

I.

OVERVIEW

A Special Election for the Office of Mayor was held in the City of Hattiesburg on September 24, 2013. As required by Mississippi law, the Office of the Secretary of State and the Office of the Attorney General provided training to the newly appointed Municipal Election Commissioners and one member of the Municipal Clerk's Office prior to the election.

Municipal Election Commissioners are the only legal authority authorized to conduct municipal elections and are required to “. . . perform all the duties in respect to the municipal election.” (*Miss. Code Ann. § 23-15-221*). Neither the Office of the Secretary of State nor the Office of the Attorney General may conduct a municipal election. The Municipal Election Commissioners are legally responsible to appoint and train the poll workers who will serve in the polls on Election Day.

Absentee voting began on September 3, 2013. Given the resignation of the Municipal Clerk and naming of an Interim Municipal Clerk prior to the election, the Office of the Secretary of State provided a member of its staff to the Municipal Clerk's Office to serve as an observer on the first day of, and periodically throughout, the absentee voting period.

On Election Day, observers from the Office of the Secretary of State were present in each of Hattiesburg's fourteen (14) precincts. An Election Report was released by the Office of the Secretary of State on October 4, 2013 based upon the Poll Observers' Reports and telephone calls received by the Elections Division of the Secretary of State on Election Day.

On October 7, 2013, the Office of the Secretary of State made its written request to the Hattiesburg Municipal Clerk's Office to secure all absentee ballot applications and absentee ballot envelopes from all returned (voted) absentee ballots from the September 24, 2013 Special Election. After a series of e-mails and telephone calls with the Hattiesburg Municipal Clerk's Office, copies of all absentee materials were received by the Office of the Secretary of State in batches with all received in January 2014.

A review of the absentee ballot applications and envelopes was conducted to submit a report to the Legislature, the Governor, the Attorney General and the public. (*Miss. Code Ann. § 23-15-211.1*). One thousand forty-eight (1,048) voters cast an absentee ballot in the Hattiesburg Special Election. Absentee ballot applications and/or envelopes were received for one thousand forty-four (1,044) voters. Four (4) applications and/or envelopes were not provided by the Hattiesburg Municipal Clerk's Office.

Exhibit “A” attached hereto lists the statutory reasons for which a voter may cast an absentee ballot and provides the respective number of Hattiesburg voters who cast an absentee ballot for each statutory reason.

II.

APPLICABLE LAW

According to Mississippi law, the decision to accept or reject an absentee ballot for counting is made by the poll workers at each precinct. In elections in which direct recording electronic voting systems are utilized, such as the TSX voting machines utilized by Hattiesburg in its September 24, 2013 Special Election, the ***unopened*** absentee ballot envelopes of qualified voters who did not appear in person to vote in the polls are marked either ACCEPTED or REJECTED and placed in the ballot box/bag. (*Miss. Code Ann. § 23-15-639*). The absentee ballot envelopes marked ACCEPTED are opened at the Courthouse and counted by a centralized scanner.

The procedure by which the poll workers are to review the absentee ballot applications and envelopes is as follows:

1. After the polls close, poll workers remove the envelopes containing absentee ballots from the ballot box/bag. (*Miss. Code Ann. § 23-15-639(1)(a)*).
2. Poll workers announce the name, address, and precinct as shown on each absentee ballot envelope. (*Miss. Code Ann. § 23-15-639(1)(a)*).
3. Poll workers check for the clerk’s seal and initials on the application. An absentee ballot application must have the seal of the municipal clerk affixed to it and be initialed by the clerk or his/her deputy in order to be utilized to obtain an absentee ballot. (*Miss. Code Ann. § 23-15-627*). If the seal or initials are not present, the envelope shall be marked “REJECTED” with the reason for rejection marked thereon and placed in a “Rejected Absentee Ballot” envelope.
4. Poll workers ensure the application was signed by the voter. If the application was not signed by the voter, the envelope shall be marked “REJECTED” with the reason for rejection marked thereon and placed in a “Rejected Absentee Ballot” envelope.
5. Poll workers ensure the application and ballot envelope was acknowledged or witnessed as required by statute.
 - a. The municipal clerk or his/her deputy will complete the acknowledgement of the application and certificate on the ballot envelope for a voter who appears in person in the clerk’s office.
 - b. The acknowledgment need not be completed on the application for a voter casting an absentee ballot by reason of a temporary or permanent disability. However, a witness over the age of 18 must complete the witness attestation

on the application and ballot envelope. (*Miss. Code Ann. § 23-15-627*). The application and ballot envelope may not be completed at the same time; thus, the witness to the voter's signature on the application may be different from the witness to the voter's signature on the ballot envelope.

- c. Absent voters defined by the Armed Services Absentee Voting Law (*Miss. Code Ann. § 23-15-673*)("UOCAVA"), such as members of the military and U. S. citizens residing outside the territorial limits of the United States, may use a federal postcard application to request a ballot. The federal postcard application does not require an acknowledgment. An absentee ballot returned by e-mail or fax by a UOCAVA voter will be placed in an absentee ballot envelope by the clerk, who will complete the required information on the envelope and then note the ballot was received pursuant *Miss. Code Ann. § 23-15-699(4)*, meaning signature(s) across the flap of the envelope are NOT required.
- d. Excluding voters defined by UOCAVA or having a temporary or permanent physical disability, the application and ballot envelope must be acknowledged by one authorized to administer oaths for all voters casting an absentee ballot.

If the acknowledgment or witness is not completed or completed incorrectly, the envelope shall be marked "REJECTED" with the reason for rejection marked thereon and placed in a "Rejected Absentee Ballot" envelope. (*Miss. Code Ann. § 23-15-641*).

6. Poll workers ensure the signatures on the absentee ballot envelope are across the flap of the envelope. If the signatures are not across the flap, the envelope shall be marked "REJECTED" with the reason for rejection marked thereon and placed in a "Rejected Absentee Ballot" envelope. (*Miss. Code Ann. § 23-15-633*).
7. Poll workers compare the voter's signature on the application with the voter's signature on the back of the ballot envelope. If the signatures are **clearly** not the same, the envelope shall be marked "REJECTED" with the reason for rejection marked thereon and placed in a "REJECTED Absentee Ballot" envelope. (*Miss. Code Ann. § 23-15-641*).
8. Poll workers check the pollbook to see if the absentee voter voted in person in the precinct on Election Day. If the absentee voter did vote in person, the envelope shall be marked "REJECTED" with the reason for rejection marked thereon and placed in a "Rejected Absentee Ballot" envelope. (*Miss. Code Ann. § 23-15-641*).
9. If everything is in order, the UNOPENED envelope shall be marked "ACCEPTED" and placed in an "Accepted Absentee Ballot" envelope.
10. Poll workers enter the voter's name in the receipt book and mark "VOTED" with an "AB" by the voter's name in the pollbook as if the voter had been present and voted in person. (*Miss. Code Ann. § 23-15-639(1)(c)*).

11. The “Accepted” and “Rejected” ballot envelopes are placed in the ballot box/bag, sealed and delivered to the election commissioners at the Courthouse/central tabulating location. (*Miss. Code Ann. § 23-15-639(1)(c)*).

III.

PRECINCT BY PRECINCT SUMMARY REVIEW

The Office of the Secretary of State referred to the above checklist, available to all election officials in the *Poll Manager’s Guide* published by this Office, to conduct its precinct-by-precinct review of Hattiesburg’s absentee ballot applications and envelopes. Please note, absentee ballot envelopes marked “REJECTED” by the poll workers should not have been opened or counted at the Courthouse, while absentee ballot envelopes marked “ACCEPTED” by the poll workers should have been opened and counted at the Courthouse. The Office of the Secretary of State cannot make any determination as to whether ballot envelopes not marked by the poll workers were opened and/or counted at the Courthouse.

A.

DIXIE PINE

Two (2) absentee envelopes were properly marked REJECTED by the poll workers by reason of “wrong precinct,” meaning the voter had not cast his/her ballot in the correct precinct. Election officials should verify a voter’s registration and precinct in conjunction with his/her completion of an application and prior to casting an absentee ballot.

One (1) envelope was not marked REJECTED or ACCEPTED; however, this envelope should have been marked REJECTED because the witness/acknowledgement was not completed on the application nor was the same completed on the envelope.

Of the sixty (60) envelopes marked ACCEPTED by the poll workers, thirteen (13) did not satisfy the statutory requirements applicable to absentee voting:

- Four (4) voters provided no reason on the application for voting by absentee ballot;
- Two (2) envelopes did not have the required witness/acknowledgement; and,
- Seven (7) applications did not have the required witness/acknowledgement.

B.

HIGHLAND PARK

Three (3) absentee envelopes were properly marked REJECTED by the poll workers:

- One (1) application did not contain the clerk’s seal;
- One (1) voter cast his/her ballot in person at the precinct on Election Day; and,

- One (1) envelope did not have the voter's signature or the required witness/acknowledgement, and the attached application did not have the required witness/acknowledgement.

One (1) envelope was not marked REJECTED or ACCEPTED, but should have been marked ACCEPTED because the application and envelope appeared to satisfy the statutory requirements applicable to absentee voting.

Of the thirty (30) envelopes marked ACCEPTED by the poll workers, one (1) could have been marked REJECTED because the voter's signature on the application did not appear to match the voter's signature on the envelope. However, whether a voter's signature on an absentee application matches the voter's signature on the absentee envelope is wholly subjective.

C.

WESLEY MANOR

Six (6) absentee envelopes were properly marked REJECTED by the poll workers:

- One (1) envelope did not have the voter's signature or the required witness/acknowledgement and the attached application did not have the required witness/acknowledgement; and,
- Five (5) voters were not found in the pollbook. A voter's name which cannot be found in the pollbook may have cast his/her ballot in the wrong precinct or may not have been a registered voter of Hattiesburg. Election officials should verify a voter's registration and precinct in conjunction with his/her completion of an application and prior to casting an absentee ballot.

One (1) envelope was not marked REJECTED or ACCEPTED, but should have been marked REJECTED because the envelope did not have the voter's signature or the required witness/acknowledgement, and the attached application did not have the required witness/acknowledgement.

One (1) affidavit/absentee envelope was properly marked REJECTED because the individual was not a registered voter of Hattiesburg.

Of the fifty-nine (59) envelopes marked ACCEPTED by the poll workers, two (2) did not satisfy the statutory requirements applicable to absentee voting because the voters provided no reason on the application for voting by absentee ballot.

Of the fifty-nine (59) envelopes marked ACCEPTED by the poll workers, it should be noted nine (9) applications and envelopes were witnessed by an activity director of an assisted

living facility. Though the activity director may certainly act as an attesting witness to the voter's signature upon the absentee ballot application and envelope, it is unlawful for an activity director, or any employee of an assisted living facility, to request an absentee ballot application or absentee ballot for a resident unless he/she is designated by the voter to do so. Pursuant to § 23-15-625(3), *Miss. Code Ann.*, "[i]t shall be unlawful for any person to solicit absentee ballot applications or absentee ballots for persons staying in any skilled nursing facility . . . This prohibition shall not apply to: (a) a family member of the person staying in the skilled nursing facility; or (b) a person designated by the person for whom the absentee ballot application or absentee ballot is sought, the registrar or the deputy registrar."

D.

WEST HILLS/USM

Two (2) absentee envelopes were properly marked REJECTED by the poll workers:

- One (1) voter was not on the master list, meaning he/she was not a registered voter of Hattiesburg; and,
- One (1) voter's signature on the application does not appear to match the voter's signature on the envelope.

Following a challenge, three (3) absentee envelopes were marked REJECTED by the poll workers because "he/she is not the registered voter under whose name he/she has applied to vote (signatures are different)."

One (1) envelope was not marked REJECTED or ACCEPTED, but appeared to have been REJECTED by the poll workers who noted on the envelope "he/she is not the registered voter under whose name he/she has applied to vote. (signatures not same) challenged and determined REJECTED."

Though the determination whether a voter's signature on the application matches the voter's signature on the envelope is subjective, these voters' signatures on their respective applications and envelopes appear to match, and all applications and envelopes were completed in the Municipal Clerk's Office, having been witnessed/acknowledged by a municipal deputy clerk.

Of the twenty-eight (28) envelopes marked ACCEPTED by poll workers, one (1) did not satisfy the statutory requirements applicable to absentee voting because the application did not have the required witness/acknowledgement.

E.

SIGLER CENTER/BLAIR

Three (3) absentee envelopes were properly marked REJECTED by the poll workers because no application was attached to these envelopes.

Three (3) absentee envelopes were also marked REJECTED by the poll workers but all appeared to satisfy the statutory requirements applicable to absentee voting.

Two (2) affidavit/absentee envelopes were properly marked REJECTED because the voters were not registered to vote in the City of Hattiesburg.

Of the thirty (32) envelopes marked ACCEPTED by poll workers, one (1) did not satisfy the statutory requirements applicable to absentee voting because the voter did not provide a reason on the application for voting by absentee ballot.

F.

ROWAN

Eleven (11) absentee envelopes were properly marked REJECTED by the poll workers:

- One (1) envelope did not have the voter's signature or the required witness/acknowledgment and no application was attached;
- One (1) envelope did not have the required witness/acknowledgement and no application was attached;
- Six (6) applications and envelopes did not have the required witness/acknowledgement;
- One (1) voter provided no reason on his/her application for voting by absentee ballot and the application and envelope were witnessed as opposed to acknowledged by one authorized to administer oaths;
- One (1) envelope did not have the required witness/acknowledgement; and,
- One (1) application did not have the voter's signature or the required witness/acknowledgement.

Three (3) absentee envelopes were also marked REJECTED by the poll workers but all appeared to satisfy the statutory requirements applicable to absentee voting.

One (1) envelope was not marked REJECTED or ACCEPTED, but should have been marked ACCEPTED because the application and envelope appeared to satisfy the statutory requirements applicable to absentee voting.

Two (2) affidavit/absentee envelopes were properly marked REJECTED:

- 1 voter purged from the Statewide Election Management System (“SEMS”); and,
- 1 voter was not on the pollbook because he/she cast the absentee ballot in the wrong precinct, having moved residence without updating his/her registration.

One (1) affidavit/absentee envelope was improperly marked REJECTED because the voter was an active, registered voter in SEMS, and not “purged per Forrest County” as was noted on the envelope.

Of the one hundred twenty-five (125) envelopes marked ACCEPTED by the poll workers, seven (7) did not satisfy the statutory requirements applicable to absentee voting:

- Two (2) applications and envelopes were incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths (voters not temporarily or permanently disabled);
- One (1) application did not have the required witness/acknowledgment;
- Two (2) voters’ signatures on their respective applications did not appear to match the voters’ signatures on their respective envelopes;
- One (1) application and envelope did not have the required witness/acknowledgement; and,
- One (1) envelope did not have the required witness/acknowledgement.

G.

TRAIN DEPOT

One (1) envelope was properly marked REJECTED by the poll workers by reason of “wrong precinct.”

One (1) envelope was also marked REJECTED by the poll workers but appeared to satisfy the statutory requirements applicable to absentee voting.

Six (6) affidavit/absentee envelopes were properly marked REJECTED; however, the reasons provided for marking these envelopes REJECTED were incorrect because all voters were found in SEMS, meaning all voters were, at one time, registered voters.

Nineteen (19) envelopes were not marked as ACCEPTED or REJECTED by the poll workers. Of those nineteen (19) envelopes, fifteen (15) envelopes should have been marked as REJECTED:

- Three (3) did not have an application attached;
- Four (4) envelopes did not have the required witness/acknowledgement;
- Three (3) applications did not have the required witness/acknowledgement;
- Two (2) applications did not have the voter’s signature;

- One (1) application did not have the clerk's initials;
- One (1) application and envelope were incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths; and,
- One (1) envelope did not have the voter's signature or the required witness/acknowledgement.

Four (4) of the nineteen (19) envelopes which were not marked ACCEPTED or REJECTED by the poll workers should have been marked ACCEPTED as all appeared to satisfy the statutory requirements applicable to absentee voting.

Of the one hundred forty-two (142) envelopes marked ACCEPTED by the poll workers, eleven (11) did not satisfy the statutory requirements applicable to absentee voting:

- Four (4) envelopes did not have applications attached;
- One (1) voter provided no reason on the application for voting by absentee ballot;
- One (1) voter's signature is in the handwriting of the witness, or vice versa;
- Two (2) applications did not have the required witness/acknowledgement;
- Two (2) envelopes did not have the required witness/acknowledgement; and,
- One (1) application and envelope were incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths.

H.

GRACE CHRISTIAN

Three (3) envelopes were properly marked REJECTED by the poll workers:

- Two (2) applications did not have the voter's signature or the required witness/acknowledgement, and both respective envelopes did not have the required witness/acknowledgement; and,
- One (1) envelope did not have an application attached.

One (1) envelope was also marked REJECTED by the poll workers but appeared to satisfy the statutory requirements application to absentee voting.

Two (2) envelopes were not marked ACCEPTED or REJECTED by the poll workers, but should have been marked ACCEPTED because the applications and respective envelopes appeared to satisfy the statutory requirements applicable to absentee voting.

Of the forty-five (45) envelopes marked ACCEPTED by the poll workers, three (3) did not satisfy the statutory requirements applicable to absentee voting:

- One (1) application did not have the voter's signature;

- One (1) application did not have the required witness/acknowledgement; and,
- One (1) application did not have the clerk's initials.

I.

BURGER CENTER/USO

Nine (9) envelopes were properly marked REJECTED by the poll workers:

- One (1) envelope did not have the required witness/acknowledgement or the application attached;
- One (1) application did not have the voter's signature or the required witness/acknowledgement (blank application);
- One (1) application did not have the voter's signature or the required witness/acknowledgement and the envelope did not have the required witness/acknowledgement;
- Two (2) envelopes did not have the required witness/acknowledgement;
- Two (2) applications and envelopes did not have the required witness/acknowledgement;
- One (1) application did not have the voter's signature (deputy clerk's signature appears on signature line for voter); and,
- One (1) envelope did not have the application attached but was marked REJECTED by the poll workers by reason of "wrong precinct."

Four (4) envelopes were also marked REJECTED by the poll workers but appeared to satisfy the statutory requirements applicable to absentee voting.

Two (2) affidavit/absentee envelopes were improperly marked REJECTED for the stated reason of "not registered and no evidence of registration." Both voters were registered to vote in the city of Hattiesburg. Therefore, neither voter was required to vote by an affidavit/absentee ballot and both envelopes should have been marked ACCEPTED.

One (1) envelope was not marked ACCEPTED or REJECTED by the poll workers, but should have been marked ACCEPTED because the application and respective envelope appeared to satisfy the statutory requirements applicable to absentee voting.

Of the eighty-two (82) envelopes marked ACCEPTED by the poll workers, seven (7) did not satisfy the statutory requirements applicable to absentee voting:

- One (1) envelope did not have an application attached, but was marked "accepted for late entry by all" by the poll workers;
- Two (2) envelopes did not have the required witness/acknowledgement;
- One (1) voter's name was not posted on the absentee voter list;

- One (1) application did not have the voter’s signature; and,
- Two (2) applications did not have the required witness/acknowledgement.

J.

THAMES

Fifteen (15) envelopes were properly marked REJECTED by the poll workers:

- Seven (7) envelopes did not have an application attached;
- Two (2) envelopes were marked as REJECTED by reason of “wrong precinct;”
- Two (2) applications did not have the clerk’s initials (one envelope was incorrectly marked REJECTED by the poll workers by reason of “no notary seal”); and,
- Four (4) applications did not have the voter’s signature.

Four (4) envelopes were also marked REJECTED by the poll workers but appeared to satisfy the statutory requirements applicable to absentee voting. Two (2) of these four (4) envelopes were improperly marked REJECTED by reason of “no notary seal.” A notary public or other officer having the authority to administer an oath who acts as an attesting witness must provide his/her signature, “together with his title and address, but no seal.” (*Miss. Code Ann. § 23-15-631(c)*).

One (1) affidavit/absentee envelope was properly marked REJECTED; however, the reason provided for marking this envelope REJECTED was incorrect. The voter was registered in SEMS, but registered too late to be able to cast his/her absentee ballot in the election.

Of the one hundred twenty-seven (127) envelopes marked ACCEPTED by the poll workers, seven (7) did not satisfy the statutory requirements applicable to absentee voting:

- Two (2) applications did not have the clerk’s initials;
- One (1) voter provided no reason on the application for voting by absentee ballot;
- One (1) envelope did not have an application attached;
- One (1) application did not have the required witness/acknowledgement;
- One (1) application and envelope did not have the required witness/acknowledgement; and,
- One (1) application and envelope were incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths.

K.

CAMP SCHOOL

Three (3) envelopes were properly marked REJECTED by the poll workers:

- One (1) envelope did not have the voter’s signature;
- One (1) application did not have the clerk’s initials; and,
- One (1) envelope did not have an application attached.

Three (3) envelopes were improperly marked REJECTED by the poll workers:

- Two (2) UOCAVA envelopes were marked REJECTED by reason of “no voter signature on the envelope.” By statute, no signature is required on the absentee ballot envelope of a UOCAVA voter returning his/her ballot by e-mail or fax. (*Miss. Code Ann. § 23-15-699(4)*); and,
- One (1) application and envelope appeared to satisfy the statutory requirements applicable to absentee voting.

Of the seventy (70) envelopes marked ACCEPTED by the poll workers, five (5) did not satisfy the statutory requirements applicable to absentee voting:

- One (1) envelope did not have the required witness/acknowledgement;
- Two (2) voters provided no reason on the applications for voting by absentee ballot;
- One (1) envelope was incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths; and,
- One (1) application did not have the required witness/acknowledgement.

Of the seventy (70) envelopes marked ACCEPTED by the poll workers, it should be noted three (3) envelopes were witnessed by an employee of an assisted living facility. Pursuant to § 23-15-625(3), Miss. Code Ann., “[i]t shall be unlawful for any person to solicit absentee ballot applications or absentee ballots for persons staying in any skilled nursing facility . . . This prohibition shall not apply to: (a) a family member of the person staying in the skilled nursing facility; or (b) a person designated by the person for whom the absentee ballot application or absentee ballot is sought, the registrar or the deputy registrar.”

L.

KAMPER PARK

Two (2) envelopes were properly marked REJECTED by the poll workers:

- One (1) envelope by reason of “wrong precinct;” and,
- One (1) envelope did not have the required witness/acknowledgement or an attached application.

Of the fifty-three (53) envelopes marked ACCEPTED by the poll workers, six (6) did not satisfy the statutory requirements applicable to absentee voting:

- One (1) envelope did not have an application attached;
- Two (2) applications did not have the required witness/acknowledgement;
- One (1) application did not have the clerk's initials;
- One (1) envelope was incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths; and,
- Two (2) applications were provided to one voter (one (1) completed in the municipal clerk's office and a 2nd application mailed to the voter); the 2nd application was witnessed as opposed to acknowledged by one authorized to administer oaths.

M.

TIMBERTON

Four (4) envelopes were properly marked REJECTED by the poll workers:

- One (1) envelope did not have the required witness/acknowledgement or an attached application,
- One (1) envelope and application did not have the required witness/acknowledgement,
- One (1) application did not have the voter's signature and the envelope did not have the required witness/acknowledgement; and,
- One (1) envelope was marked REJECTED because the voter cast his/her ballot in the wrong precinct.

One (1) envelope was also marked REJECTED by the poll workers but appeared to satisfy the statutory requirements applicable to absentee voting.

One (1) envelope was not marked ACCEPTED or REJECTED, but should have been REJECTED because no application was attached.

Of the fifty-six (56) envelopes marked ACCEPTED by the poll workers, six (6) did not satisfy the statutory requirements applicable to absentee voting:

- One (1) application did not have the clerk's initials;
- One (1) envelope and application were incorrectly witnessed as opposed to acknowledged by one authorized to administer oaths;
- Two (2) applications did not have the required witness/acknowledgement;
- One (1) voter, who cast his/her absentee ballot by mail, was ineligible to receive an absentee ballot by mail, providing the reason "I am required to be at work on election day during the times at which the polls will be open" on his/her application. Mississippi law limits those who may vote by absentee ballot by mail to (1) persons temporarily residing out of the county of their residence, (2) persons having a

temporary or permanent physical disability, (3) persons who are 65 years of age or older, or (4) any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his/her county or residence or more than 50 miles away from his/her residence, and such parent, spouse or dependent will be with such person on election day. (*Miss. Code Ann. 23-15-715(b)*); and,

- One (1) envelope did not have the required witness/acknowledgement.

N.

NORTH HEIGHTS

Three (3) envelopes were properly marked ACCEPTED by the poll workers.

IV.

ASSISTANCE AND DELIVERY

In completing a review of the absentee ballot applications and envelopes, certain names became familiar. One particular individual provided assistance to eleven (11) voters, all of whom were voting absentee ballot by mail by reason of a temporary or permanent physical disability. Of these eleven (11) absentee ballots, three (3) were properly marked ACCEPTED, while four (4) were improperly marked ACCEPTED; two (2) were improperly marked REJECTED; and, two (2) were not marked ACCEPTED or REJECTED. Those envelopes improperly marked ACCEPTED, and those not marked ACCEPTED or REJECTED should have been REJECTED because the individual providing assistance did not complete the Certificate of the Attesting Witness on the absentee ballot envelope.

Another individual requested an absentee ballot application and/or absentee ballot for more than seven (7) individuals. Absentee ballot applications are only to be furnished to a person upon the oral or written request of the voter who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for the voter's affairs or an agent of the voter may request an absentee ballot application on behalf of the voter. (*Miss. Code Ann. § 23-15-627*). Though the name of the individual "delivering" applications to these seven (7) voters does not indicate a familial relationship, information is insufficient to make a determination as to whether this individual acted in violation of the law.

EXHIBIT "A"

Reasons for Voting Absentee	A. Dixie Pine	B. Highland Park	C. Wesley Manor	D. West Hills/USM	E. Sigler Center/Blair	F. Rowan	G. Train Depot	H. Grace Christian	I. Burger Center/USO	J. Thames	K. Camp School	L. Kamper Park	M. Timberton	N. North Heights	Totals
Presidential Applicant Only	1										1				2
Currently a Resident or Have Moved within 30 Days															
Enlisted, or Spouse of Enlisted Individual	1	1													2
Merchant Marines, American Red Cross Member, or Spouse of Member									1						1
Disabled War Veteran Patient in Hospital, or Spouse or Dependent															
Civilian Attached to and Serving Outside the US in Armed Forces, or Dependent								1							1
Temporarily Residing Outside the US					1			1	1	2					5
Student, Teacher or Administrator of School outside Voting Residence	1	2	2	4	3	5	5	1	6	17	7	9	1		63
Outside County on Election Day	19	15	24	21	17	45	62	13	33	90	36	18	22		415
Temporary or Permanent Disability	16	3	16	3	7	36	47	17	33	11	11	15	10		225
Sixty-five (65) years or older	14	4	24	3	5	27	37	13	11	17	19	13	12		199
Parent, Spouse, or Dependent of Person with Disability who is Hospitalized	1	14				1	3	1							19
Required to be at Work on Election Day	11		6	4	5	22	11	8	10	7	8	10	10	3	115
No Reason Given	4		2		1	3	2		2	1	2		1		18
Member of Congressional Delegation or Spouse/Dependent of C.D.															