



August Newsletter

THOUGHTS FROM THE DIRECTOR:

LATOYA THOMPSON, ESQ

Hello Voter Protection Partners! Mississippi House Bill 1521 was enacted on July 8, 2020. It extended Mississippi's mail-in ballot deadline and removed Mississippi from the unfavorable position of being [one of two states that required mail-in ballots be received before Election Day to be counted](#). But many felt, including our Mississippi Democratic Party voter protection team, that it did not do enough.

To achieve any measure of election reform in Mississippi is notable, and so we wanted to dedicate this newsletter to the background and content of House Bill 1521. We also thought it important to note what the law did not provide and to share the work that must continue around the law to ensure that our elections are smooth and every eligible vote counts in November. Admittedly, it is happening slowly, but Mississippi is progressing through our collective work. Fight with us to ensure that all the gains made in House Bill 1521 are upheld this fall in the general election.

[Sign up to protect the vote!](#)

Mississippi House Bill 1521: Expanding Absentee Voting

“ . . . Mississippi's absentee ballot procedures are among the most, if not the most, burdensome in this country.” These were the words of Barbara O'Neil, William Sewell, Julianne Huber, Maggie George, and the Mississippi State Conference of the NAACP who filed suit in federal court in Jackson, Mississippi, on November 21, 2018. They complained about the “onerous” process Mississippians must navigate in order to cast an absentee ballot if they are unable to vote on Election Day, particularly if voting by mail.

They noted that Mississippi voters must satisfy one of a limited number of excuses in order to vote absentee. Then the voter must request an absentee ballot application. The application must be an original form bearing the circuit clerk's seal and initials, which means it must be obtained by going to the circuit clerk's office or waiting on the circuit clerk to deliver it by mail. Upon receiving the application, the voter must have the application signed by an official authorized to administer oaths, and if voting by mail, must also get postage and mail the ballot application. When the absentee ballot arrives, the voter must have it signed by an official authorized to administer oaths, get postage and mail the ballot, which at the time was required to be received by the circuit clerk *before* Election Day.

Plaintiffs argued that the combination of Mississippi's early deadline for receipt of ballots and burdensome absentee ballot process disenfranchised eligible voters from voting in the 2018 U.S. Senate runoff between Mike Espy and

Cindy Hyde-Smith. The pertinent sections of Mississippi law did not provide adequate time to obtain a ballot after that general election was certified on November 16, 2018, and then return it by mail before the deadline, which was the day before the election, November 26, 2018.

The trial court recognized that this timeline was “tight -- if not impossible -- for some voters,” especially persons voting by mail and particularly for persons in counties where the circuit clerk mailed the application and ballot separately. Plaintiffs lost their request to extend the November 26 receipt deadline for mailed ballots. However, the case remains active, and House Bill 1521 was introduced during the 2020 legislative session in response to *O’Neil v. Hosemann*’s demands for a longer period to mail in ballots and the mandated sending of the application and ballot together.

Major Changes in the Bill

The bill eventually passed both houses, was approved by the Governor on Wednesday, July 8, 2020, and went into effect immediately upon passage. The bill changed numerous things about absentee voting. Two changes were directly in response to *O’Neil*. First, the mail-in ballot deadline was extended. Now ballots must be postmarked on Election Day and received within five business days after the election. Second, absentee ballot applications now allow a voter to opt to receive a runoff ballot along with the primary/general/special election ballot, or the voter will receive the runoff ballot application and runoff ballot mailed together when a runoff ballot application is requested.

Additionally, two significant temporary changes were made in light of COVID-19 and are only in effect this year. One was that the in-person absentee voting deadline was extended from 12:00 noon to 5:00 pm on the Saturday before the election, which will be October 31, 2020 this year. The other was that persons who are under a physician-imposed quarantine due to COVID may qualify as temporarily physically disabled and may vote absentee. Persons who meet this qualification may vote absentee by mail or in person.

Not Enough

“Members of the Democratic Caucus in both houses who serve on the Elections Committee worked extremely hard to raise awareness and push for reform that would have helped to ensure safe, secure, and accessible elections during COVID-19. While HB 1521 provides for some incremental change, specifically relative to absentee voting, it does not go far enough to address the public health issues for voter participation.” Rep. Zakiya Summers, House Elections Committee member. Many of us were dissatisfied that the bill did not make allowance for all Mississippi voters to vote absentee during the health pandemic. Pre-pandemic, 34 states required no excuse to vote absentee. While some additional states have made voting more accessible during the pandemic, [Mississippi is one of 9 states that still require an excuse.](#)

Even our Republican Secretary of State [lobbied for legislation that would potentially allow all Mississippi voters to vote absentee in-person during a state of emergency due to the COVID-19 pandemic.](#) but the majority of our legislature failed to see the need. “We have seen the many problems that voters and poll workers have experienced in other states that have held elections amid this global pandemic. Mississippi had an opportunity to learn from those events in order to provide the confidence and the accessibility our voters need to exercise their civic duty while also reducing person to person contact between voters and election officials. Measures like online voter registration, no-excuse absentee voting, and early voting not only protect the voting rights of Mississippians, but also protect the health and safety of voters. No one should have to choose between their health and participating in democracy.” Rep. Zakiya Summers, House Elections Committee member.

Voter Protection Work Around House Bill 1521

Our team worked hard for the passage of HB 1521, talking to legislators and phone banking voters to talk to their legislators to support passage. We, like many, were disappointed that the final bill offered so little. However, we realize these changes will be substantial for voters and county local election officials. And the changes will be confusing. We have heard some local county election officials express uncertainty about the changes. Even the Secretary of State says [he will obtain an Attorney General Opinion to get clarification about the new law.](#)

Once the law passed we immediately began a long-term voter education program, creating trainings for our volunteers and an explanatory video for interested persons. It is our goal to make sure every voter eligible to vote absentee knows step-by-step how to vote under the new law. We are also encouraging everyone eligible to vote absentee to do so early so that we can intervene when necessary to make sure every vote counts.

[Overall turnout among voters casting ballots for Democratic presidential candidates so far this year has already surpassed primary season levels in 2016.](#) An increased desire to vote absentee is a national trend, [even in Mississippi, with some states seeing as many as 10 times the number of absentee ballot requests for primaries as before.](#) With so many expected to vote absentee, so many who need to vote absentee to vote safely during the pandemic, and so little legislative response to these needs, our job is perhaps more important than ever before.

What we learned from the *O'Neil* case and from our phone banking in support of HB 1521 is that we can make a difference when we fight to protect our votes, whether by litigation, voter education, legislative advocacy, or other ways. Join us in this fight to protect perhaps the most important election of our lifetime! We need to make sure we have enough poll workers, poll watchers and hotline volunteers to ensure that every vote counts in November.

[Sign up today!](#)

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Mississippi News Desk

1. **“Tyree Irving elected first Black leader of Mississippi Democratic Party since 1998”**

Former Mississippi Court of Appeals Judge Tyree Irving was elected chair of the Mississippi Democratic Party on Saturday, becoming the first Black leader of the party since 1998.

2. **“Many states are allowing anyone to vote by mail during the pandemic Not Mississippi”**

Many states have dramatically expanded vote-by-mail access during the pandemic, but not Mississippi. Magnolia State voters still must either show up to their polling place in November or swear to one of several excuses to obtain a mail-in ballot. Lawmakers did make several tweaks to the state's election system before leaving the Capitol earlier this month, including adding an excuse for voters under quarantine for COVID-19.

3. **“Former Gov. Ray Mabus: Mississippi should honor John Lewis by making voting simple, universal”**

There are very few people who deserve to be called a hero. But, under any criteria, Congressman John Lewis is one of the great American heroes in our country's history. His story is rightfully well known, especially given the focus on his life and monumental achievements after his death at 80 on July 17.

National News Desk

4. **“Why Trump Can't Count on COVID-19 to Suppress the Vote for Him”**

We are nearly done with the 2020 presidential primaries. Connecticut on August 11 will wrap up that part of the cycle. And while there remain a goodly number of down-ballot primaries and runoffs (19, to be exact, with Delaware bringing it to a close on September 15), we've seen enough votes cast to get a sense of how much COVID-19 has damaged voter turnout.

5. **“Nearly 1 million people voted in Tuesday's Democratic runoff. The party says it's a sign of strength to come in November.”**

Voter turnout under 6% may not seem like an achievement for democracy, but it made Texas Democrats optimistic Wednesday as they look to break Republicans' statewide dominance this fall.

6. **'Swing County, USA' Prepares For Unprecedented Influx Of Ballots By Mail**

But a few months from now, on Election Day, this is where the county plans to have a couple of dozen people processing what it expects could be 100,000 mail-in ballots, nearly triple what they handled in the June 2 primary and 15 times what they handled in November 2016.