NAACP

Office of the General Counsel

November 6, 2026

Election Commissioners and Circuit Clerks:

As County Election Commissions prepare to fulfill their post-Election Day duties to finalize the vote count for the November 3, 2026, election, we write to ensure that Commissions and Circuit Clerks across the state follow the laws and procedures of Mississippi's affidavit and mail-in ballot counting structure.

- Pursuant to Mississippi Code § 23-15-523(1), when the County Election Commission convenes to inspect verify and count the affidavit and mail-in ballots, members of the public are permitted to be present for this process.
- Mississippi Code § 23-15-573(3)(d) provides that voters have five (5) "business days" after Election Day to cure affidavit ballots that were cast for photo ID issues.
- Similarly, Mississippi Code § 23-15-637(1)(a) provides that absentee ballots that were postmarked by Election Day may be received by the Circuit Clerk within five (5) "business days" after Election Day.

Under Mississippi law, therefore, **voters have until the end of day Tuesday, November 10 2026**, to present ID and cure their affidavit ballots. In addition, timely-postmarked absentee **ballots that arrive by the end of day on November 10, 2026 must be counted**.

Additionally, please accept this as notice that members and staff of the NAACP will be present when the Commission convenes to canvass and count affidavit ballots. Please provide notice of the location and time of the Commission's first convening no later than 6:00pm on Friday, November 6, 2026 via e-mail at mmeyers@naacpnet.org. You also may call at (667) 219-0901.

On November 5, 2026, attorneys from Lex Politica circulated a letter to your offices. In that letter, Lex Politica made several demands that are not grounded in law or fact. Specifically, Lex Politica claimed the following:

- That each county must separate affidavit ballots. To be clear, Lex Politica cites the Help American Vote Act (HAVA) for this point. *This is not accurate and* ***only applies to provisional ballots cast after the regular poll-closing time.*** Moreover, there is no basis for county election commissioner to devise new rules and procedures for handling ballots in the middle of a counting process that is well underway.
- That each county must track extraordinary information for affidavit ballots. Simply put, ***there is no requirement to record the date and time of when an affidavit ballot is cured under Miss. Code Ann. § 23-15-573(3)(d)***.
- ***The is no law that requires a ballot "box examination" for U.S. Senate contests under the statute cited by Lex Politica***, Miss.Code Ann. § 23-15-911(2).

Finally, we encourage each county to share information with the public. Please post on your county website or provide other public notice on (i) the total number of affidavit ballots, (ii) the total number of requested absentee ballots, the total sent out, and the total returned, and (iii) the time, date and location of when your county Election Commission will next meet.

Sincerely,

Kristen M. Clarke
Anthony P. Ashton
/s/ Max L. Meyers
Office of General Counsel