



December 3, 2024  
*Via Email*

The Honorable Michael Watson  
Mississippi Secretary of State's Office  
401 Mississippi Street  
Jackson, Mississippi 39201

Dear Secretary Watson:

Disability Rights Mississippi, the Legal Defense Fund, and the Mississippi State Conference of the NAACP are reaching out due to our deep concern over your office's last-minute, unilateral decision to shorten the timeline for voters in the November 26, 2024 runoff election to return their mail-in absentee ballots and to cure affidavit ballots cast for photo ID defects. The decision to count Friday, November 29, 2024, as a "business day" disregards Mississippi law, which will lead to voter confusion and undermine the ability of Mississippi voters to participate in the electoral process. **We request that you immediately communicate to county election officials that the deadline to return mail-in absentee ballots and to cure affidavit ballots is Thursday, December 5, as required by state law.**

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. With Governor Tate Reeves declaring Thursday, November 28, and Friday, November 29, as legal holidays,<sup>1</sup> it is clear under Mississippi law that voters should have until December 5, 2024, to cure their affidavit ballots and to ensure their absentee ballots arrive and are counted. Indeed, your office published December 5 as the deadline for affidavit cure and absentee ballot return in your 2024 Elections Calendar, which is currently published on your website.<sup>2</sup>

However, reports indicate that your office has circumvented these statutory provisions and pushed forward the relevant deadlines by counting November 29th as a "business day," despite it being a state-declared legal holiday. The Mississippi Code defines "business day" as "any day that is not a Saturday, Sunday, or legal holiday." *See, e.g.,* Miss. Code Ann. § 85-7-401. Similarly, the definition of "working day" under Mississippi

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<sup>1</sup> [https://www.sos.ms.gov/content/documents/ed\\_pubs/holidays/thanksgiving.christmas.and.new.years.2024.pdf](https://www.sos.ms.gov/content/documents/ed_pubs/holidays/thanksgiving.christmas.and.new.years.2024.pdf).

<sup>2</sup> <https://www.sos.ms.gov/content/documents/Elections/2024%20Website%20Calendar.pdf>.

law excludes “legal holiday[s].” *See, e.g., id.* § 77-13-3. The Governor’s October 16, 2024 proclamation clearly declares Friday, November 29 as a legal holiday “in further observance of the Thanksgiving holiday.”<sup>3</sup> By any reasonable interpretation, November 29, 2024, was not a business day under Mississippi law, and counting it as such deprives voters of their rightful opportunity to return and cure ballots.

Your decision shortens the time voters have to ensure their votes are counted with no notice to voters about this last-minute change—an especially egregious action given the timing around Thanksgiving, a period when many individuals are traveling or otherwise unable to access their Circuit Clerk’s office. Reducing by one day the amount of time that voters can return or cure their ballots significantly diminishes access to the right to vote for many voters, particularly given the fact that the Secretary of State’s office provided voters no notice of its last-minute shortening of the deadline. Moreover, County Circuit Clerks’ offices were closed on Friday, November 29, meaning that voters who wanted to cure their ballots that day were unable to do so.

This is particularly troubling in light of the extremely close race for the Central District Mississippi Supreme Court seat. According to your office’s reports as of November 27, 2024, the number of outstanding absentee and affidavit ballots exceeded the vote differential in this race.<sup>4</sup> The decision to count November 29th as a business day will disenfranchise voters, especially those who are elderly, have disabilities, lack transportation, or were otherwise unable to cure their ballots during the shortened period.

Your office’s decision to ignore Mississippi law and to move forward a critical deadline without any notice to voters undermines the right of voters to access the ballot box in a free and fair manner. Mississippi’s election laws are clear, and it is your duty as Secretary of State to uphold them, not reinterpret them unilaterally.

**This action sets a dangerous precedent, eroding the principles of free and fair elections.** It is incumbent upon you to rectify this overstep, ensure all lawful votes are counted, and safeguard the public’s faith in our democratic processes.

**We urge you to take immediate action to clarify and uphold the statutory provisions regarding returning and curing ballots by communicating to county election officials that the relevant deadlines fall on Thursday, December 5, as required by state law. Please provide a response to inform us about the steps you will take to address these issues by 10am tomorrow, Wednesday, November 4.** This will help to ensure that voters in this and future elections are afforded the full protections guaranteed by Mississippi law.

Sincerely,

*/s/ Polly Tribble*

Polly Tribble

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<sup>3</sup> [https://www.sos.ms.gov/content/documents/ed\\_pubs/holidays/thanksgiving.christmas.and.new.years.2024.pdf](https://www.sos.ms.gov/content/documents/ed_pubs/holidays/thanksgiving.christmas.and.new.years.2024.pdf).

<sup>4</sup> <https://www.clarionledger.com/story/news/politics/elections/2024/11/26/ms-judicial-runoff-race-results-for-supreme-court-court-of-appeals/76449177007/>.

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