Secure Democracy
FOUNDATION

Affidavit Ballots Will Determine Outcome of Mississippi Senate Race

The U.S. Senate race in Mississippi remains too close to call while election officials continue to count and verify outstanding ballots. In addition to mail ballots postmarked by Election Day arriving up to five days after Election Day (only 1,140 in 2024), election officials will also need to verify an estimated 15,000 affidavit (provisional) ballots. This delay stems from a unique, untested process election officials used to maintain the state's list of registered voters, which led to many voters being moved to inactive status before Election Day.

Why were voters moved to "inactive" status?

In July 2025, Secretary of State Michael Watson announced an effort to use Experian credit-reporting data to verify voter addresses. Voters whose addresses were flagged were moved to "inactive" status and were required to cast affidavit ballots at their polling place. **Experian has explicitly told the federal Election Assistance Commission, "we don't verify residency," and Mississippi previously sued Experian over flaws in data.**

In March, Mississippi Today reported that this effort had impacted at least 50,000 voters statewide, including up to 20% of registered voters in certain counties. The most impacted counties include predominantly Black rural communities in the Mississippi Delta and southwest Mississippi as well as major university hubs, where students frequently change residences.

This week, Mississippi Today reported that as many as one in nine voters statewide (over 230,000 voters) were moved to inactive, including up to one in five voters in DeSoto and Wilkinson Counties. DeSoto County is a 33% Black county south of Memphis, which accounted for over a third of all inactivations in the state between the March primaries and the November general election. Wilkinson County is a small, rural, majority-Black county in southwest Mississippi along the Louisiana border.

Because of these high inactivation rates, areas such as DeSoto County, Harrison County, and Mississippi Delta counties, including Coahoma and Bolivar, experienced higher-than-normal volumes of affidavit ballots.

What are affidavit ballots?

In Mississippi, an affidavit ballot is another name for a provisional ballot. Voters must use these ballots when their eligibility is questioned when they offer to cast a ballot. **Mississippi law requires any voter placed on inactive status to cast an affidavit ballot rather than a regular ballot.**

When a voter is provided an affidavit ballot, they must provide basic information, such as name, residence and mailing addresses (current and previous), date of birth, the last four digits of their Social Security number or Mississippi driver's license number, telephone number, and the voter's signature.

What happens after election officials verify outstanding ballots?

County election commissioners review, verify, and either accept or reject affidavit ballots during the official canvass (voters lacking ID have a separate statutory window to present identification). Once commissioners determine which of the outstanding ballots will count, they complete the count and canvass the results. During the canvass, the commissioners review the information provided by poll managers and compile a countywide report of results for each race on the ballot. Because the Senate election is a statewide race, county commissioners forward their countywide report to the secretary of state. For the 2026 election, commissioners must complete this process by Friday, Nov. 13.

After receiving each county's returns, the secretary of state compiles the statewide results to determine the winning candidate. For the 2026 election, the secretary must complete this process by Thursday, Dec. 3. The Governor then certifies the winner based on the secretary's results.

Mississippi law does not require mandatory or requested election recounts. Candidates wishing to contest an election may file a petition in circuit court. The court will decide the contest through a judicial proceeding that includes presenting the issues to a jury, which will ultimately decide the election winner based on the evidence and arguments presented by the candidates.

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