THE FIRM OF RECORD

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November 5, 2026

VIA ELECTRONIC MAIL AND PUBLIC RELEASE

TO ALL 82 MISSISSIPPI COUNTIES
ATTN: County Election Commissioners and Circuit Clerks

Re: Demand to Separate and Preserve Affidavit Ballots from the November 3, 2026 General Election

Dear Election Commissioners and Circuit Clerks:

We represent Senator Cindy Hyde-Smith, a candidate for United States Senate in the November 3, 2026 general election, and her campaign committee, Cindy Hyde-Smith for U.S. Senate. We write to demand the immediate separation, secure custody, and preservation of all affidavit ballots cast in the November 3, 2026, general election. Each county must maintain these ballots and their associated records separate and apart from other 2026 general election ballots throughout the duration of the canvass, certification, and completion of the election process, as required by Mississippi and federal law.

These measures are necessary to ensure that each affidavit ballot's eligibility for counting and ultimate disposition can be verified. As you know, under Mississippi law, each affidavit ballot must be sealed in an envelope bearing the voter's written and signed affidavit and name, and affidavit voters must be recorded in a separate receipt book. *See* Miss. Code Ann. § 23-15-573(1)(c), 2(a)-(f), (3)(a). Election commissioners must then examine the relevant records and determine whether each ballot may lawfully be counted. *Id.* § 23-15-573(3)(c). The County Election Commission is responsible for verifying the affidavit ballot envelopes and counting legally cast ballots. *See* 2026 County Election Handbook, § XVII(A), p. 55-56. Because these ballots and records are potential evidence in any box examination under § 23-15-911, election contest, or proceeding before the United States Senate, Candidate Hyde-Smith is entitled to their preservation in an unaltered and identifiable state.

Accordingly, the campaign demands that each county:

1. **Maintain all affidavit ballots separately from regular and absentee ballots.** Secure and preserve affidavit ballots and original envelopes as a distinct group, separate from all other general election ballots. This includes accepted, rejected, unresolved, and cured affidavit ballots.[1]

[1] The Help America Vote Act, 52 U.S.C. § 21082, separately requires that any provisional ballot cast after the regular poll-closing time under a court or other order extending voting hours be kept separate from other provisional ballots. *Id.* § 21082(c).

2. **Document each ballot's disposition.** Maintain records of acceptance, rejection, or unresolved status, the basis for the determination, and any timely cure. For affidavit ballots subject to the five-business-day voter-ID cure period, preserve timely submitted cure information, recording the date and time each cure document is received. *See* Miss. Code Ann. § 23-15-573(3)(d). Record the required affidavit-ballot information in the Statewide Elections Management System, including the reasons for issuance and the numbers counted and not counted. *See* Miss. Code Ann. § 23-15-573(5).

3. **Preserve all associated materials and custody records.** Retain affidavit envelopes, separate receipt books, eligibility-review and cure records, pollbooks and electronic pollbook data, Statewide Elections Management System entries and audit logs, tabulator tapes and memory devices, resolution-board and duplication records, election commission minutes, communications with the Secretary of State regarding affidavit-ballot determinations, any video recordings of ballot storage areas, disposition records, relevant ballot-accounting and tabulation records, and existing records documenting transfer, access, and custody. Do not overwrite, purge, or reformat any electronic data, and maintain appropriate security whenever materials are transported, reviewed, opened, counted, or resealed.

These measures should remain in place through completion of the canvass, certification, and any ballot box examination, election contest, runoff, or other authorized post-election activity in connection with the November 3, 2026 general election. Completion of those separation and preservation processes does not eliminate applicable retention obligations. Federal law independently requires covered federal-election records to be retained and preserved for 22 months from the date of the election. *See* 52 U.S.C. § 20701. Implementation must not delay lawful tabulation, prevent the counting of any legally cast ballot, or compromise ballot secrecy.

Please confirm receipt and advise Hannah Streitman (hstreitman@lexpolitica.com) **by 5:00 p.m. Central Time on November 5, 2026,** whether the requested safeguards are in place. If any are not, please identify the outstanding measures and the anticipated time for implementation. We appreciate your cooperation and your work to ensure an accurate, orderly, and transparent completion of the election.

Sincerely,



Jessica Furst Johnson
Eric Wang
Nadin Linthorst

Counsel for Cindy Hyde-Smith for U.S. Senate

cc: Michael Watson, Mississippi Secretary of State (via email: Michael.Watson@sos.ms.gov; Secretary@sos.ms.gov; ElectionsAnswers@sos.ms.gov)