Mississippi

Election Officials: Know Your Rights & Options

For circuit clerks & election commissioners facing state or federal seizure of ballots, equipment & records

You are the legal custodian of your county's election materials. Don't waive your rights by consenting.

Agents at your door?

1. **PAUSE** to determine if you must let them in.
2. **Call your attorney** & say: *"Please wait for my attorney. I do not consent to any entry, search or seizure, period. However, I won't interfere if I'm required by a valid warrant to let you in. I want to remain silent & won't sign anything without my attorney."*
3. Call or text MS Votes Election Protection Hotline **833-678-4321** (supported by lawyers at the Mississippi Center for Justice).

WHEN ASSERTING YOUR RIGHTS, BE A BROKEN RECORD: Repeat the phrases in quotes word-for-word.

Adding or changing words can waive your rights. Other words you say may be used against you & others.

RIGHT TO REFUSE, REMAIN SILENT, DOCUMENT

1 Right to refuse consent

Without a **judge-signed search warrant**, you can refuse to let anyone search your office or take ballots, equipment, or records. A request, letter, DOJ "demand," or subpoena is **not** a warrant.

Note: Saying "go ahead," unlocking a room, or handing over boxes can be **consent**, which may waive your right to challenge the search later.

2 Right to a lawyer & to remain silent

You can ask agents to wait for your attorney, & you & your staff can decline to answer questions. *A warrant does not force anyone to answer questions.*

Note: Never lie to an agent (that's a crime). Staying silent is lawful.

3 Right to a copy, a receipt & a record

Agents must leave a copy of the warrant & a receipt for what they take. You (or staff, if permitted) can observe & take notes.

Note: Don't physically interfere with a search, even one you believe is unlawful. Your attorney can challenge it in court.

BEFORE AN ELECTION

Know your chain of custody. Comply with state law re: custody & certification to minimize the likelihood that a seizure could prevent the ability to count ballots & ultimately certify an election.

Line up counsel & contacts now. Ensure civil & criminal lawyers are on call for you on election day; keep numbers *on paper*. Consider a sworn affidavit on your chain-of-custody procedures.

Train whoever answers the door. Name a point person at each polling place & storage site. Drill the card "broken record style."

MCJ ELECTION OFFICIAL CARD: CARRY IT, PRACTICE, SHOW AGENTS

- **I DO NOT CONSENT TO ANY SEARCH OR SEIZURE** of this office, ballots, equipment, records, or anything beyond the warrant.
- **PLEASE WAIT FOR MY ATTORNEY** & give me a copy of the warrant & the lead agent's & prosecutor's names & numbers.
- **A REQUEST OR SUBPOENA ISN'T A WARRANT.** Send to my lawyer.
- **I WANT TO REMAIN SILENT & WILL NOT SIGN ANYTHING** without my lawyer. (Repeat to any question.)
- **I DO NOT CONSENT, BUT I WILL NOT INTERFERE.** (If ordered.) I need a receipt for everything taken.

My attorney: _____ **Phone:** _____

https://mscenterforjustice.org

WHAT TO DO IF…

Agents show up asking for election materials

SAY ***"I do not consent to any search or seizure. Please wait for my attorney."***

- **Call your attorney** & ask them to come now. Get the lead agent's name & the prosecutor's name & number.
- Ask: **"Do you have a warrant?"** If not, they need consent. **You don't have to give it.**

They have a subpoena, letter, or "request"

SAY ***"I do not consent. Please send that to my attorney."***

- It does **not** let anyone search or take anything today.
- If you sign for it, copy the receipt & note the date. Send everything (incl. envelope) to counsel, who should handle all communication.
- To you *personally* or the "custodian of records"? Ask counsel.

They show a judge-signed search warrant

SAY ***"I do not consent & this search or seizure goes beyond the warrant."***

- **Read it** (see back): right court, judge, address, date? What are the **"particular things to be seized"**?
- **Don't interfere.** Have staff (if permitted) note rooms entered, questions asked & every item taken.

Agents question you or your staff

SAY ***"I want to remain silent & talk to a lawyer."***

Agents order you to hand over or open something

SAY ***"Is that an order?" If yes: "I do not consent, but I will not interfere."***

Comply & repeat. This may preserve your right to challenge it later.

Before agents leave & after a seizure

- Keep the **receipt/inventory** of all items taken with the warrant.
- Counsel can seek emergency relief or return of property (**Fed. R. Crim. P. 41(g)**). Document everything; reassure voters & poll workers.

Protect the ballots. Protect the count. Tell us what we can do to have your back.

Created by the Mississippi Center for Justice (www.mscenterforjustice.org) from Public Rights Project Election Protection Hub materials (www.publicrightsproject.org)
This is general legal information, not legal advice. Talk to your own attorney. Updated October 2026.

A COURT-ISSUED & JUDGE-SIGNED
SEARCH WARRANT

(NOT A SUBPOENA, LETTER, OR "REQUEST")

IS REQUIRED TO SEARCH YOUR OFFICE OR SEIZE BALLOTS WITHOUT YOUR CONSENT, & IT ONLY ALLOWS AGENTS TO TAKE THE "PARTICULAR THINGS TO BE SEIZED" IT LISTS

SEARCHES OR SEIZURES THAT GO BEYOND THE WARRANT VIOLATE THE FOURTH AMENDMENT.
DON'T RESIST—DON'T CONSENT—DOCUMENT EVERYTHING & CALL COUNSEL.

HOW CAN I TELL WHAT A WARRANT ALLOWS?
FIND THE "PARTICULAR THINGS TO BE SEIZED"

(Rev. 4/30/2014) Search Warrant

United States District Court ← Issued by a COURT

Northern District of Georgia

In the Matter of the Search of:

The premises located at The Office of the Clerk of Court, 5600 Campbellton Fairburn Road, Fairburn, Georgia 30213.

↑ Is YOUR office the place to be searched?

SEARCH WARRANT

CASE NUMBER: 1:26-MC-0177

UNDER SEAL

TO: Special Agent Hugh Raymond Evans and any Authorized Officer of the United States:

An affidavit having been made before me by Special Agent Hugh Raymond Evans, who has reason to believe that, on the property or premises known as

The premises located at The Office of the Clerk of Court, 5600 Campbellton Fairburn Road, Fairburn, Georgia 30213, as further described in **Attachment A.**

There is now concealed certain property, certain data, and certain information, namely,

See Attachment B ← What can be seized? READ IT →

which constitutes evidence of the commission of a criminal offense and property which has been used as the means of committing a criminal offense, concerning violations of Title 52, United States Code, Sections 20701 and 20511, over which the United States District Court for the Northern District of Georgia has jurisdiction. I find that the affidavit establishes probable cause to search and seize the person or property from the person or premises described above.

YOU ARE HEREBY COMMANDED to execute this warrant on or before February 11, 2026 (Date) ← Use by this date (≤14 days), daytime

(not to exceed 14 days) DURING THE DAYTIME ONLY. You must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave a copy of the warrant and receipt at the place where the property was taken. The officer executing the warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Catherine M. Salinas.

January 28, 2026 at 2:31 p.m. (Date and Time) at Atlanta, Georgia (City and State)

CATHERINE M. SALINAS
UNITED STATES MAGISTRATE JUDGE ← Signed by a JUDGE →
Name and Title of Judicial Officer

Signature of Judicial Officer
Issued pursuant to Federal Rule of Criminal Procedure 4.1.

Attorney for the Government Thomas Albus
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ATTACHMENT B

Particular Things to be Seized

The ONLY things agents may take ↓

1. All records relating to violations of Title 52, United States Code, §§ 20701 and 20511 those violations occurring after October 12, 2020, including:

Which items? ↓ Which election? Which county? ↓

a. All physical ballots from the 2020 General Election in Fulton County; including, but not limited to: absentee ballots to include envelopes; advanced voting ballots, provisional ballots; in-person election day ballots; emergency ballots; damaged or destroyed ballots; duplicated ballots; or any other ballot that was used to cast a vote;

b. All tabulator tapes for every voting machine used in Fulton County; including, but not limited to; zero tapes, opening tapes, closing tapes and any other tabulator tape printed from a voting machine utilized during the 2020 General Election in Fulton County;

READ EVERY ITEM, ON EVERY PAGE

- In this excerpt, items a & b reach only **2020 General Election ballots & tabulator tapes from Fulton County**.
- Not listed? **Not authorized.** (e.g., another election's ballots, other counties' materials, unlisted equipment.)
- Agents ask for more? Say: **"I do not consent & this search or seizure goes beyond the warrant."**

STATE OR FEDERAL, SAME FIRST STEP: A sheriff, state investigator, or federal agent needs your consent or a judge-signed warrant to search. Any other state-law "demand"? **Send it to counsel.**

SEARCH WARRANT

ALLOWS A SEARCH & SEIZURE OF **ONLY** THE PLACE & THINGS IT DESCRIBES

1. Is a **court** (not DOJ, FBI, or an AG) in the header?
2. Is a **judge** (not an agent or prosecutor) the signer?
3. Is **your address** the place to be searched?
4. Is it within the **date** listed (& daytime, unless allowed)?
5. What are the **particular things** to be seized?

SUBPOENA, LETTER, OR "REQUEST"

DOESN'T ALLOW ANYONE TO SEARCH OR TAKE ANYTHING ON THE SPOT

(IT ASKS YOU TO PRODUCE THINGS LATER. COUNSEL CAN CHALLENGE IT.)

1. An **agent, prosecutor, or grand jury**, not a judge.
2. It sets a **future date** to respond, or asks you to volunteer.
3. Send it to **counsel**; respond only through counsel.

"No warrant? No consent. Call my lawyer."

MISSISSIPPI CENTER FOR JUSTICE

Created by the Mississippi Center for Justice (www.mscenterforjustice.org) from Public Rights Project Election Protection Hub materials (www.publicrightsproject.org)

Sample warrant & Attachment B: FBI search of the Fulton County, GA Clerk of Court (Jan. 2026), as presented by Public Rights Project. General legal information, not legal advice.

MS VOTES