

By: Representative Fleming

To: Apportionment and
Elections

HOUSE BILL NO. 1043

1 AN ACT TO AMEND SECTION 23-15-13, MISSISSIPPI CODE OF 1972,
2 TO ALLOW A PERSON WHO MOVES FROM ONE WARD OR PRECINCT TO ANOTHER
3 WARD OR PRECINCT IN THE STATE TO TRANSFER HIS REGISTRATION TO THE
4 NEW WARD OR PRECINCT; TO AMEND SECTION 23-15-573, MISSISSIPPI CODE
5 OF 1972, to CONFORM WITH THE PRECEDING SECTION; AND FOR RELATED
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 23-15-13, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-13. An elector who moves from one ward or voting
11 precinct to another ward in the state shall not be disqualified to
12 vote, but he or she shall be entitled to have his or her
13 registration transferred to his or her new ward or voting precinct
14 upon making written request therefor at any time up to thirty (30)
15 days prior to the election at which he or she offers to vote, and
16 if the removal occurs within thirty (30) days of such election he
17 or she shall be entitled to vote in his or her new ward or voting
18 precinct by affidavit ballot as provided in Section 23-15-573.

19 **SECTION 2.** Section 23-15-573, Mississippi Code of 1972, is
20 amended as follows:

21 23-15-573. Any person whose name does not appear upon the
22 pollbooks shall be permitted to vote in an election; but if any
23 person offering to vote in any election whose name does not appear
24 upon the pollbook shall make affidavit before one (1) of the
25 managers of election in writing that he is entitled to vote, or
26 that he has been illegally denied registration, his vote may be
27 prepared by him and handed to the proper election officer who
28 shall enclose the same in an envelope with the written affidavit
29 of the voter, seal the envelope and mark plainly upon it the name



30 of the person offering to vote. The affidavit must include the
31 complete name, all required addresses and telephone numbers, and
32 the signature of the affiant, and must include the signature of
33 one (1) of the election managers. A separate register shall be
34 maintained for affidavit ballots, and the affiant shall sign the
35 register upon completing an affidavit under this section. In
36 canvassing the returns of the election, the executive committee in
37 primary elections, or the election commissioners, in a general
38 election, shall examine the records and allow the ballot to be
39 counted, or not counted, as it appears to be legal.

40 The uniform affidavit ballot shall be in substantially the
41 following form:

42 **AFFIDAVIT & BALLOT ENVELOPE**

43 STATE OF MISSISSIPPI ___ Primary ___ General
44 COUNTY OF _____ ___ Special Elections _____, 20____
45 Date

46 Precinct _____

47 Please give the following information: Date of Birth ____Age____

48 Social Security Number_____

49 Former Address_____Date of Move_____

50 Day Phone Number_____Night Phone Number_____

51 Maiden Name_____

52 This day personally appeared before the undersigned manager
53 of the above election, _____, who makes

54 Name

55 affidavit as provided by Section 23-15-573, Mississippi Code of
56 1972, that he or she is entitled to vote or has been illegally
57 denied registration.

58 **INSTRUCTIONS TO VOTER:**

59 If you have been illegally denied registration

60 check this box ;

61 If you are registered and otherwise entitled to vote,

62 check the appropriate box below.



63 I. FOR VOTERS WHO ARE REGISTERED IN THIS PRECINCT WHO HAVE NOT
64 MOVED

65 I am entitled to vote because I am a resident of and lawfully
66 registered in this precinct but my name is not on the pollbook.

67 II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT

68 I am entitled to vote because I have been lawfully registered
69 in _____ County and the supervisors district
70 wherein this precinct is located for at least thirty (30) days
71 prior to this date, and am not disqualified as a voter of this
72 precinct. I currently reside in this precinct at

73 _____.

74 Address (physical location-**not** a post office box number)

75 III. FOR VOTERS WHO HAVE MOVED FROM ONE SUPERVISORS DISTRICT
76 TO ANOTHER WITHIN THIS STATE

77 I am entitled to vote because I have been lawfully registered
78 in _____ County and a resident of the supervisors
79 district wherein this precinct is located for at least thirty (30)
80 days prior to this date, and am not disqualified as a voter of
81 said precinct. I currently reside in this precinct at

82 _____.

83 Address (physical location-**not** a post office box number)

84 _____

85 Signature of Voter

Signature of Manager

86 **SECTION 3.** The Attorney General of the State of Mississippi
87 shall submit this act, immediately upon approval by the Governor,
88 or upon approval by the Legislature subsequent to a veto, to the
89 Attorney General of the United States or to the United States
90 District Court for the District of Columbia in accordance with the
91 provisions of the Voting Rights Act of 1965, as amended and
92 extended.

93 **SECTION 4.** This act shall take effect and be in force from
94 and after October 1, 2003, if it is effectuated on or before that
95 date under Section 5 of the Voting Rights Act of 1965, as amended



96 and extended. If it is effectuated under Section 5 of the Voting
97 Rights Act of 1965, as amended and extended, after October 1 2003,
98 this act shall take effect and be in force from and after the date
99 it is effectuated under Section 5 of the Voting Rights Act of
100 1965, as amended and extended.

