By: Representative Fleming

To: Apportionment and Elections

## HOUSE BILL NO. 169

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI: **SECTION 1.** Section 23-15-13, Mississippi Code of 1972, is
amended as follows:

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

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 pollbooks shall be permitted to vote in an election; but if any 22 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 managers of election in writing that he is entitled to vote, or 25 that he has been illegally denied registration, his vote may be 26 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 \*HR40/R113\* 169 H. B. No. G1/2 04/HR40/R113 PAGE 1 (GT\BD)

of the person offering to vote. The affidavit must include the 30 31 complete name, all required addresses and telephone numbers, and the signature of the affiant, and must include the signature of 32 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 canvassing the returns of the election, the executive committee in 36 primary elections, or the election commissioners, in a general 37 election, shall examine the records and allow the ballot to be 38 counted, or not counted, as it appears to be legal. 39 40 The uniform affidavit ballot shall be in substantially the 41 following form: AFFIDAVIT & BALLOT ENVELOPE 42 STATE OF MISSISSIPPI 43 \_\_\_\_ Primary \_\_\_\_\_ General \_\_\_\_ Special Elections \_\_ 44 COUNTY OF \_\_\_\_\_ \_\_, 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\_ \_\_\_\_\_Night Phone Number\_\_\_\_ 50 Day Phone Number\_\_\_\_\_ 51 Maiden Name\_\_ This day personally appeared before the undersigned manager 52 53 of the above election, \_\_\_\_ \_\_\_\_, who makes 54 Name affidavit as provided by Section 23-15-573, Mississippi Code of 55 56 1972, that he or she is entitled to vote or has been illegally 57 denied registration. INSTRUCTIONS TO VOTER: 58 59 If you have been illegally denied registration check this box  $\Box$ ; 60 61 If you are registered and otherwise entitled to vote, 62 check the appropriate box below. \*HR40/R113\* H. B. No. 169 04/HR40/R113 PAGE 2 ( $GT \setminus BD$ )

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

I am entitled to vote because I am a resident of and lawfully 65 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 prior to this date, and am not disqualified as a voter of this 71 72 precinct. I currently reside in this precinct at

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

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

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

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

Signature of Voter Signature of Manager 85 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 District Court for the District of Columbia in accordance with the 90 provisions of the Voting Rights Act of 1965, as amended and 91 extended. 92

93 SECTION 4. This act shall take effect and be in force from 94 and after October 1, 2004, if it is effectuated on or before that 95 date under Section 5 of the Voting Rights Act of 1965, as amended H. B. No. 169 \*HR4O/R113\* 04/HR40/R113 PAGE 3 (GT\BD) 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, 98 2003, this act shall take effect and be in force from and after 99 the date it is effectuated under Section 5 of the Voting Rights 100 Act of 1965, as amended and extended.