

By: Representative Fleming

To: Apportionment and
Elections

HOUSE BILL NO. 448

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 BRING FORWARD SECTION 23-15-573,
5 MISSISSIPPI CODE OF 1972, FOR THE PURPOSES OF AMENDMENT; AND FOR
6 RELATED 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 brought forward as follows:

21 23-15-573. (1) If any person declares that he is a
22 registered voter in the jurisdiction in which he offers to vote
23 and that he is eligible to vote in the election, but his name does
24 not appear upon the pollbooks, or that he is not able to cast a
25 regular election day ballot under a provision of state or federal
26 law but is otherwise qualified to vote, or that he has been
27 illegally denied registration:

28 (a) A poll manager shall notify the person that he may
29 cast an affidavit ballot at the election.

30 (b) The person shall be permitted to cast an affidavit
31 ballot at the polling place upon execution of a written affidavit
32 before one (1) of the managers of election stating that the
33 individual:

34 (i) Believes he is a registered voter in the
35 jurisdiction in which he desires to vote and is eligible to vote
36 in the election; or

37 (ii) Is not able to cast a regular election day
38 ballot under a provision of state or federal law but is otherwise
39 qualified to vote; or

40 (iii) Believes that he has been illegally denied
41 registration.

42 (c) The manager shall allow the individual to prepare
43 his vote which shall be delivered by him to the proper election
44 official who shall enclose it in an envelope with the written
45 affidavit of the voter, seal the envelope and mark plainly upon it
46 the name of the person offering to vote.

47 (2) The affidavit shall include:

48 (a) The complete name, all required addresses and
49 telephone numbers;

50 (b) A statement that the affiant believes he is
51 registered to vote in the jurisdiction in which he offers to vote;

52 (c) The signature of the affiant; and

53 (d) The signature of a poll manager at the precinct at
54 which the affiant offers to vote.

55 (3) (a) A separate register shall be maintained for
56 affidavit ballots and the affiant shall sign the register upon
57 completing the affidavit ballot.

58 (b) In canvassing the returns of the election, the
59 executive committee in primary elections, or the election
60 commissioners in other elections, shall examine the records and
61 allow the ballot to be counted, or not counted as it appears
62 legal.

63 (4) When a person is offered the opportunity to vote by
64 affidavit ballot, he shall be provided with written information
65 that informs the person how to ascertain whether his affidavit
66 ballot was counted and, if the vote was not counted, the reasons
67 the vote was not counted.

68 (5) The Secretary of State shall, by rule duly adopted,
69 establish a uniform affidavit and affidavit ballot envelope which
70 shall be used in all elections in this state. The Secretary of
71 State shall print and distribute a sufficient number of affidavits
72 and affidavit ballot envelopes to the registrar of each county for
73 use in elections. The registrar shall distribute the affidavits
74 and affidavit ballot envelopes to municipal and county executive
75 committees for use in primary elections and to municipal and
76 county election commissioners for use in other elections.

77 (6) County registrars and municipal registrars shall
78 implement a secure free access system that complies with the Help
79 America Vote Act of 2002, by which persons who vote by affidavit
80 ballot may determine if their ballots were counted, and if not,
81 the reasons the ballot was not counted.

82 (7) Any person who votes in any election as a result of a
83 federal or state court order or other order extending the time
84 established by law for closing the polls, may only vote by
85 affidavit ballot. Any affidavit ballot cast under this subsection
86 shall be separated and kept apart from other affidavit ballots
87 cast by voters not affected by the order.

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

95 **SECTION 4.** This act shall take effect and be in force from
96 and after October 1, 2004, if it is effectuated on or before that
97 date under Section 5 of the Voting Rights Act of 1965, as amended
98 and extended. If it is effectuated under Section 5 of the Voting
99 Rights Act of 1965, as amended and extended, after October 1,
100 2004, this act shall take effect and be in force from and after
101 the date it is effectuated under Section 5 of the Voting Rights
102 Act of 1965, as amended and extended.