

By: Representatives Gunn, Fleming

To: Apportionment and Elections

HOUSE BILL NO. 463

1 AN ACT TO AMEND SECTIONS 23-15-13 AND 23-15-573, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT AFFIDAVIT BALLOTS SHALL SERVE AS A
3 WRITTEN REQUEST TO CHANGE RESIDENCY FOR VOTING PURPOSES; AND FOR
4 RELATED PURPOSES.

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

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

8 23-15-13. An elector who moves from one (1) ward or voting
9 precinct to another ward within the same municipality or voting
10 precinct within the same county shall not be disqualified to vote,
11 but he or she shall be entitled to have his or her registration
12 transferred to his or her new ward or voting precinct upon either
13 of the following occurrences: (a) the elector makes written
14 request therefor at any time up to thirty (30) days prior to the
15 election at which he or she offers to vote; or (b) he votes by
16 affidavit ballot as provided in Section 23-15-573. In this case,
17 the affidavit ballot, if valid, shall be deemed to be a written
18 request to transfer his or her registration to his or her new ward
19 or precinct, and the circuit clerk shall within thirty (30) days
20 after the election transfer his or her registration to his or her
21 new ward or precinct. Such an affidavit ballot, if valid, shall
22 be counted in the election in which it is cast; however, before
23 counting the ballot in the new precinct, the election commission,
24 or county executive committee in a primary election, shall verify
25 that the elector did not cast a ballot in his or her former
26 precinct.

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

29 23-15-573. (1) If any person declares that he is a
30 registered voter in the jurisdiction in which he offers to vote
31 and that he is eligible to vote in the election, but his name does
32 not appear upon the pollbooks, or that he is not able to cast a
33 regular election day ballot under a provision of state or federal
34 law but is otherwise qualified to vote, or that he has been
35 illegally denied registration:

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

38 (b) The person shall be permitted to cast an affidavit
39 ballot at the polling place upon execution of a written affidavit
40 before one (1) of the managers of election stating that the
41 individual:

42 (i) Believes he is a registered voter in the
43 jurisdiction in which he desires to vote and is eligible to vote
44 in the election; or

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

48 (iii) Believes that he has been illegally denied
49 registration.

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

55 (2) The affidavit shall include:

56 (a) The complete name, all required addresses and
57 telephone numbers;

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

60 (c) The signature of the affiant; and

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

63 (3) (a) A separate register shall be maintained for
64 affidavit ballots and the affiant shall sign the register upon
65 completing the affidavit ballot.

66 (b) In canvassing the returns of the election, the
67 executive committee in primary elections, or the election
68 commissioners in other elections, shall examine the records and
69 allow the ballot to be counted, or not counted as it appears
70 legal.

71 (4) When a person is offered the opportunity to vote by
72 affidavit ballot, he shall be provided with written information
73 that informs the person how to ascertain whether his affidavit
74 ballot was counted and, if the vote was not counted, the reasons
75 the vote was not counted.

76 (5) The Secretary of State shall, by rule duly adopted,
77 establish a uniform affidavit and affidavit ballot envelope which
78 shall be used in all elections in this state. The Secretary of
79 State shall print and distribute a sufficient number of affidavits
80 and affidavit ballot envelopes to the registrar of each county for
81 use in elections. The registrar shall distribute the affidavits
82 and affidavit ballot envelopes to municipal and county executive
83 committees for use in primary elections and to municipal and
84 county election commissioners for use in other elections.

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

90 (7) Any person who votes in any election as a result of a
91 federal or state court order or other order extending the time
92 established by law for closing the polls, may only vote by
93 affidavit ballot. Any affidavit ballot cast under this subsection

94 shall be separated and kept apart from other affidavit ballots
95 cast by voters not affected by the order.

96 (8) The uniform affidavit ballot shall be deemed to be a
97 request to transfer registration as provided in Section 23-15-13.

98 **SECTION 3.** The Attorney General of the State of Mississippi
99 shall submit this act, immediately upon approval by the Governor,
100 or upon approval by the Legislature subsequent to a veto, to the
101 Attorney General of the United States or to the United States
102 District Court for the District of Columbia in accordance with the
103 provisions of the Voting Rights Act of 1965, as amended and
104 extended.

105 **SECTION 4.** This act shall take effect and be in force from
106 and after the date it is effectuated under Section 5 of the Voting
107 Rights Act of 1965, as amended and extended.