

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 461

1 AN ACT TO AMEND SECTION 23-15-573, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE EXECUTIVE COMMITTEE OR ELECTION COMMISSIONERS TO
3 INFORM A PERSON, WHOSE VOTE IS REJECTED BECAUSE THE PERSON
4 APPEARED TO VOTE IN THE WRONG VOTING PRECINCT, OF THE LOCATION OF
5 THE PERSON'S CORRECT VOTING PRECINCT; TO REVISE THE AFFIDAVIT
6 ENVELOPE OPTIONS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-573, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-573. (1) If any person declares that he or she is a
11 registered voter in the jurisdiction in which he or she offers to
12 vote and that he or she is eligible to vote in the election, but
13 his or her name does not appear upon the pollbooks, or that he or
14 she is not able to cast a regular election day ballot under a
15 provision of state or federal law but is otherwise qualified to
16 vote, or that he or she has been illegally denied registration, or
17 that he or she is unable to present an acceptable form of photo
18 identification:

19 (a) A poll manager shall notify the person that he or
20 she may cast an affidavit ballot at the election.



21 (b) The person shall be permitted to cast an affidavit
22 ballot at the polling place upon execution of a written affidavit
23 before one (1) of the poll managers stating that the individual:

24 (i) Believes he or she is a registered voter in
25 the jurisdiction in which he or she desires to vote and is
26 eligible to vote in the election; or

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

30 (iii) Believes that he or she has been illegally
31 denied registration; or

32 (iv) Is unable to present an acceptable form of
33 photo identification * * *; or

34 (v) Is not familiar with election day voting
35 requirements for voter registration; or

36 (vi) Is a registered voter in the jurisdiction in
37 which he or she desires to vote, is eligible to vote in the
38 election, but failed to transfer his or her voter registration.

39 (c) The poll manager shall allow the individual to mark
40 a paper ballot properly endorsed by the initialing poll manager or
41 alternate initialing poll manager in accordance with Section
42 23-15-541, which shall be delivered by him or her to the proper
43 election official who shall enclose it in an affidavit ballot
44 envelope, with the written and signed affidavit of the voter



45 affixed to the envelope, seal the envelope and mark plainly upon
46 it the name of the person offering to vote.

47 (2) The affidavit ballot envelope shall include:

48 (a) The complete name of the voter;

49 (b) A present and previous physical and mailing address
50 of the voter;

51 (c) Telephone numbers where the voter may be contacted;

52 (d) A statement that the affiant believes he or she is
53 registered to vote in the jurisdiction in which he or she offers
54 to vote;

55 (e) The signature of the affiant; and

56 (f) The signature of the poll manager at the polling
57 place at which the affiant offers to vote.

58 (3) (a) A separate receipt book shall be maintained for
59 affidavit voters and the affidavit voters shall sign the receipt
60 book upon completing the affidavit ballot.

61 (b) If the affidavit voter is casting an affidavit
62 ballot because the voter is unable to present an acceptable form
63 of photo identification and the voter's name appears in the
64 pollbook, then the poll manager shall write "NO ID" across from
65 the voter's name and in the appropriate column in the pollbook.

66 (c) 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. Upon finding that a person is registered in a different
71 voting precinct from the one in which that person appeared to
72 vote, the executive committee in primary elections, or the
73 election commissioners in other elections, shall determine the
74 person's proper voting precinct and inform the person of the
75 location of his or her correct voting precinct.

76 (d) An affidavit ballot of a voter who was unable to
77 present an acceptable form of photo identification shall not be
78 rejected for this reason if the voter does either of the
79 following:

80 (i) Returns to the circuit clerk's office within
81 five (5) business days after the date of the election and presents
82 an acceptable form of photo identification;

83 (ii) Returns to the circuit clerk's office within
84 five (5) business days after the date of the election to obtain
85 the Mississippi Voter Identification Card; or

86 (iii) Returns to the circuit clerk's office within
87 five (5) business days after the date of the election to execute a
88 separate Affidavit of Religious Objection.

89 (4) When a person is offered the opportunity to vote by
90 affidavit ballot, he or she shall be provided with written
91 information that informs the person how to ascertain whether his
92 or her affidavit ballot was counted and, if the vote was not
93 counted, the reasons the vote was not counted.



94 (5) The officials in charge of the election shall process
95 all affidavit ballots by using the Statewide Elections Management
96 System. The officials in charge of the election shall account for
97 all affidavit ballots cast in each election, categorizing the
98 affidavit ballots cast by reason and recording the total number of
99 affidavit ballots counted and not counted in each such category in
100 the Statewide Elections Management System.

101 (6) The Secretary of State shall, by rule duly adopted,
102 establish a uniform affidavit ballot envelope that shall be used
103 in all elections in this state. The Secretary of State shall
104 print and distribute a sufficient number of affidavit ballot
105 envelopes to the registrar of each county for use in elections.
106 The registrar shall distribute the affidavit ballot envelopes to
107 municipal and county executive committees for use in primary
108 elections and to municipal and county election commissioners for
109 use in all other elections.

110 (7) County registrars and municipal registrars shall
111 maintain a secure free access system that complies with the Help
112 America Vote Act of 2002, by which persons who vote by affidavit
113 ballot may determine if their ballots were counted, and if not,
114 the reasons the ballot was not counted.

115 (8) Any person who votes in any election as a result of a
116 federal or state court order or other order extending the time
117 established by law for closing the polls on an election day, may
118 only vote by affidavit ballot. Any affidavit ballot cast under



119 this subsection shall be separated and kept apart from other
120 affidavit ballots cast by voters not affected by the order.

121 **SECTION 2.** This act shall take effect and be in force from
122 and after July 1, 2018.

