

By: Senator(s) Hickman

To: Elections

SENATE BILL NO. 2271

1 AN ACT TO AMEND SECTION 23-15-573, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW INDIVIDUALS TO VOTE BY AFFIDAVIT ON ELECTION DAY, IF THE  
3 INDIVIDUAL REGISTERED AFTER THE THIRTY-DAY QUALIFYING CUTOFF, BUT  
4 BEFORE ELECTION DAY; AND FOR RELATED PURPOSES.

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

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

8 23-15-573. (1) If any person declares that he or she is a  
9 registered voter in the jurisdiction in which he or she offers to  
10 vote and that he or she is eligible to vote in the election, but  
11 his or her name does not appear upon the pollbooks, or that he or  
12 she is not able to cast a regular election day ballot under a  
13 provision of state or federal law but is otherwise qualified to  
14 vote, or that he or she has been illegally denied registration, or  
15 that he or she is unable to present an acceptable form of photo  
16 identification, or that he or she has validly registered to vote  
17 after the thirty-day cutoff period to be eligible to cast a  
18 regular election day ballot:



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; \* \* \*

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

34 (v) Has validly registered to vote after the  
35 thirty-day cutoff period to be eligible to cast a regular day  
36 ballot.

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



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

45 (2) The affidavit ballot envelope shall include:

46 (a) The complete name of the voter;

47 (b) A present and previous physical and mailing address  
48 of the voter;

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

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

53 (e) The signature of the affiant; and

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

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

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

64 (c) In canvassing the returns of the election, the  
65 executive committee in primary elections, or the election  
66 commissioners in other elections, shall examine the records and



67 allow the ballot to be counted, or not counted as it appears  
68 legal.

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

73 (i) Returns to the circuit clerk's office, or to  
74 the municipal clerk's office for municipal elections, within five  
75 (5) business days after the date of the election and presents an  
76 acceptable form of photo identification;

77 (ii) Returns to the circuit clerk's office within  
78 five (5) business days after the date of the election to obtain  
79 the Mississippi Voter Identification Card, or in municipal  
80 election, returns to the municipal clerk's office within five (5)  
81 business days after the date of the election to present his or her  
82 Mississippi Voter Identification Card or Temporary Mississippi  
83 Voter Identification Card; or

84 (iii) Returns to the circuit clerk's office, or to  
85 the municipal clerk's office for municipal elections, within five  
86 (5) business days after the date of the election to execute a  
87 separate Affidavit of Religious Objection.

88 (4) When a person is offered the opportunity to vote by  
89 affidavit ballot, he or she shall be provided with written  
90 information that informs the person how to ascertain whether his



91 or her affidavit ballot was counted and, if the vote was not  
92 counted, the reasons the vote was not counted.

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

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

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

114 (8) Any person who votes in any election as a result of a  
115 federal or state court order or other order extending the time



116 established by law for closing the polls on an election day, may  
117 only vote by affidavit ballot. Any affidavit ballot cast under  
118 this subsection shall be separated and kept apart from other  
119 affidavit ballots cast by voters not affected by the order.

120       **SECTION 2.** This act shall take effect and be in force from  
121 and after July 1, 2023.

