

By: Representatives Nelson, James-Jones

To: Apportionment and
Elections

HOUSE BILL NO. 1183

1 AN ACT TO AMEND SECTION 23-15-573, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE SECRETARY OF STATE TO PROVIDE ON HIS OFFICIAL
3 WEBSITE A SECURE PORTAL THAT ALLOWS A VOTER WHO VOTES BY AFFIDAVIT
4 BALLOT TO ENTER A SECURE PERSONAL IDENTIFICATION NUMBER AND PULL
5 UP HIS OR HER AFFIDAVIT BALLOT AND DETERMINE WHETHER OR NOT THE
6 VOTE WAS COUNTED; TO PROVIDE THAT IF THE VOTE WAS NOT COUNTED, THE
7 REASONS THE VOTE WAS NOT COUNTED SHALL ALSO BE LISTED IN THE
8 SECURE PORTAL ON THE WEBSITE; TO PROVIDE THAT THE SECRETARY OF
9 STATE SHALL MAKE SUCH INFORMATION AVAILABLE ON HIS OFFICIAL
10 WEBSITE WITHIN THIRTY DAYS OF THE DATE OF THE ELECTION; AND FOR
11 RELATED PURPOSES.

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

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

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



22 that he or she is unable to present an acceptable form of photo
23 identification:

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

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

29 (i) Believes he or she is a registered voter in
30 the jurisdiction in which he or she desires to vote and is
31 eligible to vote in the election; or

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

35 (iii) Believes that he or she has been illegally
36 denied registration; or

37 (iv) Is unable to present an acceptable form of
38 photo identification.

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.



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

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

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

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

90 (4) When a person is offered the opportunity to vote by
91 affidavit ballot, he or she shall be provided with written
92 information that informs the person * * * that he or she may check
93 the Secretary of State's website thirty (30) days after the date
94 of the election in order to ascertain whether his or her affidavit
95 ballot was counted, and if the vote was not counted, the reasons



96 the vote was not counted. The Secretary of State shall provide on
97 his official website a secure portal that allows a voter who votes
98 by affidavit ballot to enter a secure personal identification
99 number, such as the last four (4) numbers of his or her social
100 security number, and pull up his or her affidavit ballot and
101 determine whether or not the vote was counted. If the vote was
102 not counted, the reasons the vote was not counted shall also be
103 listed. The Secretary of State shall make such information
104 available on his official website within thirty (30) days of the
105 date of the election.

106 (5) The officials in charge of the election shall process
107 all affidavit ballots by using the Statewide Elections Management
108 System. The officials in charge of the election shall account for
109 all affidavit ballots cast in each election, categorizing the
110 affidavit ballots cast by reason and recording the total number of
111 affidavit ballots counted and not counted in each such category in
112 the Statewide Elections Management System.

113 (6) The Secretary of State shall, by rule duly adopted,
114 establish a uniform affidavit ballot envelope that shall be used
115 in all elections in this state. The Secretary of State shall
116 print and distribute a sufficient number of affidavit ballot
117 envelopes to the registrar of each county for use in elections.
118 The registrar shall distribute the affidavit ballot envelopes to
119 municipal and county executive committees for use in primary



120 elections and to municipal and county election commissioners for
121 use in all other elections.

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

127 (8) Any person who votes in any election as a result of a
128 federal or state court order or other order extending the time
129 established by law for closing the polls on an election day, may
130 only vote by affidavit ballot. Any affidavit ballot cast under
131 this subsection shall be separated and kept apart from other
132 affidavit ballots cast by voters not affected by the order.

133 **SECTION 2.** This act shall take effect and be in force from
134 and after July 1, 2024.

