

By: Representatives James-Jones, Johnson,  
Paden, Summers, Nelson, Bell (65th), Clark,  
Holloway (27th), Scott

To: Apportionment and  
Elections

HOUSE BILL NO. 1244

1 AN ACT TO AMEND SECTION 23-15-573, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT IF A VOTER WAS NOT A REGISTERED VOTER IN THE  
3 JURISDICTION IN WHICH HE OR SHE TRIED TO VOTE BUT WAS OTHERWISE  
4 ELIGIBLE TO VOTE IN THE ELECTION AND IN THE JURISDICTION WHERE HE  
5 OR SHE TRIED TO VOTE, THE VOTER'S AFFIDAVIT BALLOT SHALL BE USED  
6 AS HIS OR HER REGISTRATION TO VOTE; TO AMEND SECTION 23-15-13,  
7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CASTING OF A VALID  
8 AFFIDAVIT BALLOT MAY SERVE AS A WRITTEN REQUEST TO TRANSFER VOTING  
9 PRECINCTS OR WARDS; TO AMEND SECTION 23-15-152, MISSISSIPPI CODE  
10 OF 1972, TO PROVIDE THAT IF A VOTER WHO WAS MAILED A CONFIRMATION  
11 NOTICE AND PLACED ON INACTIVE STATUS IN THE STATEWIDE ELECTIONS  
12 MANAGEMENT SYSTEM CASTS AN AFFIDAVIT BALLOT, HE OR SHE SHALL BE  
13 RETURNED TO ACTIVE STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT  
14 SYSTEM; AND FOR RELATED PURPOSES.

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

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

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



25 that he or she is unable to present an acceptable form of photo  
26 identification:

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

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

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

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

38 (iii) Believes that he or she has been illegally  
39 denied registration; or

40 (iv) Is unable to present an acceptable form of  
41 photo identification.

42 (c) The poll manager shall allow the individual to mark  
43 a paper ballot properly endorsed by the initialing poll manager or  
44 alternate initialing poll manager in accordance with Section  
45 23-15-541, which shall be delivered by him or her to the proper  
46 election official who shall enclose it in an affidavit ballot  
47 envelope, with the written and signed affidavit of the voter  
48 affixed to the envelope, seal the envelope and mark plainly upon  
49 it the name of the person offering to vote.



50           (2) The affidavit ballot envelope shall include:  
51                 (a) The complete name of the voter;  
52                 (b) A present and previous physical and mailing address  
53 of the voter;  
54                 (c) Telephone numbers where the voter may be contacted;  
55                 (d) A statement that the affiant believes he or she is  
56 registered to vote in the jurisdiction in which he or she offers  
57 to vote;  
58                 (e) The signature of the affiant; and  
59                 (f) The signature of the poll manager at the polling  
60 place at which the affiant offers to vote.  
61           (3) (a) A separate receipt book shall be maintained for  
62 affidavit voters and the affidavit voters shall sign the receipt  
63 book upon completing the affidavit ballot.  
64                 (b) If the affidavit voter is casting an affidavit  
65 ballot because the voter is unable to present an acceptable form  
66 of photo identification and the voter's name appears in the  
67 pollbook, then the poll manager shall write "NO ID" across from  
68 the voter's name and in the appropriate column in the pollbook.  
69                 (c) In canvassing the returns of the election, the  
70 executive committee in primary elections, or the election  
71 commissioners in other elections, shall examine the records and  
72 allow the ballot to be counted, or not counted as it appears  
73 legal.



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

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

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

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

93 (e) An affidavit ballot of a voter who believes he or  
94 she is a registered voter in the jurisdiction in which he or she  
95 desires to vote and is eligible to vote in the election or  
96 believes that he or she has been illegally denied registration  
97 shall not be rejected if the voter was a registered voter in the  
98 jurisdiction in which he or she voted and is eligible to vote in



99 the election of if the voter was illegally denied registration.  
100 If a voter was not a registered voter in the jurisdiction in which  
101 he or she tried to vote but was otherwise eligible to vote in the  
102 election and in the jurisdiction where he or she tried to vote,  
103 the voter's affidavit ballot shall be used as his or her  
104 registration to vote, and his or her name shall be placed into the  
105 Statewide Elections Management System as if the voter had  
106 completed a voter registration application as provided in Section  
107 23-15-31 through 23-15-49. If the voter was illegally denied  
108 registration, his or her affidavit ballot shall be counted in the  
109 election, and he or she shall be added to the Statewide Elections  
110 Management System.

111 (4) When a person is offered the opportunity to vote by  
112 affidavit ballot, he or she shall be provided with written  
113 information that informs the person how to ascertain whether his  
114 or her affidavit ballot was counted and, if the vote was not  
115 counted, the reasons the vote was not counted.

116 (5) The officials in charge of the election shall process  
117 all affidavit ballots by using the Statewide Elections Management  
118 System. The officials in charge of the election shall account for  
119 all affidavit ballots cast in each election, categorizing the  
120 affidavit ballots cast by reason and recording the total number of  
121 affidavit ballots counted and not counted in each such category in  
122 the Statewide Elections Management System.



123           (6) The Secretary of State shall, by rule duly adopted,  
124 establish a uniform affidavit ballot envelope that shall be used  
125 in all elections in this state. The Secretary of State shall  
126 print and distribute a sufficient number of affidavit ballot  
127 envelopes to the registrar of each county for use in elections.  
128 The registrar shall distribute the affidavit ballot envelopes to  
129 municipal and county executive committees for use in primary  
130 elections and to municipal and county election commissioners for  
131 use in all other elections.

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

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

143           **SECTION 2.** Section 23-15-13, Mississippi Code of 1972, is  
144 amended as follows:

145           23-15-13. (1) An elector who moves from one (1) ward or  
146 voting precinct to another ward within the same municipality or  
147 voting precinct within the same county shall not be disqualified



148 to vote, but he or she shall be entitled to have his or her  
149 registration transferred to his or her new ward or voting  
150 precinct \* \* \* if one of the following occurs: (a) the elector  
151 makes a written request therefor at any time up to thirty (30)  
152 days before the election at which he or she offers to vote, and if  
153 the removal occurs within thirty (30) days of such election he or  
154 she shall be entitled to vote in his or her new ward or voting  
155 precinct by affidavit ballot as provided in Section 23-15-573; or  
156 (b) the elector votes by affidavit ballot on the day of the  
157 election, without having a written request as provided in  
158 subsection (a) of this section. If the affidavit ballot cast on  
159 election day without a previous written request is valid, the  
160 affidavit ballot shall be deemed to be a written request to  
161 transfer his or her registration to his new ward or precinct, and  
162 the circuit clerk shall within thirty (30) days after the election  
163 transfer his or her registration to his or her new ward or  
164 precinct. Such affidavit ballot, if valid, shall also be counted  
165 in the election in which it was cast; however, before counting the  
166 ballot in the new precinct, the election commission, or county  
167 executive committee in a primary election, shall verify that the  
168 elector did not cast a ballot in his or her former precinct. If  
169 the thirtieth day to transfer the elector's registration before an  
170 election falls on a Sunday or legal holiday, the transfer of the  
171 elector's registration submitted on the business day immediately  
172 following the Sunday or legal holiday shall be accepted and



173 entered into the Statewide Elections Management System for the  
174 purpose of enabling voters to vote in the next election.

175 (2) If an elector requests a change in his or her address  
176 under Section 23-15-49 and the address is located in a precinct in  
177 the county or municipality that differs from the precinct as  
178 reflected in the then current registration records, the request  
179 shall be treated in the same manner as a written request to  
180 transfer the elector's registration under subsection (1) of this  
181 section.

182 **SECTION 3.** Section 23-15-152, Mississippi Code of 1972, is  
183 amended as follows:

184 23-15-152. (1) For the purposes of this section,  
185 "confirmation notice" means a notice sent by the election  
186 commissioners, by forwardable mail, with return postage prepaid,  
187 on a form prescribed by the Secretary of State, to a registered  
188 voter to confirm the registered voter's current address. The  
189 notice shall comply with all applicable requirements of the  
190 National Voter Registration Act of 1993.

191 (2) The election commissioners shall send a confirmation  
192 notice to the following:

193 (a) A registered voter if it appears from the United  
194 States Postal Service change-of-address information that the  
195 registered voter has moved to a different residence;

196 (b) A registered voter if a county election  
197 commissioner or county registrar has received notice from another





198 state, or political subdivision of another state, that the  
199 registered voter has registered to vote in another state;

200 (c) A registered voter who has failed to vote at least  
201 once in any election or update his or her registration during a  
202 period that begins in the year of a presidential preference  
203 primary and extends until the next general election for President  
204 of the United States that does not occur in the same year as the  
205 beginning of the period; or

206 (d) A registered voter if the registrar or election  
207 commissioners have received reliable information that he or she  
208 has moved within or outside of the state. Reliable information  
209 includes, but is not limited to: official mail returned as  
210 undeliverable by the county election commission, registrar or  
211 other county or municipal office, Secretary of State; application  
212 for homestead exemption filed by the voter at an address other  
213 than the address of current registration; or any information from  
214 another state or county entity indicating the voter no longer  
215 resides at the address of voter registration.

216 No registered voter shall be sent a confirmation notice under  
217 paragraph (c) of this subsection if he or she has been sent a  
218 confirmation notice for those same reasons within the last six (6)  
219 years.

220 (3) The county election commissioners shall place any  
221 registered voter who has been sent a confirmation notice on  
222 inactive status in the Statewide Elections Management System. Any



223 registered voter who is placed on inactive status shall be unable  
224 to cast a regular ballot on election day but shall be able to cast  
225 an affidavit ballot as provided in Section 23-15-573. Any  
226 registered voter who casts an affidavit ballot shall be returned  
227 to active status in the Statewide Elections Management System.

228 (4) A registered voter "fails to respond to the confirmation  
229 notice" if the voter, during a period beginning on the date the  
230 confirmation notice was sent and ending on the day after the date  
231 of the second general election for federal office that occurs  
232 after the date of the notice, fails to:

233 (a) Respond to the confirmation notice; or

234 (b) Update the elector's registration information.

235 A registered voter who votes at least once in any election in  
236 the registered voter's county or municipality of registration  
237 during the period beginning from the date of the delivery of the  
238 confirmation notice provided in this subsection (4) or who is  
239 active or reserve military or who serves on jury duty or responds  
240 to a summons for jury duty shall not be purged from the Statewide  
241 Elections Management System.

242 (5) The county registrar or county election commission shall  
243 move those registered voters who fail to respond to the  
244 confirmation notice as provided in subsection (4) of this section  
245 and who fail to vote as provided in subsection (4) of this section  
246 to purged status in the Statewide Elections Management System.



247           (6) No systematic list maintenance shall occur during the  
248 ninety (90) days immediately preceding a federal primary or  
249 general election which is limited to moving a voter to inactive  
250 status in subsection (2) of this section or purged status in  
251 subsection (5) of this section.

252           (7) The county registrar shall retain purged voter  
253 registration records after they are purged for a period that  
254 includes at least two (2) federal general elections and shall  
255 record the reason for the removal.

256           **SECTION 4.** This act shall take effect and be in force from  
257 and after July 1, 2024.

