

By: Representatives James-Jones, Paden,
Faulkner

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 871

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 JURISDICTION WHERE HE OR SHE TRIED TO
5 VOTE, THE VOTER'S AFFIDAVIT BALLOT SHALL BE USED AS HIS OR HER
6 REGISTRATION TO VOTE; TO AMEND SECTION 23-15-13, MISSISSIPPI CODE
7 OF 1972, TO PROVIDE THAT THE CASTING OF A VALID AFFIDAVIT BALLOT
8 MAY SERVE AS A WRITTEN REQUEST TO TRANSFER VOTING PRECINCTS OR
9 WARDS; TO AMEND SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO
10 PROVIDE THAT IF A VOTER WHO WAS MAILED A CONFIRMATION NOTICE AND
11 PLACED ON INACTIVE STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT
12 SYSTEM CASTS AN AFFIDAVIT BALLOT, HE OR SHE SHALL BE RETURNED TO
13 ACTIVE STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; AND
14 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.



(2) The affidavit ballot envelope shall include:

- (a) The complete name of the voter;
- (b) A present and previous physical and mailing address of the voter;
- (c) Telephone numbers where the voter may be contacted;
- (d) A statement that the affiant believes he or she is registered to vote in the jurisdiction in which he or she offers to vote;
- (e) The signature of the affiant; and
- (f) The signature of the poll manager at the polling place at which the affiant offers to vote.

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

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

(c) In canvassing the returns of the election, the executive committee in primary elections, or the election commissioners in other elections, shall examine the records and allow the ballot to be counted, or not counted as it appears 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) If a voter was not a registered voter in the
94 jurisdiction in which he or she tried to vote but was otherwise
95 eligible to vote in the election and in the jurisdiction where he
96 or she tried to vote, the voter's affidavit ballot shall be used
97 as his or her registration to vote, and his or her name shall be
98 placed into the Statewide Elections Management System as if the



99 voter had completed a voter registration application as provided
100 in Section 23-15-31 through 23-15-49.

101 (4) When a person is offered the opportunity to vote by
102 affidavit ballot, he or she shall be provided with written
103 information that informs the person how to ascertain whether his
104 or her affidavit ballot was counted and, if the vote was not
105 counted, the reasons the vote was not counted.

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



America Vote Act of 2002, by which persons who vote by affidavit ballot may determine if their ballots were counted, and if not, the reasons the ballot was not counted.

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

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

23-15-13. (1) An elector who moves from one (1) ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified to vote, but he or she shall be entitled to have his or her registration transferred to his or her new ward or voting precinct * * * if one of the following occurs: (a) the elector makes a written request therefor at any time up to thirty (30) days before the election at which he or she offers to vote, and if the removal occurs within thirty (30) days of such election he or she shall be entitled to vote in his or her new ward or voting precinct by affidavit ballot as provided in Section 23-15-573; or (b) the elector votes by affidavit ballot on the day of the election, without having a written request as provided in subsection (a) of this section. If the affidavit ballot cast on



election day without a previous written request is valid, the affidavit ballot shall be deemed to be a written request to transfer his or her registration to his new ward or precinct, and the circuit clerk shall within thirty (30) days after the election transfer his or her registration to his or her new ward or precinct. If the thirtieth day to transfer the elector's registration before an election falls on a Sunday or legal holiday, the transfer of the elector's registration submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered into the Statewide Elections Management System for the purpose of enabling voters to vote in the next election.

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

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

23-15-152. (1) For the purposes of this section, "confirmation notice" means a notice sent by the election commissioners, by forwardable mail, with return postage prepaid, on a form prescribed by the Secretary of State, to a registered



voter to confirm the registered voter's current address. The notice shall comply with all applicable requirements of the National Voter Registration Act of 1993.

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

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

(b) A registered voter if a county election commissioner or county registrar has received notice from another state, or political subdivision of another state, that the registered voter has registered to vote in another state;

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

(d) A registered voter if the registrar or election commissioners have received reliable information that he or she has moved within or outside of the state. Reliable information includes, but is not limited to: official mail returned as undeliverable by the county election commission, registrar or other county or municipal office, Secretary of State; application for homestead exemption filed by the voter at an address other



199 than the address of current registration; or any information from
200 another state or county entity indicating the voter no longer
201 resides at the address of voter registration.

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

206 (3) The county election commissioners shall place any
207 registered voter who has been sent a confirmation notice on
208 inactive status in the Statewide Elections Management System. Any
209 registered voter who is placed on inactive status shall be unable
210 to cast a regular ballot on election day but shall be able to cast
211 an affidavit ballot as provided in Section 23-15-573. Any
212 registered voter who casts an affidavit ballot shall be returned
213 to active status in the Statewide Elections Management System.

214 (4) A registered voter "fails to respond to the confirmation
215 notice" if the voter, during a period beginning on the date the
216 confirmation notice was sent and ending on the day after the date
217 of the second general election for federal office that occurs
218 after the date of the notice, fails to:

219 (a) Respond to the confirmation notice; or

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

221 A registered voter who votes at least once in any election in
222 the registered voter's county or municipality of registration
223 during the period beginning from the date of the delivery of the



confirmation notice provided in this subsection (4) or who is active or reserve military or who serves on jury duty or responds to a summons for jury duty shall not be purged from the Statewide Elections Management System.

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

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2027.

