

By: Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 764
(As Passed the House)

1 AN ACT TO AMEND SECTION 23-15-573, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR THE CREATION OF A UNIFORM AFFIDAVIT BALLOT; AND FOR
3 RELATED PURPOSES.

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

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

7 23-15-573. Any person whose name does not appear upon the
8 pollbooks shall be permitted to vote in an election; but if any
9 person offering to vote in any election whose name does not appear
10 upon the pollbook shall make affidavit before one (1) of the
11 managers of election in writing that he is entitled to vote, or
12 that he has been illegally denied registration, his vote may be
13 prepared by him and handed to the proper election officer who
14 shall enclose the same in an envelope with the written affidavit
15 of the voter, * * * seal the envelope and mark plainly upon it the
16 name of the person offering to vote. The affidavit must include
17 the complete name, all required addresses and telephone numbers,
18 and the signature of the affiant, and must include the signature
19 of one (1) of the election managers. A separate register shall be
20 maintained for affidavit ballots, and the affiant shall sign the
21 register upon completing an affidavit under this section. In
22 canvassing the returns of the election, the executive committee in
23 primary elections, or the election commissioners, in a general
24 election, * * * shall examine the records and allow the ballot to
25 be counted, or not counted, as it appears to be legal.

26 The uniform affidavit ballot shall be in substantially the

27 following form:

28 **AFFIDAVIT & BALLOT ENVELOPE**

29 STATE OF MISSISSIPPI Primary General

30 COUNTY OF Special Elections , 20

31 Date

32 Precinct

33 Please give the following information: Date of Birth Age

34 Social Security Number

35 Former Address Date of Move

36 Day Phone Number Night Phone Number

37 Maiden Name

38 This day personally appeared before the undersigned manager

39 of the above election, , who makes

40 Name

41 affidavit as provided by Mississippi Code Annotated, Section

42 23-15-573, (Revised 1990) that he or she is entitled to voter or

43 has been illegally denied registrations.

44 **INSTRUCTIONS TO VOTER:**

45 If you have been illegally denied registration

46 check this box ;

47 If you are registered and otherwise entitled to vote,

48 check the appropriate box below.

49 **I. FOR VOTERS WHO ARE REGISTERED IN THIS PRECINCT WHO HAVE**

50 **NOT MOVED**

51 I am entitled to vote because I am a resident of and

52 lawfully registered in this precinct but my name is not on

53 the pollbook.

54 **II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT**

55 I am entitled to vote because I have been lawfully registered

56 in County and the supervisors district

57 wherein this precinct is located for at least thirty (30) days

58 prior to this date, and am not disqualified as a voter of this

59 precinct. I currently reside in this precinct at

60 _____.

61 Address (physical location-not a post office box number)

62 **III. FOR VOTERS WHO HAVE MOVED FROM ONE SUPERVISORS DISTRICT**
63 **TO ANOTHER WITHIN THIS COUNTY**

64 I am entitled to vote because I have been lawfully registered
65 in _____ County and a resident of the supervisors
66 district wherein this precinct is located for at least thirty (30)
67 days prior to this date, and am not disqualified as a voter of
68 said precinct. I currently reside in this precinct at

69 _____.

70 Address (physical location-not a post office box number)

71 _____

72 Signature of Voter

Signature of Manager

73 SECTION 2. If the enactment of any state or federal law
74 shall require any modification to the form or language of the
75 affidavit prescribed in this section, then the Secretary of State
76 shall be authorized to promulgate an amended form of the affidavit
77 to comply with the requirements of any such state or federal law,
78 which shall be required to be used in all elections throughout
79 this state.

80 SECTION 3. The Attorney General of the State of Mississippi
81 shall submit this act, immediately upon approval by the Governor,
82 or upon approval by the Legislature subsequent to a veto, to the
83 Attorney General of the United States or to the United States
84 District Court for the District of Columbia in accordance with the
85 provisions of the Voting Rights Act of 1965, as amended and
86 extended.

87 SECTION 4. This act shall take effect and be in force from
88 and after the date it is effectuated under Section 5 of the Voting
89 Rights Act of 1965, as amended and extended.