

By: Representatives Gunn, Staples,
Ellington, Moore, Akins

To: Apportionment and
Elections

HOUSE BILL NO. 920

1 AN ACT TO AMEND SECTION 23-15-573, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY WHAT INFORMATION IS REQUIRED ON AN AFFIDAVIT BALLOT;
3 AND FOR 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. (1) If any person declares that he is a
8 registered voter in the jurisdiction in which he offers to vote
9 and that he is eligible to vote in the election, but his name does
10 not appear upon the pollbooks, or that he is not able to cast a
11 regular election day ballot under a provision of state or federal
12 law but is otherwise qualified to vote, or that he has been
13 illegally denied registration:

14 (a) A poll manager shall notify the person that he may
15 cast an affidavit ballot at the election.

16 (b) The person shall be permitted to cast an affidavit
17 ballot at the polling place upon execution of a written affidavit
18 before one (1) of the managers of election stating that the
19 individual:

20 (i) Believes he is a registered voter in the
21 jurisdiction in which he desires to vote and is eligible to vote
22 in the election; or

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

26 (iii) Believes that he has been illegally denied
27 registration.

28 (c) The manager shall allow the individual to prepare
29 his vote which shall be delivered by him to the proper election
30 official who shall enclose it in an envelope with the written
31 affidavit of the voter, seal the envelope and mark plainly upon it
32 the name of the person offering to vote.

33 (2) The affidavit shall include:

34 (a) The complete name, which may be the signature of
35 the affiant or the printed name of the affiant, any present,
36 previous or former addresses, if applicable and home or work
37 telephone numbers;

38 (b) A statement that the affiant believes he is
39 registered to vote in the jurisdiction in which he offers to vote;

40 (c) The signature of the affiant; and

41 (d) The signature of a poll manager at the precinct at
42 which the affiant offers to vote.

43 (3) (a) A separate register shall be maintained for
44 affidavit ballots and the affiant shall sign the register upon
45 completing the affidavit ballot.

46 (b) In canvassing the returns of the election, the
47 executive committee in primary elections, or the election
48 commissioners in other elections, shall examine the records and
49 allow the ballot to be counted, or not counted as it appears
50 legal.

51 (4) When a person is offered the opportunity to vote by
52 affidavit ballot, he shall be provided with written information
53 that informs the person how to ascertain whether his affidavit
54 ballot was counted and, if the vote was not counted, the reasons
55 the vote was not counted.

56 (5) The Secretary of State shall, by rule duly adopted,
57 establish a uniform affidavit and affidavit ballot envelope which
58 shall be used in all elections in this state. The Secretary of
59 State shall print and distribute a sufficient number of affidavits
60 and affidavit ballot envelopes to the registrar of each county for

61 use in elections. The registrar shall distribute the affidavits
62 and affidavit ballot envelopes to municipal and county executive
63 committees for use in primary elections and to municipal and
64 county election commissioners for use in other elections.

65 (6) County registrars and municipal registrars shall
66 implement a secure free access system that complies with the Help
67 America Vote Act of 2002, by which persons who vote by affidavit
68 ballot may determine if their ballots were counted, and if not,
69 the reasons the ballot was not counted.

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

76 **SECTION 2.** The Attorney General of the State of Mississippi
77 shall submit this act, immediately upon approval by the Governor,
78 or upon approval by the Legislature subsequent to a veto, to the
79 Attorney General of the United States or to the United States
80 District Court for the District of Columbia in accordance with the
81 provisions of the Voting Rights Act of 1965, as amended and
82 extended.

83 **SECTION 3.** This act shall take effect and be in force from
84 and after the date it is effectuated under Section 5 of the Voting
85 Rights Act of 1965, as amended and extended.