

By: Representative Whittington

To: Apportionment and
Elections

HOUSE BILL NO. 438

1 AN ACT TO AMEND SECTION 23-15-13, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE AN ELECTOR WHO IS TEMPORARILY OR PERMANENTLY
3 PHYSICALLY DISABLED AND WHOSE VOTING PRECINCT IS NOT ACCESSIBLE
4 DUE TO SUCH TEMPORARY OR PERMANENT PHYSICAL DISABILITY TO HAVE HIS
5 OR HER BALLOT MADE AVAILABLE TO THE NEAREST WARD OR VOTING
6 PRECINCT THAT IS ACCESSIBLE TO SUCH ELECTOR; AND FOR RELATED
7 PURPOSES.

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

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

11 23-15-13. (1) An elector who moves from one ward or voting
12 precinct to another ward within the same municipality or voting
13 precinct within the same county shall not be disqualified to vote,
14 but he or she shall be entitled to have his or her registration
15 transferred to his or her new ward or voting precinct upon making
16 written request therefor at any time up to thirty (30) days prior
17 to the election at which he or she offers to vote, and if the
18 removal occurs within thirty (30) days of such election he or she
19 shall be entitled to vote in his or her new ward or voting
20 precinct by affidavit ballot as provided in Section 23-15-573.

21 (2) (a) An elector who is temporarily or permanently
22 physically disabled and whose voting precinct is not accessible
23 due to such temporary or physical disability shall be entitled to
24 have his or her ballot made available to the nearest voting
25 precinct that is able to accommodate such elector's physical
26 disability, subject to the following conditions:

27 (i) A written request that is submitted no later
28 than forty-five (45) days before the date of the election and

29 explains the elector's need to transfer because of a temporary or
30 permanent physical disability;

31 (ii) The registrar of the county to whom the
32 request to transfer is made shall verify that the elector's voting
33 precinct is not accessible to such elector due to such elector's
34 disability.

35 (b) Each supervisor's district shall have no less than
36 one (1) voting precinct that is in compliance with the federal
37 Americans with Disabilities Act.

38 (c) This subsection shall stand repealed on July 1,
39 2008.

40 **SECTION 2.** The Attorney General of the State of Mississippi
41 shall submit this act, immediately upon approval by the Governor,
42 or upon approval by the Legislature subsequent to a veto, to the
43 Attorney General of the United States or to the United States
44 District Court for the District of Columbia in accordance with the
45 provisions of the Voting Rights Act of 1965, as amended and
46 extended.

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