

Billy B. Bowman, Esquire

AGO 2001-26

No. 2001-0026

Mississippi Attorney General Opinions

January 26, 2001

Billy B. Bowman, Esquire
Attorney for City of Greenwood
Post Office Drawer B
Greenwood, Mississippi 38935-0706
Re: Municipal Voter Registration

Dear Mr. Bowman:

Attorney General Mike Moore has received your letter of request and assigned it to me for research and reply. A copy of your letter is attached for reference.

Your basic question is whether a registered county voter who moves within the corporate limits of a municipality located in the county more than thirty (30) days prior to a municipal election and does not file a change of address with the county registrar or register with the municipal clerk, may lawfully vote in the municipal election.

You cite Mississippi Code Annotated, Sections 23-15-11, -13 and - 573. Section 23-15-11 provides in part:

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election.

Section 23-15-13 provides:

An elector who moves from one 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 upon making written request therefor at any time up to thirty (30) days prior to 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.

Section 23-15-11, quoted above, provides that a citizen who is not disqualified by reason of age, insanity, conviction of certain crimes, or otherwise, upon being duly registered, becomes a qualified elector in and for the county, municipality and voting precinct of his residence. It is our opinion that such a citizen, upon proper registration, becomes a qualified elector of the county, municipality and voting precinct where he or she resides at the time of registration. We do not find

any provision for automatic registration when a qualified elector of a county moves into a municipality within that county.

We are of the opinion that, as a minimum requirement, a qualified elector of the county who moves within the corporate limits of a municipality within that county must file a change of address form with the county registrar who could then provide necessary information to the municipal registrar who could then approve or disapprove the registration in accordance with Section 23-15-41.

Alternatively, the voter could complete and file a new registration form with either the county registrar or the municipal registrar.

If a registered county voter moves within the corporate limits of a municipality in the same county and fails to file a change of address form with the county registrar or a new registration application with either the county registrar or municipal registrar, there would be no legal basis to allow such person to vote in a municipal election. Obviously, if a person in this situation has failed to file a change of address or a new registration application but insists that he or she is eligible to vote in a municipal election, that person must be allowed to cast an affidavit ballot which would have to be rejected by the local election officials pursuant to Section 23-15-573.

Sincerely,

Mike Moore Attorney General

Phil Carter Special Assistant Attorney General