

§ 23-15-573. [Certain persons not to vote except by affidavit; form of affidavit].

Mississippi Statutes

Title 23. ELECTIONS

Chapter 15. MISSISSIPPI ELECTION CODE

Article 17. CONDUCT OF ELECTIONS

B. AFFIDAVIT BALLOTS AND CHALLENGED BALLOTS

Current through 4-19-2017

§ 23-15-573. [Certain persons not to vote except by affidavit; form of affidavit]

- (1) If any person declares that he or she is a registered voter in the jurisdiction in which he or she offers to vote and that he or she is eligible to vote in the election, but his or her name does not appear upon the pollbooks, or that he or she is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote, or that he or she has been illegally denied registration, or that he or she is unable to present an acceptable form of photo identification:
 - (a) A poll manager shall notify the person that he or she may cast an affidavit ballot at the election.
 - (b) The person shall be permitted to cast an affidavit ballot at the polling place upon execution of a written affidavit before one (1) of the poll managers stating that the individual:
 - (i) Believes he or she is a registered voter in the jurisdiction in which he or she desires to vote and is eligible to vote in the election; or
 - (ii) Is not able to cast a regular election day ballot under a provision of state or federal law but is otherwise qualified to vote; or
 - (iii) Believes that he or she has been illegally denied registration; or
 - (iv) Is unable to present an acceptable form of photo identification.
 - (c) The poll manager shall allow the individual to mark a paper ballot properly endorsed by the initialing poll manager or alternate initialing poll manager in accordance with Section 23-15-541, which shall be delivered by him or her to the proper election official who shall enclose it in an affidavit ballot envelope, with the written and signed affidavit of the voter affixed to the envelope, seal the envelope and mark plainly upon 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.
 - (d) An affidavit ballot of a voter who was unable to present an acceptable form of photo identification shall not be rejected for this reason if the voter does either of the following:
 - (i) Returns to the circuit clerk's office within five (5) business days after the date of the election and presents an acceptable form of photo identification;
 - (ii) Returns to the circuit clerk's office within five (5) business days after the date of the election to obtain the Mississippi Voter Identification Card; or
 - (iii) Returns to the circuit clerk's office within five (5) business days after the date of the election to execute a separate Affidavit of Religious Objection.

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

- (5) The officials in charge of the election shall process all affidavit ballots by using the Statewide Elections Management System. The officials in charge of the election shall

account for all affidavit ballots cast in each election, categorizing the affidavit ballots cast by reason and recording the total number of affidavit ballots counted and not counted in each such category in the Statewide Elections Management System.

- (6) The Secretary of State shall, by rule duly adopted, establish a uniform affidavit ballot envelope that shall be used in all elections in this state. The Secretary of State shall print and distribute a sufficient number of affidavit ballot envelopes to the registrar of each county for use in elections. The registrar shall distribute the affidavit ballot envelopes to municipal and county executive committees for use in primary elections and to municipal and county election commissioners for use in all other elections.
- (7) County registrars and municipal registrars shall 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.

Cite as Miss. Code § 23-15-573

Source: Derived from 1942 Code § 3114 [Codes, 1906, § 3703; Hemingway's 1917, § 6395; 1930, § 5872; repealed by Laws, 1970, ch. 506, § 33, and 1986, ch. 495, § 346]; Laws, 1986, ch. 495, § 182; Laws, 2000, ch. 518, § 1; Laws, 2004, ch. 305, § 15, eff. 7/12/2004 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).

History. Amended by Laws, 2017, ch. TBD, HB 467, §115, eff. 4/18/2017.