



DELBERT HOSEMANN
Secretary of State

AFFIDAVIT BALLOTS

MISSISSIPPI SECRETARY OF STATE'S OFFICE
ELIZABETH BOLIN, SENIOR ATTORNEY

Objectives:

- Demonstrate the ability to train poll workers to adequately address issues concerning affidavit ballots
- Describe circumstances that warrant the use of affidavit ballots
- Explain the process of administering affidavit ballots

AFFIDAVIT BALLOTS: WHEN DO WE USE THEM?

Any person who desires to vote and whose name does not appear on the pollbooks must be afforded the opportunity to cast an affidavit or "provisional" ballot.

Affidavit Ballots = Provisional Ballots (same meaning/used interchangeably)

Poll workers administer affidavit ballots when...

- The prospective voter's name does not appear on the pollbook;
- The voter has been made inactive in the voter roll;
- The voter has moved within the city, district, county, or municipality and did not notify the Circuit Clerk, Municipal Clerk, or the Election Commission;
- The voter's name was erroneously purged;
- The voter has been illegally denied registration; or
- The voter is a first-time unverified mail-in voter and does not have a HAVA approved form of identification. HAVA approved forms of identification include...
 - ⇒ Current valid photo ID;
 - ⇒ Current utility bill with the voter's name and address printed on it;
 - ⇒ Current bank statement with the voter's name and address printed on it;
 - ⇒ Current paycheck or government check with voter's name and address; and
 - ⇒ Any other government document exhibiting the voter's name and address.

WHAT INFO MUST THE AFFIDAVIT INCLUDE?

All affidavits must include the following information:

- The complete name of the voter,
- All required addresses and telephone numbers,
- The signature of the affiant (voter casting the affidavit ballot),
- The signature of one (1) of the poll managers, and
- Statement that applicant believes he or she is registered to vote in the jurisdiction in which he or she offers to vote.

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AFFIDAVIT BALLOT CHECKLIST

Step #1:

- When the voter arrives at the polling place, the poll manager determines that the voter's name is not listed on the pollbook.

Step #2:

- Poll managers must then determine if the voter should be voting at another polling place by referring to a master list of all county voters or by contacting the Circuit Clerk, Election Commission, or Executive Committee, and simply ask where the voter resides.

Step #3:

- If the voter resides in another precinct, tell the voter that he or she must go to the precinct's polling place.
Why? If the voter casts a ballot at a precinct other than where the voter resides, the entire ballot must be rejected.

Step #4:

- If the poll managers establish that the voter is in the correct precinct but his/her name does not appear on the pollbook, they should advise the voter that he or she may vote by affidavit ballot.
- The voter must sign a separate sign-in sheet (Receipt Book).

Step #5:

- The voter and poll manager must complete the appropriate sections of the affidavit ballot envelope.
 - ◆ Poll Manager
 - ⇒ Checks the type of election.
 - ⇒ Writes the name of the county.
 - ⇒ Writes the reason for using an affidavit ballot.
 - ⇒ Prints the name of the precinct and date of the election.
 - ⇒ Signs the envelope.
 - ◆ Voter
 - ⇒ Provides as much identifying information as possible.
 - ⇒ Checks the appropriate box under "Affidavit of Voter".
 - ⇒ Signs the envelope.

Step #6:

- The poll manager provides the blank ballot to the voter. The voter is provided a suitable place where he or she can mark the ballot in secret.



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Step #7:

- Once the voter completes the ballot, the voted ballot is folded by the voter and handed to the poll manager who places it in the ballot envelope and seals the envelope. Poll Managers should verify that the initialing manager's initials are on the back of the ballot.

Step #8:

- The affidavit ballot envelope is sealed and placed in the ballot box or sealed ballot bag.

Step #9:

- The voter is provided written information on how to ascertain whether or not his/her affidavit ballot was

EXAMPLE OF WRITTEN INFORMATION THAT SHOULD BE PROVIDED TO THE VOTER

INSTRUCTIONS FOR VOTERS WHO CAST AFFIDAVIT BALLOTS

You have had to cast an affidavit ballot because you certified that:

- I am not registered to vote because I have been illegally denied registration; or
- I am eligible to vote in this election, and I am a resident of this precinct and lawfully registered to vote in this county at least 30 days prior to this date; and:
- I have moved recently from the old street address written above to the new address written above; or
- I have **not** moved recently, but my name is not on the pollbook; or
- I do not otherwise qualify under state or federal law to cast a regular election day ballot.

Under the Help America Vote Act of 2002, you are entitled to discover the disposition of your affidavit ballot. Please contact your county Election Commission to determine whether your affidavit ballot counted and if not, why not. Please know that the Election Commission has ten (10) days from the date of the election to ascertain these results. The county Election Commission can be reached at:

CONTACT: _____

(Name of Election Commissioner)

PHONE: _____

AFFIDAVIT BALLOT STATUTES

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

- (1) If any person declares that he is a registered voter in the jurisdiction in which he offers to vote and that he is eligible to vote in the election, but his name does not appear upon the pollbooks, or that he 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 has been illegally denied registration:
 - (a) A poll manager shall notify the person that he 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 managers of election stating that the individual:
 - (i) Believes he is a registered voter in the jurisdiction in which he 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 has been illegally denied registration.
 - (c) The manager shall allow the individual to prepare his vote which shall be delivered by him to the proper election official who shall enclose it in an envelope with the written affidavit of the voter, seal the envelope and mark plainly upon it the name of the person offering the vote.
- (2) The affidavit shall include:
 - (a) The complete name, all required addresses and telephone numbers;
 - (b) A statement that the affiant believes he is registered to vote in the jurisdiction in which he offers to vote;
 - (c) The signature of the affiant; and
 - (d) The signature of a poll manager at the precinct at which the affiant offers to vote.
- (3)
 - (a) A separate register shall be maintained for affidavit ballots and the affiant shall sign the register upon completing the affidavit ballot.
 - (b) 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.

AFFIDAVIT BALLOT STATUTES

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

- (4) When a person is offered the opportunity to vote by affidavit ballot, he shall be provided with written information that informs the person how to ascertain whether his affidavit ballot was counted and, if the vote was not counted, the reasons the vote was not counted.
 - (5) The Secretary of State shall, by rule duly adopted, establish a uniform affidavit and affidavit ballot envelope which shall be used in all elections in this state. The Secretary of State shall print and distribute a sufficient number of affidavits and affidavit ballot envelopes to the registrar of each county for use in elections. The registrar shall distribute the affidavits and affidavit ballot envelopes to municipal and county executive committees for use in primary elections and to municipal and county election commissioners for use in other elections.
 - (6) County registrars and municipal registrars shall implement 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.
 - (7) 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, may only vote by affidavit ballot. Any affidavit ballot cast under this subsection shall be separated and kept apart from other affidavit ballot cast by voters not affected by the order.
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DELBERT HOSEMANN
Secretary of State

Elections Division

Heath Hillman,

Assistant Secretary of State

Heath.Hillman@sos.ms.gov

Elections Hotline: 1-800-829-6786

Liz Bolin,

Senior Attorney

Elizabeth.Bolin@sos.ms.gov