

Affidavit Ballot Procedures

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Introduction

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

Reference: Miss. Code Ann. § 23-15-573



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Affidavit Ballots Are Used When:

- The prospective voter's name does not appear on the pollbook because:
 - Voter has moved within the city, district, county, or municipality and did not notify the Municipal Clerk, County Clerk, or Election Commission;
 - Voter's name was erroneously purged;
 - Voter has been illegally denied registration; or



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**Affidavit Ballots Are Used
When:**

- A voter believes he is a registered voter in the jurisdiction in which he desires to vote and is eligible to vote in the election
- The voter is a first time unverified mail-in voter, and does not have a HAVA approved form of identification.



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HAVA Approved Identification

- Some voters may be required to show an ID if they have registered by mail, have not been "verified" and are voting for the first time

Approved forms of HAVA ID include:

- Current valid photo ID;
- Current utility bill with voter's name and address;




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HAVA Approved Identification

- Current bank statement with voter's name and address;
- Current paycheck or Government check with voter's name and address;
- Any other government document exhibiting voter's name and address.



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Affidavit Must Include:

- Complete name;
- All required addresses and telephone numbers;
- Statement that the affiant believes he is registered to vote in the jurisdiction in which he offers to vote;
- Signature of the affiant;
- Signature of one of the election managers.

Reference: Miss. Code Ann. § 23-15-573


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Receipt Book

- A separate register (receipt book) must be kept
- Any person who votes by affidavit ballot must sign the receipt book designated for affidavit ballots


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Affidavit Ballot Checklist #1

Voter appears at the polling place and Poll Manager determines that voter's name is not on the pollbooks.


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Affidavit Ballot Checklist #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.



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Affidavit Ballot Checklist #3

- If the voter resides in another precinct, tell the voter he/she must go to that 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.



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Affidavit Checklist #4

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

Reference: Miss. Code Ann. §23-15-573



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Affidavit Ballot Checklist #5

- The voter and poll manager complete the appropriate sections of the affidavit ballot envelope.
- The poll manager checks the type of election, the name of the county or municipality, the reason for using an affidavit ballot, and prints the name of the precinct and date.
- The voter provides as much of the identifying information as possible and checks the appropriate box under "Affidavit of Voter".



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Completing Affidavit Ballot Envelope (No. 5 cont'd)

- The voter signs the envelope
- The Poll Manager signs the envelope
- Don't forget to sign!



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Affidavit Ballot Checklist #6

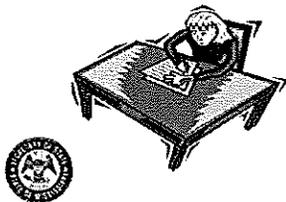
The Poll Manager provides the blank ballot to the voter.




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Affidavit Ballot Checklist #7

The voter is provided a suitable place where he/she can mark the ballot in secret.



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Affidavit Ballot Checklist #8

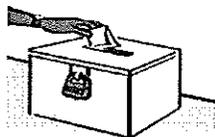
The voted ballot is folded by the voter and handed to the Poll Manager who places it in the ballot envelope.



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Affidavit Ballot Checklist #9

The affidavit ballot envelope is then sealed and placed in the ballot box.



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Affidavit Ballot Checklist #10

- The voter is provided written information on how to ascertain whether his/her affidavit ballot was counted, and if not, why it was not counted.
- HAVA requirement
- County must have a free access system



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Sample Form

- 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; 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 election commission or party executive committee to determine whether your affidavit ballot counted and if not, why not. Please do not call before ten days from today. They can be reached at:

• CONTACT: _____

 (Name of Elections Commissioner or Party Chair)

• PHONE: _____



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Canvassing Results

- The executive committee primary elections, and the election commissioners in other elections, shall examine the records and allow the ballot to be counted, or not counted as it appears legal.



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