

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.
- Under federal law, affidavit ballots are referred to as “provisional ballots”
 - The terms affidavit ballot and provisional ballot have the same meaning and are used interchangeably

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;
- Voter has moved within the city, district, county, or municipality and did not notify the Circuit Clerk, Municipal Clerk, or Election Commission;
- Voter's name was erroneously purged;
- Voter has been illegally denied registration; or,
- Voter is a first time unverified mail-in voter, and does not have a HAVA approved form of identification.



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Voter Verification for First-time Mail-in Registrants

- Under federal and state laws, voters who registered by mail-in application after January 1, 2004, may have to present a form of identification on Election Day in order to cast a regular election day ballot.
- Only applies to unverified first-time mail-in registrants.
- Pollbooks should clearly indicate these voters.



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HAVA Approved Forms of Identification

- Current valid photo ID;
- Current utility bill with voters name and address;
- Current bank statement with voters name and address;
- Current paycheck or Government check with voters name and address;
- Any other government document exhibiting voters name and address.



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Affidavit Must Include:

- Complete name;
- All required addresses and telephone numbers;
- Signature of the affiant;
- Signature of one (1) of the election managers.

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



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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 Ballot Checklist #4

- If the Poll Managers establish that 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 print 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

- The voter signs the envelope
- The Poll Manager signs the envelope



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Affidavit Ballot Checklist #6

- The Poll Manager provides the blank ballot to the voter.
- The voter is provided a suitable place where he/she can mark the ballot in secret.



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Affidavit Ballot Checklist #7

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.



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Affidavit Ballot Checklist #8

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



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Affidavit Ballot Checklist #9

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.



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Help America Vote Act

Due to the federal mandates of the Help America Vote Act (HAVA) and Miss. Code Ann. 23-15-573 (4), the existing affidavit procedure must now include giving the voter written instructions on how to ascertain if their vote was counted, and if not, why not.



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Instructions For Voters Who Cast Affidavit Ballots

- **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 new federal law, the Help America Vote Act of 2002, you are entitled to discover the disposition of your affidavit ballot. Please contact your county party executive committee to determine whether your affidavit ballot counted and if not, why not. The county party executive committee can be reached at:
- CONTACT: _____
(Name of Elections Commissioner or Party Chair)
- PHONE: _____



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Contact Information

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