Affidavit Ballot Procedures

2015 Municipal Elections Certification Training

Presented By:
The Mississippi Secretary of State's Office
Elections Division

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Secretary of State

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.
- The voter has moved within the county, district, or municipality and did not notify the Circuit Clerk, Municipal Clerk, or Election Commission.
- The voter's name was erroneously purged.
- The voter has been illegally denied registration.
- The 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 to cast a regular election day ballot.
- Only applies to first-time, unverified mail in registrants.
- Pollbooks should clearly indicate these voters.

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HAVA Approved Forms of Identification

- Current and valid photo ID
- Current utility bill with voter's name and address
- 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
- 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 municipal voters, by contacting the Municipal Clerk, Municipal Election Commission or Municipal Executive Committee, or by simply asking 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.
- <u>Why?</u> 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 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

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 municipality 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 Municipal Clerk, Municipal Election Commissioner, or Municipal Party Executive Committee Member to determine whether your affidavit ballot counted and if not, why not. Please contact:
- CONTACT: _____
  (Name of Municipal Election Commissioner or Party Chair)
- PHONE: _____

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Contact Information

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