

By: Representative Gibbs

To: Apportionment and
Elections

HOUSE BILL NO. 1335

1 AN ACT TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI
2 CODE OF 1972, TO ALLOW QUALIFIED ELECTORS TO VOTE BY ABSENTEE
3 BALLOT FOR ANY REASON; TO AMEND SECTION 23-15-653, MISSISSIPPI
4 CODE OF 1972, TO REQUIRE ALL REGISTRARS' OFFICES TO REMAIN OPEN
5 FROM 7 A.M. TO 7 P.M. ON THE THREE SATURDAYS PRIOR TO EACH
6 ELECTION; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 23-15-627, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-627. The registrar shall be responsible for furnishing
11 an absentee ballot application form to any elector authorized to
12 receive an absentee ballot. Absentee ballot applications shall be
13 furnished to a person only upon the oral or written request of the
14 elector who seeks to vote by absentee ballot; however, the parent,
15 child, spouse, sibling, legal guardian, those empowered with a
16 power of attorney for that elector's affairs or agent of the
17 elector may orally request an absentee ballot application on
18 behalf of the elector. An absentee ballot application must have
19 the seal of the circuit or municipal clerk affixed to it and be
20 initialed by the registrar or his deputy in order to be utilized
21 to obtain an absentee ballot. A reproduction of an absentee
22 ballot application shall not be valid unless it is a reproduction
23 provided by the office of the registrar of the jurisdiction in
24 which the election is being held and which contains the seal and
25 initials required by this section. Such application shall be
26 substantially in the following form:

27 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

28 I, _____, duly qualified and registered in the ____ Precinct
29 of the County of _____, and State of Mississippi, coming within
30 the purview of the definition 'ABSENT ELECTOR' will be absent from
31 the county of my residence on election day, or desire to vote by
32 absentee ballot because (check appropriate reason):

33 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
34 resident of Mississippi or have moved therefrom within thirty (30)
35 days of the coming presidential election.

36 () I am an enlisted or commissioned member, male or female,
37 of any component of the United States Armed Forces and am a
38 citizen of Mississippi, or spouse or dependent of such member.

39 () I am a member of the Merchant Marine or the American Red
40 Cross and am a citizen of Mississippi or spouse or dependent of
41 such member.

42 () I am a disabled war veteran who is a patient in any
43 hospital and am a citizen of Mississippi or spouse or dependent of
44 such veteran.

45 () I am a civilian attached to and serving outside of the
46 United States with any branch of the Armed Forces or with the
47 Merchant Marine or American Red Cross, and am a citizen of
48 Mississippi or spouse or dependent of such civilian.

49 () I am a citizen of Mississippi temporarily residing
50 outside the territorial limits of the United States and the
51 District of Columbia.

52 () I am a student, teacher or administrator at a college,
53 university, junior or community college, high, junior high,
54 elementary or grade school, whose studies or employment at such
55 institution necessitates my absence from the county of my voting
56 residence or spouse or dependent of such student, teacher or
57 administrator who maintains a common domicile outside the county
58 of my voting residence with such student, teacher or
59 administrator.

60 () I desire to vote by absentee ballot at this election.

61 () I have a temporary or permanent physical disability.

62 () I am sixty-five (65) years of age or older.

63 () I am the parent, spouse or dependent of a person with a
64 temporary or permanent physical disability who is hospitalized
65 outside his county of residence or more than fifty (50) miles away
66 from his residence, and I will be with such person on election
67 day.

68 () I am a member of the congressional delegation, or spouse
69 or dependent of a member of the congressional delegation.

70 * * *

71 I hereby make application for an official ballot, or ballots,
72 to be voted by me at the election to be held in _____, on _____.

73 Mail 'Absent Elector's Ballot' to me at the following
74 address _____ (if eligible to vote by mail).

75 I realize that I can be fined up to Five Thousand Dollars
76 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
77 for making a false statement in this application and for selling
78 my vote and violating the Mississippi Absentee Voter Law. (This
79 sentence is to be in bold print.)

80 If you are temporarily or permanently disabled, you are not
81 required to have this application notarized or signed by an
82 official authorized to administer oaths for absentee balloting.
83 You are required to sign this application in the proper place and
84 have a person eighteen (18) years of age or older witness your
85 signature and sign this application in the proper place.

86 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
87 print.)

88 IN WITNESS WHEREOF I have hereunto set my hand and seal this
89 the ____ day of _____, 2____.

90 _____

91 (Signature of absent elector)

92 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
93 2____.

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(Official authorized to administer oaths
for absentee balloting.)

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TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
DISABLED:

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I HEREBY CERTIFY that this application for an absent
elector's ballot was signed by the above-named disabled elector in
my presence and that I am at least eighteen (18) years of age,
this the ____ day of _____, 2____.

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(Signature of witness)

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CERTIFICATE OF DELIVERY

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I hereby certify that _____ (print name of voter)
has requested that I, _____ (print name of person
delivering application), deliver to the voter this absentee ballot
application.

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(Signature of person delivering application)

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(Address of person delivering application)"

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SECTION 2. Section 23-15-713, Mississippi Code of 1972, is
amended as follows:

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23-15-713. For the purpose of this subarticle, any duly
qualified elector may vote as provided in this subarticle if he be
one who falls within the following categories:

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(a) Any qualified elector who is a bona fide student,
teacher or administrator at any college, university, junior
college, high, junior high or elementary grade school whose
studies or employment at such institution necessitates his absence
from the county of his voting residence on the date of any
primary, general or special election, or the spouse and dependents
of said student, teacher or administrator if such spouse or

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126 dependent(s) maintain a common domicile, outside of the county of
127 his voting residence, with such student, teacher or administrator.

128 (b) Any qualified elector who is required to be away
129 from his place of residence on any election day due to his
130 employment as an employee of a member of the Mississippi
131 congressional delegation and the spouse and dependents of such
132 person if he or she shall be residing with such absentee voter
133 away from the county of the spouse's voting residence.

134 (c) Any qualified elector who desires to vote by
135 absentee ballot for any reason.

136 (d) Any person who has a temporary or permanent
137 physical disability and who, because of such disability, is unable
138 to vote in person without substantial hardship to himself or
139 others, or whose attendance at the voting place could reasonably
140 cause danger to himself or others.

141 (e) The parent, spouse or dependent of a person with a
142 temporary or permanent physical disability who is hospitalized
143 outside of his county of residence or more than fifty (50) miles
144 distant from his residence, if the parent, spouse or dependent
145 will be with such person on election day.

146 (f) Any person who is sixty-five (65) years of age or
147 older.

148 (g) Any member of the Mississippi congressional
149 delegation absent from Mississippi on election day, and the spouse
150 and dependents of such member of the congressional delegation.

151 * * *

152 SECTION 3. Section 23-15-653, Mississippi Code of 1972, is
153 amended as follows:

154 23-15-653. All registrars' offices shall remain open from 7
155 a.m. until 7 p.m. on the three (3) Saturdays prior to each
156 election.

157 SECTION 4. The Attorney General of the State of Mississippi
158 shall submit this act, immediately upon approval by the Governor,

159 or upon approval by the Legislature subsequent to a veto, to the
160 Attorney General of the United States or to the United States
161 District Court for the District of Columbia in accordance with the
162 provisions of the Voting Rights Act of 1965, as amended and
163 extended.

164 SECTION 5. This act shall take effect and be in force from
165 and after the date it is effectuated under Section 5 of the Voting
166 Rights Act of 1965, as amended and extended.