

By: Senator(s) Jackson

To: Elections

SENATE BILL NO. 2763

1 AN ACT TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI  
 2 CODE OF 1972, TO ALLOW QUALIFIED ELECTORS TO VOTE PRIOR TO  
 3 ELECTION DAY AT THE OFFICE OF THE REGISTRAR OR CERTAIN DESIGNATED  
 4 PRECINCTS; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972,  
 5 TO REQUIRE ALL REGISTRARS' OFFICES TO REMAIN OPEN FROM 7 A.M. TO 7  
 6 P.M. ON THE TWO SATURDAYS PRIOR TO THE ELECTION TO PERFORM DUTIES  
 7 RELATED TO ABSENTEE AND EARLY VOTING; TO REQUIRE THE REGISTRAR TO  
 8 KEEP OPEN THE PRECINCT POLLING PLACES OF ALL PRECINCTS THAT  
 9 CONTAIN 500 OR MORE QUALIFIED ELECTORS FROM 7 A.M. TO 7 P.M. ON  
 10 THE TWO SATURDAYS PRIOR TO EACH ELECTION IN ORDER TO ALLOW PERSONS  
 11 TO VOTE EARLY; TO AMEND SECTIONS 23-15-449, 23-15-463, 23-15-483,  
 12 23-15-511, 23-15-621, 23-15-623, 23-15-631, 23-15-637, 23-15-639,  
 13 23-15-641, 23-15-643, 23-15-645, 23-15-649, 23-15-651, 23-15-711,  
 14 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-753,  
 15 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
 16 PURPOSES.

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

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

20 23-15-627. The registrar shall be responsible for furnishing  
 21 an absentee ballot and early voting application form to any  
 22 elector authorized to receive an absentee ballot or any person  
 23 desiring to vote early. Absentee ballot and early voting  
 24 applications shall be furnished to a person only upon the oral or  
 25 written request of the elector who seeks to vote by absentee  
 26 ballot or upon the request of an elector who desires to vote  
 27 early; however, the parent, child, spouse, sibling, legal  
 28 guardian, those empowered with a power of attorney for that  
 29 elector's affairs or agent of the elector may orally request an  
 30 absentee ballot application on behalf of the elector. An absentee  
 31 ballot or early voting application must have the seal of the  
 32 circuit or municipal clerk affixed to it and be initialed by the

33 registrar or his deputy in order to be utilized to obtain an  
34 absentee ballot or an early voting ballot. A reproduction of an  
35 absentee ballot or early voting application shall not be valid  
36 unless it is a reproduction provided by the office of the  
37 registrar of the jurisdiction in which the election is being held  
38 and which contains the seal and initials required by this section.  
39 Such application shall be substantially in the following form:

40 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT OR EARLY VOTING  
41 BALLOT

42 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
43 of the County of \_\_\_\_\_, and State of Mississippi, \* \* \* will be  
44 absent from the county of my residence on election day, or I  
45 desire to vote early (check appropriate reason):

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

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

52 ( ) I am a member of the Merchant Marine or the American Red  
53 Cross and am a citizen of Mississippi or spouse or dependent of  
54 such member.

55 ( ) I am a disabled war veteran who is a patient in any  
56 hospital and am a citizen of Mississippi or spouse or dependent of  
57 such veteran.

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

62 ( ) I am a citizen of Mississippi temporarily residing  
63 outside the territorial limits of the United States and the  
64 District of Columbia.

65           ( ) I am a student, teacher or administrator at a college,  
66 university, junior or community college, high, junior high,  
67 elementary or grade school, whose studies or employment at such  
68 institution necessitates my absence from the county of my voting  
69 residence or spouse or dependent of such student, teacher or  
70 administrator who maintains a common domicile outside the county  
71 of my voting residence with such student, teacher or  
72 administrator.

73           ( ) I will be outside the county on election day.

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

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

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

81           ( ) I am a member of the congressional delegation, or spouse  
82 or dependent of a member of the congressional delegation.

83           ( ) I desire to vote early.

84           I hereby make application for an official ballot, or ballots,  
85 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

86           Mail the Ballot to me at the following address \_\_\_\_\_  
87 (if eligible to vote by mail).

88           I realize that I can be fined up to Five Thousand Dollars  
89 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
90 for making a false statement in this application and for selling  
91 my vote and violating the Mississippi Absentee and Early Voter  
92 Law. (This sentence is to be in bold print.)

93           If you are temporarily or permanently disabled, you are not  
94 required to have this application notarized or signed by an  
95 official authorized to administer oaths for absentee balloting.  
96 You are required to sign this application in the proper place and

97 have a person eighteen (18) years of age or older witness your  
98 signature and sign this application in the proper place.

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

101 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
102 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

103 \_\_\_\_\_  
104 (Signature of absent elector)

105 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
106 2\_\_\_\_.

107 \_\_\_\_\_  
108 (Official authorized to administer oaths  
109 for absentee balloting.)

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

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

116 \_\_\_\_\_  
117 (Signature of witness)

118 CERTIFICATE OF DELIVERY

119 I hereby certify that \_\_\_\_\_ (print name of voter)  
120 has requested that I, \_\_\_\_\_ (print name of person  
121 delivering application), deliver to the voter this absentee ballot  
122 application.

123 \_\_\_\_\_  
124 (Signature of person delivering application)

125 \_\_\_\_\_  
126 (Address of person delivering application)"

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

129           23-15-713. For the purpose of this subarticle, any duly  
130 qualified elector may vote as provided in this subarticle if he be  
131 one who falls within the following categories:

132           (a) Any qualified elector who is a bona fide student,  
133 teacher or administrator at any college, university, junior  
134 college, high, junior high, or elementary grade school whose  
135 studies or employment at such institution necessitates his absence  
136 from the county of his voting residence on the date of any  
137 primary, general or special election, or the spouse and dependents  
138 of said student, teacher or administrator if such spouse or  
139 dependent(s) maintain a common domicile, outside of the county of  
140 his voting residence, with such student, teacher or administrator.

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

147           \* \* \*

148           (c) Any person who has a temporary or permanent  
149 physical disability and who, because of such disability, is unable  
150 to vote in person without substantial hardship to himself or  
151 others, or whose attendance at the voting place could reasonably  
152 cause danger to himself or others.

153           (d) The parent, spouse or dependent of a person with a  
154 temporary or permanent physical disability who is hospitalized  
155 outside of his county of residence or more than fifty (50) miles  
156 distant from his residence, if the parent, spouse or dependent  
157 will be with such person on election day.

158           (e) Any person who is sixty-five (65) years of age or  
159 older.

160           (f) Any member of the Mississippi congressional  
161 delegation absent from Mississippi on election day, and the spouse  
162 and dependents of such member of the congressional delegation.

163       \* \* \*

164           (g) Any qualified elector who desires to cast his vote  
165 early.

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

168           23-15-653. (1) All registrars' offices shall remain open  
169 from 7 a.m. until 7 p.m. on the two (2) Saturdays prior to each  
170 election to perform duties related to absentee or early voting.

171           (2) The registrar shall keep open the precinct polling place  
172 of all precincts that contain five hundred (500) or more qualified  
173 electors from 7 a.m. to 7 p.m. on the two (2) Saturdays prior to  
174 each election in order to allow electors who desire to do so to  
175 vote early as authorized by law. The registrar shall staff each  
176 such precinct polling place with the number of deputies that he  
177 considers necessary to perform the duties related to early voting  
178 at such polling places.

179           SECTION 4. Section 23-15-449, Mississippi Code of 1972, is  
180 amended as follows:

181           23-15-449. All laws relating to elections now in force in  
182 this state shall apply to all elections under this chapter so far  
183 as the same may be applicable thereto, and so far as such  
184 provisions are not inconsistent with the provisions of this  
185 chapter. Absentee ballots and early voting ballots shall be voted  
186 as now provided by law.

187           SECTION 5. Section 23-15-463, Mississippi Code of 1972, is  
188 amended as follows:

189           23-15-463. The board of supervisors of any county in the  
190 State of Mississippi and the governing authorities of any  
191 municipality in the State of Mississippi are hereby authorized and  
192 empowered, in their discretion, to purchase or rent voting devices

193 and automatic tabulating equipment used in an electronic voting  
194 system which meets the requirements of Section 23-15-465, and may  
195 use such system in all or a part of the precincts within its  
196 boundaries, or in combination with paper ballots in any election  
197 or primary. It may enlarge, consolidate or alter the boundaries  
198 of precincts where an electronic voting system is used. The  
199 provisions of Sections 23-15-461 through 23-15-485 shall be  
200 controlling with respect to elections where an electronic voting  
201 system is used, and shall be liberally construed so as to carry  
202 out the purpose of this chapter. The provisions of the election  
203 law relating to the conduct of elections with paper ballots,  
204 insofar as they are applicable and not inconsistent with the  
205 efficient conduct of elections with electronic voting systems,  
206 shall apply. Absentee ballots and early voting ballots shall be  
207 voted as now provided by law.

208 SECTION 6. Section 23-15-483, Mississippi Code of 1972, is  
209 amended as follows:

210 23-15-483. All proceedings at the counting center shall be  
211 under the direction of the commissioners of elections or officials  
212 in charge of the election, and shall be conducted under the  
213 observation of the public, but no persons except those authorized  
214 for the purpose shall touch any ballot or ballot card or return.  
215 All persons who are engaged in processing and counting of the  
216 ballots shall be deputized in writing and take an oath that they  
217 will faithfully perform their assigned duties. Persons assigned  
218 to operate the automatic tabulating equipment shall submit  
219 evidence satisfactory to the commissioners of elections or  
220 officials in charge of the elections of their expert  
221 qualifications to operate said equipment. If any ballot is  
222 damaged or defective so that it cannot be properly counted by the  
223 automatic tabulating equipment, the ballot shall be deposited in  
224 an envelope provided for that purpose marked "DAMAGED BALLOTS."  
225 The election officials shall direct that such ballots be counted

226 manually, following as far as practicable the provisions governing  
227 the counting of paper ballots.

228         The return printed by the automatic tabulating equipment, to  
229 which have been added the write-in, absentee votes, early votes  
230 and damaged ballots, duly certified by the officials in charge of  
231 the election, shall constitute the official return of each voting  
232 precinct or supervisor's district. Unofficial and incomplete  
233 returns may be released during the count. Upon completion of the  
234 count, the official returns shall be open to the public. If for  
235 any reason it becomes impracticable to count all or a part of the  
236 ballots with tabulating equipment, the officials in charge shall  
237 direct that such ballots be counted manually, following as far as  
238 practicable the provisions governing the counting of paper  
239 ballots.

240         SECTION 7. Section 23-15-511, Mississippi Code of 1972, is  
241 amended as follows:

242         23-15-511. The ballots shall, as far as practicable, to be  
243 in the same order of arrangement as provided for paper ballots  
244 that are to be counted manually, except that such information may  
245 be printed in vertical or horizontal rows. Nothing in this  
246 chapter shall be construed as prohibiting the information being  
247 presented to the voters from being printed on both sides of a  
248 single ballot. In those years when a special election shall occur  
249 on the same day as the general election, the names of candidates  
250 in any special election and the general election shall be placed  
251 on the same ballot by the commissioners of elections or officials  
252 in charge of the election, but the general election candidates  
253 shall be clearly distinguished from the special election  
254 candidates. At any time a special election is held on the same  
255 day as a party primary election, the names of the candidates in  
256 the special election may be placed on the same ballot, but shall  
257 be clearly distinguished as special election candidates or primary  
258 election candidates.



259           Ballots shall be printed in plain clear type in black ink and  
260 upon clear white materials of such size and arrangement as to be  
261 compatible with the OMR tabulating equipment. Absentee ballots  
262 and early voting ballots shall be prepared and printed in the same  
263 form and shall be on the same size and texture as the regular  
264 official ballots, except that they shall be printed on tinted  
265 paper; or the ink used to print the ballots shall be of a color  
266 different from that of the ink used to print the regular official  
267 ballots. Arrows may be printed on the ballot to indicate the  
268 place to mark the ballot, which may be to the right or left of the  
269 names of candidates and propositions. The titles of offices may  
270 be arranged in vertical columns on the ballot and shall be printed  
271 above or at the side of the names of candidates so as to indicate  
272 clearly the candidates for each office and the number to be  
273 elected. In case there are more candidates for an office than can  
274 be printed in one (1) column, the ballot shall be clearly marked  
275 that the list of candidates is continued on the following column.  
276 The names of candidates for each office shall be printed in  
277 vertical columns, grouped by the offices which they seek. In  
278 partisan elections, the party designation of each candidate, which  
279 may be abbreviated, shall be printed following his name.

280           Two (2) sample ballots, which shall be facsimile ballots of  
281 the official ballot and instructions to the voters, shall be  
282 provided for each precinct and shall be posted in each polling  
283 place on election day.

284           A separate ballot security envelope or suitable equivalent in  
285 which the voter can place his ballot after voting, shall be  
286 provided to conceal the choices the voter has made. Absentee  
287 voters and early voters will receive a similar ballot security  
288 envelope provided by the county in which the absentee voter or  
289 early voter will insert their voted ballot, which then can be  
290 inserted into a return envelope to be mailed back to the election

291 official. Absentee ballots and early voting ballots will not be  
292 required to be folded when a ballot security envelope is provided.

293 SECTION 8. Section 23-15-621, Mississippi Code of 1972, is  
294 amended as follows:

295 23-15-621. The title of Sections 23-15-621 through 23-15-653  
296 of this chapter shall be the Absentee Balloting and Early Voting  
297 Balloting Procedures Law.

298 SECTION 9. Section 23-15-623, Mississippi Code of 1972, is  
299 amended as follows:

300 23-15-623. All absentee ballots and early voting ballots as  
301 authorized in Sections 23-15-671 through 23-15-697, in Sections  
302 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,  
303 shall be handled as provided in Sections 23-15-621 through  
304 23-15-653.

305 SECTION 10. Section 23-15-631, Mississippi Code of 1972, is  
306 amended as follows:

307 23-15-631. (1) The registrar shall enclose with each ballot  
308 provided to an absent elector separate printed instructions  
309 furnished by him containing the following:

310 (a) All electors who utilize the provisions of this act  
311 to vote, except those with temporary or permanent physical  
312 disabilities or those who are sixty-five (65) years of age or  
313 older, and who mark their ballots in the county of the residence  
314 shall use the registrar of that county or one (1) of his deputies  
315 as the witness. Such voters shall come to the office of the  
316 registrar or a voting precinct designated to be open for early  
317 voting. \* \* \* The registrar or his deputy shall not be required  
318 to go out of the registrar's office or the designated precinct to  
319 serve as an attesting witness.

320 (b) Upon receipt of the enclosed ballot, you will not  
321 mark same except in view or sight of the attesting witness. In  
322 the sight or view of the attesting witness, mark the ballot  
323 according to instructions.

324 (c) After marking the ballot, fill out and sign the  
325 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
326 signature shall be across the flap of the envelope so as to insure  
327 the integrity of the ballot. All absent electors or electors who  
328 vote early shall have the attesting witness sign the "ATTESTING  
329 WITNESS CERTIFICATE" across the flap on back of the envelope.

330 (d) If you are authorized to cast your ballot by mail,  
331 place necessary postage on the envelope and deposit it in the post  
332 office or some government receptacle provided for deposit of mail  
333 so that the absent elector's ballot, excepting presidential  
334 absentee ballots, will reach the registrar in which your precinct  
335 is located not later than 5:00 p.m. on the day preceding the date  
336 of the election, or by personally delivering such ballot to the  
337 registrar's office not later than 12:00 noon on the Saturday  
338 immediately preceding elections held on Tuesday, the Thursday  
339 immediately preceding elections held on Saturday, and the second  
340 day immediately preceding elections held on other days.

341 (e) For absentee voters, any notary public, United  
342 States postmaster, assistant United States postmaster, United  
343 States postal supervisor, clerk in charge of a contract postal  
344 station, or any officer having authority to administer an oath or  
345 take an acknowledgment may be an attesting witness; provided,  
346 however, that in the case of an absent elector who is temporarily  
347 or permanently physically disabled, the attesting witness may be  
348 any person eighteen (18) years of age or older and such person is  
349 not required to have the authority to administer an oath. If a  
350 postmaster, assistant postmaster, postal supervisor, or clerk in  
351 charge of a contract postal station acts as an attesting witness,  
352 his signature on the elector's certificate must be authenticated  
353 by the cancellation stamp of their respective post offices. If  
354 one or the other officers herein named acts as attesting witness,  
355 his signature on the elector's certificate, together with his  
356 title and address, but no seal, shall be required. Any affidavits

357 made by an absent elector who is in the Armed Forces may be  
358 executed before a commissioned officer, warrant officer, or  
359 noncommissioned officer not lower in grade than sergeant rating or  
360 any person authorized to administer oaths.

361           (f) When the application accompanies the absentee  
362 ballot it shall not be returned in the same envelope as the ballot  
363 but shall be returned in a separate preaddressed envelope provided  
364 by the registrar.

365           (g) A person who is a candidate for public office may  
366 not be an attesting witness for any absentee ballot upon which the  
367 person's name appears.

368           (h) Any voter casting an absentee ballot or an early  
369 voting ballot who declares that he requires assistance to vote by  
370 reason of blindness, temporary or permanent physical disability or  
371 inability to read or write, shall be entitled to receive  
372 assistance in the marking of his absentee ballot and in completing  
373 the affidavit on the absentee ballot envelope. The voter may be  
374 given assistance by anyone of the voter's choice other than a  
375 candidate whose name appears on the absentee ballot being marked,  
376 or the voter's employer, or agent of that employer. In order to  
377 ensure the integrity of the ballot, any person who provides  
378 assistance to an absentee voter shall be required to sign and  
379 complete the "Certificate of Person Providing Voter Assistance" on  
380 the absentee ballot envelope.

381           (2) The foregoing instructions required to be provided by  
382 the registrar to the elector shall also constitute the substantive  
383 law pertaining to the handling of absentee ballots by the elector  
384 and registrar.

385           SECTION 11. Section 23-15-637, Mississippi Code of 1972, is  
386 amended as follows:

387           23-15-637. Absentee ballots received by mail, excluding  
388 presidential ballots as provided for in Sections 23-15-731 and  
389 23-15-733, must be received by the registrar by 5:00 p.m. on the

390 date preceding the election; any received after such time shall be  
391 handled as provided in Section 23-15-647 and shall not be counted.  
392 All early voting ballots shall be cast by the \* \* \* elector \* \* \*  
393 in the office of the registrar or designated precinct by \* \* \* not  
394 later than 12:00 noon on the Saturday immediately preceding  
395 elections held on Tuesday, the Thursday immediately preceding  
396 elections held on Saturday, or the second day immediately  
397 preceding the date of elections held on other days. The registrar  
398 shall deposit all absentee ballots and early voting ballot which  
399 have been timely cast in the ballot boxes upon receipt.

400 SECTION 12. Section 23-15-639, Mississippi Code of 1972, is  
401 amended as follows:

402 23-15-639. At the close of the regular balloting and at the  
403 close of the polls, the election managers of each voting precinct  
404 shall first take the envelopes containing the absentee and early  
405 voting ballots of such electors from the box, and the name,  
406 address and precinct inscribed on each such envelope shall be  
407 announced by the election managers. The signature on the  
408 application shall then be compared with the signature on the back  
409 of the envelope. If it corresponds and the affidavit, if one is  
410 required, is sufficient and the election managers find that the  
411 applicant is a registered and qualified voter or otherwise  
412 qualified to vote, and that he has not appeared in person and  
413 voted at such election, the envelope shall then be opened and the  
414 ballot removed from the envelope, without its being unfolded, or  
415 permitted to be unfolded or examined. Having observed and found  
416 the ballot to be regular as far as can be observed from its  
417 official endorsement, the election managers shall deposit it in  
418 the ballot box with the other ballots before counting any ballots  
419 and enter the voter's name in the receipt book provided for that  
420 purpose and mark "VOTED" in the pollbook or poll list as if he had  
421 been present and voted on the day of the election. If voting  
422 machines are used, all absentee and early voting ballots shall be

423 placed in the ballot box before any ballots are counted, and the  
424 election managers in each precinct shall immediately count such  
425 absentee and early voter ballots and add them to the votes cast in  
426 the voting machine or device.

427 SECTION 13. Section 23-15-641, Mississippi Code of 1972, is  
428 amended as follows:

429 23-15-641. (1) If an affidavit or the certificate of the  
430 officer before whom the affidavit is taken is required and such  
431 affidavit or certificate is found to be insufficient, or if it is  
432 found that the signatures do not correspond, or that the applicant  
433 is not a duly qualified elector in the precinct, or otherwise  
434 qualified to vote, or that the ballot envelope is open or has been  
435 opened and resealed, or the voter is not eligible to vote absentee  
436 or that the voter who voted by absentee or early voting ballot is  
437 present and has voted within the precinct where he represents  
438 himself to be a qualified elector, or otherwise qualified to vote,  
439 on the date of the election at such precinct, the previously cast  
440 vote shall not be allowed. Without opening the voter's envelope  
441 the commissioners of election, designated executive committee  
442 members or election managers, as appropriate, shall mark across  
443 its face "REJECTED," with the reason therefor.

444 (2) If the ballot envelope contains more than one (1) ballot  
445 of any kind, the ballot shall not be counted but shall be marked  
446 "REJECTED," with the reason therefor. The voter's envelopes and  
447 affidavits, and the voter's envelope with its contents unopened,  
448 when such vote is rejected, shall be retained and preserved in the  
449 same manner as other ballots at the election. Such votes may be  
450 challenged in the same manner and for the same reasons that any  
451 other vote cast in such election may be challenged.

452 (3) If an affidavit is required and the officials find that  
453 the affidavit is insufficient, or if the officials find that  
454 the \* \* \* voter is otherwise disqualified to vote, the envelope  
455 shall not be opened and a commissioner or executive committee

456 member shall write across the face of the envelope "REJECTED"  
457 giving the reason therefor, and the registrar shall promptly  
458 notify the voter of such rejection.

459 SECTION 14. Section 23-15-643, Mississippi Code of 1972, is  
460 amended as follows:

461 23-15-643. If an affidavit is required, the appropriate  
462 election officials shall examine the affidavit of each absentee  
463 ballot envelope. If the officials are satisfied that any such  
464 affidavit is sufficient and that the absentee or early voter is  
465 otherwise qualified to vote, an official shall announce the name  
466 of the voter and shall give any person present an opportunity to  
467 challenge in like manner and for the same cause as the voter could  
468 have been challenged had he presented himself personally in such  
469 precinct to vote. The ineligibility of the voter to vote by  
470 absentee ballot shall be a ground for a challenge. Also, the  
471 officials shall consider any absentee or early voter challenged  
472 when a person has previously filed a written challenge of such  
473 voter's right to vote. The election officials shall handle any  
474 such challenge in the same manner as other challenged ballots are  
475 handled.

476 SECTION 15. Section 23-15-645, Mississippi Code of 1972, is  
477 amended as follows:

478 23-15-645. After the votes have been counted the officials  
479 shall preserve all applications, envelopes and the list of absent  
480 or early voters along with the ballots and other election  
481 materials and return the same to the registrar.

482 SECTION 16. Section 23-15-649, Mississippi Code of 1972, is  
483 amended as follows:

484 23-15-649. For all elections, there shall be prepared and  
485 printed by the officials charged with this duty with respect to  
486 the election, as soon as the deadline for the qualification of  
487 candidates has passed or forty-five (45) days of the election,  
488 whichever is later, official ballots for each voting precinct to

489 be known as absentee and early voter ballots, which ballots shall  
490 be prepared and printed in the same form and shall be of the same  
491 size and texture as the regular official ballot except that they  
492 shall be printed on tinted paper of a tint different from that of  
493 the regular official ballot.

494 SECTION 17. Section 23-15-651, Mississippi Code of 1972, is  
495 amended as follows:

496 23-15-651. The results of the vote by absentee and early  
497 voter balloting shall be announced simultaneously with the vote  
498 cast on election day.

499 SECTION 18. Section 23-15-711, Mississippi Code of 1972, is  
500 amended as follows:

501 23-15-711. The title of Sections 23-15-711 through 23-15-721  
502 shall be the Mississippi Absentee and Early Voter Law.

503 SECTION 19. Section 23-15-715, Mississippi Code of 1972, is  
504 amended as follows:

505 23-15-715. (1) Any elector desiring to vote early as  
506 provided in this subarticle may secure an early voting ballot  
507 if \* \* \* not more than forty-five (45) days nor later than 12:00  
508 noon on the Saturday immediately preceding elections held on  
509 Tuesday, the Thursday immediately preceding elections held on  
510 Saturday, or the second day immediately preceding the date of  
511 elections held on other days, he shall appear in person before the  
512 registrar of the county in which he resides, or such registrar's  
513 deputies, or for municipal elections he shall appear in person  
514 before the city clerk of the municipality in which he resides, or  
515 such clerk's deputies, and, \* \* \* execute and file an application  
516 as provided in Section 23-15-627. Such elector may vote by early  
517 ballot at the office of such registrar or clerk or at the  
518 precincts designated for early voting. \* \* \*

519 (2) Within forty-five (45) days next prior to any election,  
520 any elector who cannot vote early as provided in subsection (1) of  
521 this section by reason of temporarily residing outside the county,



522 or any person who has a temporary or permanent physical  
523 disability, persons who are sixty-five (65) years of age or older,  
524 or any person who is the parent, spouse or dependent of a  
525 temporarily or permanently physically disabled person who is  
526 hospitalized outside of his county of residence or more than fifty  
527 (50) miles away from his residence and such parent, spouse or  
528 dependent will be with such person on election day, may make  
529 application for an absentee ballot by mailing the appropriate  
530 application to the registrar. Only persons temporarily residing  
531 out of the county of their residence, persons having a temporary  
532 or permanent physical disability, persons who are sixty-five (65)  
533 years of age or older, or any person who is the parent, spouse or  
534 dependent of a temporarily or permanently physically disabled  
535 person who is hospitalized outside of his county of residence or  
536 more than fifty (50) miles away from his residence, and such  
537 parent, spouse or dependent will be with such person on election  
538 day, may obtain absentee ballots by mail under the provisions of  
539 this subsection and as provided by Section 23-15-713.  
540 Applications of persons temporarily residing outside the county  
541 shall be sworn to and subscribed before an official who is  
542 authorized to administer oaths or other official authorized to  
543 witness absentee balloting as provided in this chapter, said  
544 application to be accompanied by such verifying affidavits as  
545 required by this chapter. The applications of persons having a  
546 temporary or permanent physical disability shall not be required  
547 to be accompanied by an affidavit but shall be witnessed and  
548 signed by a person eighteen (18) years of age or older. The  
549 registrar shall send to such absent voter a proper absentee voter  
550 ballot within twenty-four (24) hours, or as soon thereafter as the  
551 ballots are available, containing the names of all candidates who  
552 qualify or the proposition to be voted on in such election, and  
553 with such ballot there shall be sent an official envelope

554 containing upon it in printed form the recitals and data  
555 hereinafter required.

556 SECTION 20. Section 23-15-717, Mississippi Code of 1972, is  
557 amended as follows:

558 23-15-717. Any elector enumerated in Section 23-15-713  
559 applying for an absentee or early voting ballot shall complete an  
560 application form as provided in Section 23-15-627, and said  
561 elector shall fill in the application as is appropriate for his  
562 particular situation.

563 SECTION 21. Section 23-15-719, Mississippi Code of 1972, is  
564 amended as follows:

565 23-15-719. (1) Immediately upon completion of an  
566 application filed pursuant to the provisions of \* \* \* Section  
567 23-15-715(1), the registrar or his deputies shall deliver the  
568 necessary early voting ballots to the applicant. The registrar  
569 shall only deliver the ballots to the applicant \* \* \* in the  
570 registrar's office or the precincts designated for early voting.  
571 The registrar shall not personally hand deliver ballots to voters,  
572 unless he delivers the ballots in the office of the registrar.  
573 The elector voting by early voting ballot shall fill in his ballot  
574 in secret. After the applicant has properly marked the ballot and  
575 properly folded it, he shall deposit it in the envelope furnished  
576 him by the registrar.

577 After he has sealed the envelope, he shall subscribe and  
578 swear to an affidavit in the following form, which shall be  
579 printed on the back of the envelope containing the applicant's  
580 ballot:

581 "STATE OF MISSISSIPPI

582 COUNTY OF \_\_\_\_\_

583 I, \_\_\_\_\_, do solemnly swear that this envelope contains  
584 the ballot marked by me indicating my choice of the candidates or  
585 propositions to be submitted at the election to be held on the \_\_\_\_  
586 day of \_\_\_\_\_, 2\_\_\_\_, and I hereby authorize the registrar to

587 place this envelope in the ballot box on my behalf, and I further  
588 authorize the election managers to open this envelope and place my  
589 ballot among the other ballots cast before such ballots are  
590 counted, and record my name on the poll list as if I were present  
591 in person on election day and voted.

592 I further swear that I marked the enclosed ballot in secret.

593 \_\_\_\_\_  
594 (Signature of voter)

595 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_\_  
596 day of \_\_\_\_\_, 2\_\_\_\_.

597 (Registrar) \_\_\_\_\_  
598 (Registrar)"

599 After the completion of the requirements of this section, the  
600 elector shall deliver the envelope containing the ballot to the  
601 registrar.

602 (2) If the voter has received assistance in marking his  
603 ballot, the person providing the assistance shall complete the  
604 following form which shall be printed on the back of the envelope  
605 containing the applicant's ballot:

606 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

607 (To be completed only if the voter has received assistance in  
608 marking the enclosed ballot.) I hereby certify that the  
609 above-named voter declared to me that he or she is blind,  
610 temporarily or permanently physically disabled, or cannot read or  
611 write, and that the voter requested that I assist the voter in  
612 marking the enclosed \* \* \* ballot. I hereby certify that the  
613 ballot preferences on the enclosed ballot are those communicated  
614 by the voter to me, and that I have marked the enclosed ballot in  
615 accordance with the voter's instructions.

616 \_\_\_\_\_  
617 Signature of person providing assistance

618 \_\_\_\_\_  
619 Printed name of person providing assistance

620

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Address of person providing assistance

622

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Date and time assistance provided

624

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Family relationship to voter (if any)"

625

626 (3) The envelope used pursuant to this section shall not  
627 contain the form prescribed by Section 23-15-635.

628 SECTION 22. Section 23-15-721, Mississippi Code of 1972, is  
629 amended as follows:

630 23-15-721. (1) Electors temporarily residing outside the  
631 county and obtaining an absentee ballot under the provisions  
632 of \* \* \* Section 23-15-715(2) shall appear before any official  
633 authorized to administer oaths or other official authorized to  
634 witness absentee balloting as provided in this chapter. The  
635 elector shall exhibit to such official his absentee ballot  
636 unmarked and thereupon proceed in secret to fill in his ballot.  
637 After the elector has properly marked the ballot and properly  
638 folded it, he shall deposit it in the envelope furnished him.  
639 After he has sealed the envelope he shall deliver it to the  
640 official before whom he is appearing and shall subscribe and swear  
641 to the elector's certificate provided for in Section 23-15-635,  
642 which affidavit shall be printed on the back of the envelope as  
643 provided for in Section 23-15-635.

644 (2) Electors who are temporarily or permanently physically  
645 disabled shall sign the elector's certificate and the certificate  
646 of attesting witness shall be signed by any person eighteen (18)  
647 years of age or older.

648 (3) After the completion of the requirements of this  
649 section, the elector shall mail the envelope containing the ballot  
650 to the registrar in the county wherein said elector is qualified  
651 to vote. Said ballots must be received by the registrar prior to  
652 5:00 p.m. on the day preceding the election to be counted.

653 SECTION 23. Section 23-15-753, Mississippi Code of 1972, is  
654 amended as follows:

655 23-15-753. (1) Any person who willfully, unlawfully and  
656 feloniously procures, seeks to procure, or seeks to influence the  
657 vote of any person voting by absentee or early ballot, by the  
658 payment of money, the promise of payment of money, or by the  
659 delivery of any other item of value or promise to give the voter  
660 any item of value, or by promising or giving the voter any favor  
661 or reward in an effort to influence his vote, or any person who  
662 aids, abets, assists, encourages, helps, or causes any person  
663 voting an absentee or early ballot to violate any provision of law  
664 pertaining to absentee or early voting, or any person who sells  
665 his vote for money, favor, or reward, has been paid or promised  
666 money, a reward, a favor or favors, or any other item of value, or  
667 any person who shall willfully swear falsely to any affidavit  
668 provided for in Sections 23-15-621 through 23-15-735, shall be  
669 guilty of the crime of "vote fraud" and, upon conviction, shall be  
670 sentenced to pay a fine of not less than Five Hundred Dollars  
671 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by  
672 imprisonment in the county jail for no more than one (1) year, or  
673 by both fine and imprisonment, or by being sentenced to the State  
674 Penitentiary for not less than one (1) year nor more than five (5)  
675 years.

676 (2) It shall be unlawful for any person who pays or  
677 compensates another person for assisting voters in marking their  
678 absentee or early ballots to base the pay or compensation on the  
679 number of \* \* \* voters assisted or the number of \* \* \* ballots  
680 cast by persons who have received the assistance. Any person who  
681 violates this section, upon conviction shall, be fined not less  
682 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
683 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less  
684 than one (1) year nor more than five (5) years, or both.

685           SECTION 24. The Attorney General of the State of Mississippi  
686 shall submit this act, immediately upon approval by the Governor,  
687 or upon approval by the Legislature subsequent to a veto, to the  
688 Attorney General of the United States or to the United States  
689 District Court for the District of Columbia in accordance with the  
690 provisions of the Voting Rights Act of 1965, as amended and  
691 extended.

692           SECTION 25. This act shall take effect and be in force from  
693 and after the date it is effectuated under Section 5 of the Voting  
694 Rights Act of 1965, as amended and extended.