

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.

A separate ballot security envelope or suitable equivalent in which the voter can place his ballot after voting, shall be provided to conceal the choices the voter has made. Absentee voters and early voters will receive a similar ballot security envelope provided by the county in which the absentee voter or early voter will insert their voted ballot, which then can be 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 _____
621 Address of person providing assistance
622 _____
623 Date and time assistance provided
624 _____
625 Family relationship to voter (if any)"
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.