

By: Representatives Eaton, Warren, Clark,
Lott, Ishee

To: Apportionment and
Elections

HOUSE BILL NO. 1352

1 AN ACT TO REQUIRE A VOTER TO STATE HIS NAME, ADDRESS AND
2 MONTH AND DAY OF BIRTH PRIOR TO VOTING; TO REQUIRE A VOTER WHOSE
3 NAME, ADDRESS AND MONTH AND DAY OF BIRTH ARE NOT THE SAME AS THOSE
4 ON THE PRECINCT LIST TO COMPLETE CHANGE OF INFORMATION FORMS; TO
5 ALLOW A VOTER OVER THE AGE OF 65 YEARS TO THEN VOTE WITHOUT DELAY;
6 TO REQUIRE ANY OTHER VOTER WHOSE NAME, ADDRESS OR MONTH AND DAY OF
7 BIRTH ARE NOT THE SAME AS THOSE ON THE PRECINCT LIST TO PRESENT
8 ANY ONE OF SIXTEEN DOCUMENTS AND TO THEN VOTE WITHOUT DELAY; IF
9 UNABLE TO DO SO, TO ALLOW SUCH VOTER TO VOTE IF HE IS RECOGNIZED
10 BY ELECTION OFFICIALS AS THE VOTER WHOSE NAME IS ON THE PRECINCT
11 LIST; TO OTHERWISE REQUIRE A VOTER TO SIGN A SWORN STATEMENT UNDER
12 OATH THAT HE IS THE PERSON WHOSE NAME IS ON THE PRECINCT VOTER
13 LIST AND THEN ALLOW HIM TO VOTE WITHOUT DELAY; TO CREATE THE
14 OFFENSE OF VOTER INTIMIDATION PUNISHABLE AS A FELONY; TO AMEND
15 SECTION 23-15-713, MISSISSIPPI CODE OF 1972, TO ALLOW A VOTER TO
16 VOTE BY ABSENTEE BALLOT EARLY IN THE VOTER REGISTRAR'S OFFICE
17 BEGINNING TWO SATURDAYS PRECEDING THE ELECTION THROUGH THE
18 SATURDAY IMMEDIATELY PRECEDING THE ELECTION, EXCLUDING SUNDAY AND
19 LEGAL HOLIDAYS; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF
20 1972, TO ALLOW A VOTER TO APPLY FOR AN ABSENTEE BALLOT TO VOTE
21 EARLY IN THE OFFICE OF THE VOTER REGISTRAR BEGINNING TWO SATURDAY
22 IMMEDIATELY PRECEDING THE ELECTION THROUGH THE SATURDAY
23 IMMEDIATELY PRECEDING THE ELECTION, EXCLUDING SUNDAY AND LEGAL
24 HOLIDAYS; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972, TO
25 PROVIDE THAT THE REGISTRARS' OFFICES ARE OPEN FROM 8 A.M. UNTIL 5
26 P.M. ON THE TWO SATURDAYS IMMEDIATELY PRECEDING THE ELECTION; TO
27 AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972, TO REQUIRE
28 COMPLIANCE WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION
29 23-15-541, MISSISSIPPI CODE OF 1972, TO REQUIRE A PERSON TO BE
30 QUALIFIED TO VOTE IF THEY COMPLY WITH THE PROVISIONS OF THIS ACT;
31 TO AMEND SECTION 23-15-719, MISSISSIPPI CODE OF 1972, TO REQUIRE
32 COMPLIANCE WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION
33 23-15-715, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
34 RELATED PURPOSES.

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

36 **SECTION 1.** The provisions of Sections 1 through 10, of this
37 act shall be known and cited as the "Voter Security Act of 2002."

38 **SECTION 2.** Before a person is permitted to vote, the
39 election manager, or the voter registrar in the case of absentee
40 voting in the office of the registrar, shall:

41 (a) Require the voter to state or communicate his name
42 in order to verify the existence of his name on the precinct voter
43 registration list;



44 (b) Require the voter to state or communicate his
45 address and month and day of birth;

46 (c) Determine that the voter's month and day of birth
47 and address are the same as those on the precinct voter
48 registration list;

49 (d) If the voter's name, month and day of birth and
50 address are the same as those on the precinct voter registration
51 list, require the voter to sign his name, including his given
52 name, his middle name or initial, if any, and his last name in the
53 space provided in the precinct receipt book. If the voter is
54 unable to sign his signature or make his mark or cross, the
55 appropriate election official shall enter his initials and the
56 voter's date of birth in the space provided for the voter's
57 signature on the precinct receipt book or other sign in book
58 maintained in the registrar's office, in the case of absentee
59 voting in that office. Any voter who falsely represents his
60 identity by signing another person's name on the precinct receipt
61 book shall be guilty of a felony and, upon conviction, shall be
62 fined not more than Five Thousand Dollars (\$5,000.00), imprisoned
63 not less than one (1) year, but not more than five (5) years, or
64 both;

65 (e) Allow a voter whose name, address and month and day
66 of birth are the same as those on the precinct voter registration
67 list and who has signed his name on the precinct receipt book in
68 compliance with paragraph (d) of this section to vote without
69 undue delay.

70 (f) (i) If the address given by the voter is not the
71 same as that on the precinct voter registration list, but the
72 voter believes his address is within the precinct, require the
73 voter to complete a voter registration application or change of
74 address form for the purpose of updating county and municipal
75 voter registration records.



76 (ii) If the address given by the voter is not
77 within the precinct or county, direct the voter to the proper
78 precinct or county, if known by the election official, or instruct
79 the voter to contact the voter registrar to determine his proper
80 voting place.

81 (g) If the voter's name is not the same as that on the
82 precinct voter registration list, require the voter to complete a
83 voter registration application for the purpose of updating the
84 county and municipal voter registration records;

85 (h) Allow to vote without undue delay a voter who is 65
86 years of age or older on the date on which he is voting after he
87 has completed any voter registration application or change of
88 address form required under paragraphs (f)(i) or (g) of this
89 section, if any.

90 (i) From a voter whose name, address or month and day
91 of birth are not the same as those on the precinct voter
92 registration list, require presentation of one of the following:

93 (i) A valid Mississippi driver's license;

94 (ii) A valid identification card issued by a
95 branch, department, agency or entity of the State of Mississippi;

96 (iii) A valid United States passport;

97 (iv) A valid employee identification card
98 containing a photograph of the voter and issued by any branch,
99 department, agency or entity of the United States government, the
100 State of Mississippi, or any county, municipality, board,
101 authority or other entity of this state;

102 (v) A valid employee identification card
103 containing a photograph of the voter and issued by an employer of
104 the voter in the ordinary course of the employer's business;

105 (vi) A valid student identification card
106 containing a photograph of the voter from any public or private
107 college, university or post-graduate, technical or professional
108 school located within the State of Mississippi;



109 (vii) A valid Mississippi license to carry a
110 pistol or revolver;

111 (viii) A valid pilot's license issued by the
112 Federal Aviation Administration or other authorized agency of the
113 United States.

114 (ix) A valid United States military identification
115 card;

116 (x) A certified copy of the voter's birth
117 certificate;

118 (xi) A valid social security card;

119 (xii) Certified naturalization documentation;

120 (xiii) An official voter registration card;

121 (xiv) A health record;

122 (xv) A tax receipt; or

123 (xvi) Any other generally recognized form of
124 identification.

125 (j) Allow to vote without undue delay any voter whose
126 address, name or month and day of birth are not the same as those
127 on the precinct voter registration list and who do not present
128 documentation as provided under paragraph (i) of this section,
129 after signing the precinct receipt book, if such voter is
130 personally recognized by the appropriate election official as the
131 person on the precinct voter registration list.

132 (k) For a voter whose name, address or month and day of
133 birth are not the same as those on the precinct voter registration
134 list and who does not present documentation as provided under
135 paragraph (i) of this section and are not personally recognized by
136 the appropriate election official as the person on the precinct
137 voter registration list, after signing the precinct receipt book,
138 allow him to sign a statement under oath, in a form prescribed by
139 the Secretary of State, swearing or affirming that he is the
140 person on the precinct voter registration list. One (1) of the
141 election managers, or the voter registrar in the case of absentee



142 voting in the office of the registrar, shall sign a statement as a
143 witness to the oath taken by the elector. The voter shall then be
144 allowed to vote without undue delay. Any voter who falsely swears
145 or affirms the statement prescribed in this subsection shall be
146 guilty of a felony and, upon conviction, shall be fined not more
147 than Five Thousand Dollars (\$5,000.00), imprisoned not less than
148 one (1) year, but not more than five (5) years, or both.

149 **SECTION 3.** There is hereby created the criminal offense of
150 voter intimidation, which shall occur when any person willfully
151 and deliberately utilizes any tactic, commits any act, engages in
152 any conduct or conspires with another to interfere with the free,
153 unimpeded and unfettered exercise of a person's constitutional
154 right to vote. Such offense shall be a felony and be punishable
155 by a fine of Five Thousand Dollars (\$5,000.00), imprisonment of
156 not less than one (1) year, but not more than five (5) years, or
157 both.

158 **SECTION 4.** Section 23-15-713, Mississippi Code of 1972, is
159 amended as follows:

160 23-15-713. For the purpose of this subarticle, any duly
161 qualified elector may vote as provided in this subarticle if he be
162 one who falls within the following categories:

163 (a) Any qualified elector who is a bona fide student,
164 teacher or administrator at any college, university, junior
165 college, high, junior high, or elementary grade school whose
166 studies or employment at such institution necessitates his absence
167 from the county of his voting residence on the date of any
168 primary, general or special election, or the spouse and dependents
169 of said student, teacher or administrator if such spouse or
170 dependent(s) maintain a common domicile, outside of the county of
171 his voting residence, with such student, teacher or administrator.

172 (b) Any qualified elector who is required to be away
173 from his place of residence on any election day due to his
174 employment as an employee of a member of the Mississippi



175 congressional delegation and the spouse and dependents of such
176 person if he or she shall be residing with such absentee voter
177 away from the county of the spouse's voting residence.

178 (c) Any qualified elector who is away from his county
179 of residence on election day for any reason.

180 (d) Any person who has a temporary or permanent
181 physical disability and who, because of such disability, is unable
182 to vote in person without substantial hardship to himself or
183 others, or whose attendance at the voting place could reasonably
184 cause danger to himself or others.

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

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

192 (g) Any member of the Mississippi congressional
193 delegation absent from Mississippi on election day, and the spouse
194 and dependents of such member of the congressional delegation.

195 (h) Any qualified elector who will be unable to vote in
196 person because he is required to be at work on election day during
197 the times at which the polls will be open.

198 (i) Any qualified elector who desires to vote early for
199 any reason in the office of the voter registrar beginning on the
200 second Saturday preceding the election and extending through the
201 Saturday immediately preceding the election, excluding Sunday and
202 all legal holidays.

203 **SECTION 5.** Section 23-15-627, Mississippi Code of 1972, is
204 amended as follows:

205 23-15-627. The registrar shall be responsible for furnishing
206 an absentee ballot application form to any elector authorized to
207 receive an absentee ballot. Absentee ballot applications shall be



208 furnished to a person only upon the oral or written request of the
209 elector who seeks to vote by absentee ballot; however, the parent,
210 child, spouse, sibling, legal guardian, those empowered with a
211 power of attorney for that elector's affairs or agent of the
212 elector may orally request an absentee ballot application on
213 behalf of the elector. An absentee ballot application must have
214 the seal of the circuit or municipal clerk affixed to it and be
215 initialed by the registrar or his deputy in order to be utilized
216 to obtain an absentee ballot. A reproduction of an absentee
217 ballot application shall not be valid unless it is a reproduction
218 provided by the office of the registrar of the jurisdiction in
219 which the election is being held and which contains the seal and
220 initials required by this section. Such application shall be
221 substantially in the following form:

222 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

223 I, _____, duly qualified and registered in the ____ Precinct
224 of the County of _____, and State of Mississippi, coming within
225 the purview of the definition 'ABSENT ELECTOR' will be absent from
226 the county of my residence on election day, or unable to vote in
227 person because (check appropriate reason):

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

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

234 () I am a member of the Merchant Marine or the American Red
235 Cross and am a citizen of Mississippi or spouse or dependent of
236 such member.

237 () I am a disabled war veteran who is a patient in any
238 hospital and am a citizen of Mississippi or spouse or dependent of
239 such veteran.



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

244 () I am a citizen of Mississippi temporarily residing
245 outside the territorial limits of the United States and the
246 District of Columbia.

247 () I am a student, teacher or administrator at a college,
248 university, junior or community college, high, junior high,
249 elementary or grade school, whose studies or employment at such
250 institution necessitates my absence from the county of my voting
251 residence or spouse or dependent of such student, teacher or
252 administrator who maintains a common domicile outside the county
253 of my voting residence with such student, teacher or
254 administrator.

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

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

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

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

263 () I am a member of the congressional delegation, or spouse
264 or dependent of a member of the congressional delegation.

265 () I am required to be at work on election day during the
266 times which the polls will be open.

267 () I desire to vote early in the office of the voter
268 registrar in this election on any day beginning on the second
269 Saturday preceding the election and extending through the Saturday
270 immediately preceding the election, excluding Sunday and all legal
271 holidays.



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

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

276 I realize that I can be fined up to Five Thousand Dollars
277 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
278 for making a false statement in this application and for selling
279 my vote and violating the Mississippi Absentee Voter Law. (This
280 sentence is to be in bold print.)

281 If you are temporarily or permanently disabled, you are not
282 required to have this application notarized or signed by an
283 official authorized to administer oaths for absentee balloting.
284 You are required to sign this application in the proper place and
285 have a person eighteen (18) years of age or older witness your
286 signature and sign this application in the proper place.

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

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

291 _____
292 (Signature of absent elector)

293 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
294 2____.

295 _____
296 (Official authorized to administer oaths
297 for absentee balloting.)

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

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

304 _____



305 (Signature of witness)

306 CERTIFICATE OF DELIVERY

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

311 _____
312 (Signature of person delivering application)

313 _____
314 (Address of person delivering application)"

315 **SECTION 6.** Section 23-15-653, Mississippi Code of 1972, is
316 amended as follows:

317 23-15-653. All registrars' offices shall remain open from
318 8:00 a.m. until 5:00 p.m. on the two (2) Saturdays immediately
319 prior to each election.

320 **SECTION 7.** Section 23-15-11, Mississippi Code of 1972, is
321 amended as follows:

322 23-15-11. Every inhabitant of this state, except idiots and
323 insane persons, who is a citizen of the United States of America,
324 eighteen (18) years old and upwards, who has resided in this state
325 for thirty (30) days and for thirty (30) days in the county in
326 which he offers to vote, and for thirty (30) days in the
327 incorporated city or town in which he offers to vote, and who
328 shall have been duly registered as an elector pursuant to Section
329 23-15-33, and who has never been convicted of any crime listed in
330 Section 241, Mississippi Constitution of 1890, shall be a
331 qualified elector in and for the county, municipality and voting
332 precinct of his residence, and shall be entitled to vote at any
333 election upon compliance with Section 2 of House Bill No. _____,
334 2002 Regular Session. Any person who will be eighteen (18) years
335 of age or older on or before the date of the general election and
336 who is duly registered to vote not less than thirty (30) days
337 prior to the primary election associated with such general



338 election, may vote in such primary election even though such
339 person has not reached his or her eighteenth birthday at the time
340 such person offers to vote at such primary election. No others
341 than those above included shall be entitled, or shall be allowed,
342 to vote at any election.

343 **SECTION 8.** Section 23-15-541, Mississippi Code of 1972, is
344 amended as follows:

345 **[Until Laws, 1993, Chapter 528, is effectuated under Section**
346 **5 of the Voting Rights Act of 1965, this section reads as**
347 **follows:]**

348 23-15-541. At all elections, the polls shall be opened at
349 seven o'clock in the morning and be kept open until seven o'clock
350 in the evening and no longer. Upon the opening of the polls, and
351 not before, the managers of the election shall designate two (2)
352 of their number, other than the manager theretofore designated to
353 receive the blank ballots, who shall thereupon be known
354 respectively as the initialing manager and the alternate
355 initialing manager. The alternate initialing manager, in the
356 absence of the initialing manager, shall perform all of the duties
357 and undertake all of the responsibilities of the initialing
358 manager. When any person entitled to vote shall appear to vote,
359 the managers shall require him to comply with Section 2 of House
360 Bill No. _____, 2002 Regular Session. And then such person
361 shall * * * sign his name in a receipt book or booklet provided
362 for that purpose and to be used at that election only and said
363 receipt book or booklet shall be used in lieu of the list of
364 voters who have voted formerly made by the managers or clerks;
365 whereupon and not before, the initialing manager or, in his
366 absence, the alternate initialing manager shall indorse his
367 initials on the back of an official blank ballot, prepared in
368 accordance with law, and at such place on the back of the ballot
369 that the initials may be seen after the ballot has been marked and
370 folded, and when so indorsed he shall deliver it to the voter,



371 which ballot the voter shall mark in the manner provided by law,
372 which when done the voter shall deliver the same to the initialing
373 manager or, in his absence, to the alternate initialing manager,
374 in the presence of the others, and the manager shall see that the
375 ballot so delivered bears on the back thereof the genuine initials
376 of the initialing manager, or alternate initialing manager, and if
377 so, but not otherwise, the ballot shall be put into the ballot
378 box; and when so done one (1) of the managers or a duly appointed
379 clerk shall make the proper entry on the pollbook. If the voter
380 is unable to write his name on the receipt book, a manager or
381 clerk shall note on the back of the ballot that it was receipted
382 for by his assistance.

383 **[From and after such time as Laws, 1993, Chapter 528, is**
384 **effectuated under Section 5 of the Voting Rights Act of 1965, this**
385 **section reads as follows:]**

386 23-15-541. At all elections, the polls shall be opened at
387 seven o'clock in the morning and be kept open until seven o'clock
388 in the evening and no longer. Upon the opening of the polls, and
389 not before, the managers of the election shall designate two (2)
390 of their number, other than the manager theretofore designated to
391 receive the blank ballots, who shall thereupon be known
392 respectively as the initialing manager and the alternate
393 initialing manager. The alternate initialing manager, in the
394 absence of the initialing manager, shall perform all of the duties
395 and undertake all of the responsibilities of the initialing
396 manager. When any person entitled to vote shall appear to vote,
397 the manager's shall require him to comply with Section 2 of House
398 Bill No. _____, 2002 Regular Session. And then such person shall
399 sign his name in a receipt book or booklet provided for that
400 purpose and to be used at that election only and said receipt book
401 or booklet shall be used in lieu of the list of voters who have
402 voted formerly made by the managers or clerks; whereupon and not
403 before, the initialing manager or, in his absence, the alternate



404 initialing manager shall indorse his initials on the back of an
405 official blank ballot, prepared in accordance with law, and at
406 such place on the back of the ballot that the initials may be seen
407 after the ballot has been marked and folded, and when so indorsed
408 he shall deliver it to the voter, which ballot the voter shall
409 mark in the manner provided by law, which when done the voter
410 shall deliver the same to the initialing manager or, in his
411 absence, to the alternate initialing manager, in the presence of
412 the others, and the manager shall see that the ballot so delivered
413 bears on the back thereof the genuine initials of the initialing
414 manager, or alternate initialing manager, and if so, but not
415 otherwise, the ballot shall be put into the ballot box; and when
416 so done one (1) of the managers or a duly appointed clerk shall
417 make the proper entry on the pollbook. If the voter is unable to
418 write his name on the receipt book, a manager or clerk shall note
419 on the back of the ballot that it was receipted for by his
420 assistance.

421 **SECTION 9.** Section 23-15-715, Mississippi Code of 1972, is
422 amended as follows:

423 23-15-715. (1) Any elector desiring an absentee ballot as
424 provided in this subarticle may secure same if:

425 (a) Not more than forty-five (45) days nor later than
426 12:00 noon on the Saturday immediately preceding elections held on
427 Tuesday, the Thursday immediately preceding elections held on
428 Saturday, or the second day immediately preceding the date of
429 elections held on other days, he shall appear in person before the
430 registrar of the county in which he resides, or for municipal
431 elections he shall appear in person before the city clerk of the
432 municipality in which he resides and, when the elector so appears,
433 he shall execute and file an application as provided in Section
434 23-15-627 and vote by absentee ballot, except that if the ballot
435 has not been printed by forty-five (45) days preceding the
436 election, the elector may appear and file an application anytime



437 before the election. Then the absentee ballot shall be mailed by
438 the circuit clerk to the elector as soon as the ballot has been
439 printed.

440 (b) Within forty-five (45) days next prior to any
441 election, any elector who cannot comply with paragraph (a) of this
442 section by reason of temporarily residing outside the county, or
443 any person who has a temporary or permanent physical disability,
444 persons who are sixty-five (65) years of age or older, or any
445 person who is the parent, spouse or dependent of a temporarily or
446 permanently physically disabled person who is hospitalized outside
447 of his county of residence or more than fifty (50) miles away from
448 his residence and such parent, spouse or dependent will be with
449 such person on election day, may make application for an absentee
450 ballot by mailing the appropriate application to the registrar.
451 Only persons temporarily residing out of the county of their
452 residence, persons having a temporary or permanent physical
453 disability, persons who are sixty-five (65) years of age or older,
454 or any person who is the parent, spouse or dependent of a
455 temporarily or permanently physically disabled person who is
456 hospitalized outside of his county of residence or more than fifty
457 (50) miles away from his residence, and such parent, spouse or
458 dependent will be with such person on election day, may obtain
459 absentee ballots by mail under the provisions of this subsection
460 and as provided by Section 23-15-713. Applications of persons
461 temporarily residing outside the county shall be sworn to and
462 subscribed before an official who is authorized to administer
463 oaths or other official authorized to witness absentee balloting
464 as provided in this chapter, said application to be accompanied by
465 such verifying affidavits as required by this chapter. The
466 applications of persons having a temporary or permanent physical
467 disability shall not be required to be accompanied by an affidavit
468 but shall be witnessed and signed by a person eighteen (18) years
469 of age or older. The registrar shall send to such absent voter a



470 proper absentee voter ballot within twenty-four (24) hours, or as
471 soon thereafter as the ballots are available, containing the names
472 of all candidates who qualify or the proposition to be voted on in
473 such election, and with such ballot there shall be sent an
474 official envelope containing upon it in printed form the recitals
475 and data hereinafter required.

476 (2) Any qualified elector who may vote early for any reason
477 in the office of the voter registrar beginning on the second
478 Saturday preceding the election and extending through the Saturday
479 immediately preceding the election, excluding Sunday and all legal
480 holidays.

481 **SECTION 10.** Section 23-15-719, Mississippi Code of 1972, is
482 amended as follows:

483 23-15-719. (1) Immediately upon completion of an
484 application filed pursuant to the provisions of paragraph (a) of
485 Section 23-15-715, the registrar shall deliver the necessary
486 ballots to the applicant. The registrar shall require the
487 applicant to comply with the provisions of House Bill No. _____,
488 2002 Regular Session, and shall then only deliver the ballots to
489 the applicant by mail or to the applicant in the registrar's
490 office. The registrar shall not personally hand deliver ballots
491 to voters, unless he delivers the ballots in the office of the
492 registrar. The elector shall fill in his ballot in secret. After
493 the applicant has properly marked the ballot and properly folded
494 it, he shall deposit it in the envelope furnished him by the
495 registrar.

496 After he has sealed the envelope, he shall subscribe and
497 swear to an affidavit in the following form, which shall be
498 printed on the back of the envelope containing the applicant's
499 ballot:

500 "STATE OF MISSISSIPPI

501 COUNTY OF _____



502 I, _____, do solemnly swear that this envelope contains
503 the ballot marked by me indicating my choice of the candidates or
504 propositions to be submitted at the election to be held on the ___
505 day of _____, 2____, and I hereby authorize the registrar to
506 place this envelope in the ballot box on my behalf, and I further
507 authorize the election managers to open this envelope and place my
508 ballot among the other ballots cast before such ballots are
509 counted, and record my name on the poll list as if I were present
510 in person and voted.

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

512 _____
513 (Signature of voter)

514 SWORN TO AND SUBSCRIBED before me, _____, this the ___
515 day of _____, 2____.

516 (Registrar) _____
517 (Registrar) "

518 After the completion of the requirements of this section, the
519 elector shall deliver the envelope containing the ballot to the
520 registrar.

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

525 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

526 (To be completed only if the voter has received assistance in
527 marking the enclosed ballot.) I hereby certify that the
528 above-named voter declared to me that he or she is blind,
529 temporarily or permanently physically disabled, or cannot read or
530 write, and that the voter requested that I assist the voter in
531 marking the enclosed absentee ballot. I hereby certify that the
532 ballot preferences on the enclosed ballot are those communicated
533 by the voter to me, and that I have marked the enclosed ballot in
534 accordance with the voter's instructions.



535 _____
536 Signature of person providing assistance
537 _____
538 Printed name of person providing assistance
539 _____
540 Address of person providing assistance
541 _____
542 Date and time assistance provided
543 _____
544 Family relationship to voter (if any)"

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

547 **SECTION 11.** The Attorney General of the State of Mississippi
548 shall submit this act, immediately upon approval by the Governor,
549 or upon approval by the Legislature subsequent to a veto, to the
550 Attorney General of the United States or to the United States
551 District Court for the District of Columbia in accordance with the
552 provisions of the Voting Rights Act of 1965, as amended and
553 extended.

554 **SECTION 12.** This act shall take effect and be in force from
555 and after the date it is effectuated under Section 5 of the Voting
556 Rights Act of 1965, as amended and extended.

