SENATE BILL NO. 3042


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

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

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

"OFFICIAL APPLICATION FOR ABSENT ELECTOR’S BALLOT OR EARLY VOTING BALLOT

I, _____, duly qualified and registered in the ___ Precinct of the County of ____, and State of Mississippi, ___ will be absent from the county of my residence on election day, or I desire to vote early (check appropriate reason):

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

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

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

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

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

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

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

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

( ) I have a temporary or permanent physical disability.

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

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

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

( ) I desire to vote early.

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

Mail the Ballot to me at the following address ____________
(if eligible to vote by mail).

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

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

DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
print.)
IN WITNESS WHEREOF I have hereunto set my hand and seal this 
the ____ day of _____, 2___.

_________________________________
(Signature of absent elector)

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

_________________________________
(Official authorized to administer oaths 
for absentee balloting.)

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

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

_________________________________
(Signature of witness)

CERTIFICATE OF DELIVERY

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

_________________________________
(Signature of person delivering application)

_________________________________
(Address of person delivering application)"

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

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

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

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

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

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

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

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

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

SECTION 3. Section 23-15-653, Mississippi Code of 1972, is amended as follows:
23-15-653. (1) All registrars’ offices shall remain open from 7 a.m. until 7 p.m. on the two (2) Saturdays prior to each election to perform duties related to absentee or early voting.

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

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

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

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

23-15-463. The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are hereby authorized and empowered, in their discretion, to purchase or rent voting devices and automatic tabulating equipment used in an electronic voting system which meets the requirements of Section 23-15-465, and may use such system in all or a part of the precincts within its boundaries, or in combination with paper ballots in any election or primary. It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used. The provisions of Sections 23-15-461 through 23-15-485 shall be controlling with respect to elections where an electronic voting
system is used, and shall be liberally construed so as to carry
out the purpose of this chapter. The provisions of the election
law relating to the conduct of elections with paper ballots,
insofar as they are applicable and not inconsistent with the
efficient conduct of elections with electronic voting systems,
shall apply. Absentee ballots and early voting ballots shall be
voted as now provided by law.

amended as follows:

23-15-483. All proceedings at the counting center shall be
under the direction of the commissioners of elections or officials
in charge of the election, and shall be conducted under the
observation of the public, but no persons except those authorized
for the purpose shall touch any ballot or ballot card or return.
All persons who are engaged in processing and counting of the
ballots shall be deputized in writing and take an oath that they
will faithfully perform their assigned duties. Persons assigned
to operate the automatic tabulating equipment shall submit
evidence satisfactory to the commissioners of elections or
officials in charge of the elections of their expert
qualifications to operate said equipment. If any ballot is
damaged or defective so that it cannot be properly counted by the
automatic tabulating equipment, the ballot shall be deposited in
an envelope provided for that purpose marked "DAMAGED BALLOTS."
The election officials shall direct that such ballots be counted
manually, following as far as practicable the provisions governing
the counting of paper ballots.

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

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

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

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

Two (2) sample ballots, which shall be facsimile ballots of
the official ballot and instructions to the voters, shall be
provided for each precinct and shall be posted in each polling
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
official. Absentee ballots and early voting ballots will not be
required to be folded when a ballot security envelope is provided.

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

of this chapter shall be the Absentee Balloting and Early Voting
Balloting Procedures Law.

amended as follows:

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

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

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

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

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

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

(e) For absentee voters, any notary public, United
States postmaster, assistant United States postmaster, United
States postal supervisor, clerk in charge of a contract postal
station, or any officer having authority to administer an oath or
take an acknowledgment may be an attesting witness; provided,
however, that in the case of an absent elector who is temporarily
or permanently physically disabled, the attesting witness may be
any person eighteen (18) years of age or older and such person is
not required to have the authority to administer an oath. If a
postmaster, assistant postmaster, postal supervisor, or clerk in
charge of a contract postal station acts as an attesting witness,
his signature on the elector's certificate must be authenticated
by the cancellation stamp of their respective post offices. If
one or the other officers herein named acts as attesting witness,
his signature on the elector's certificate, together with his
title and address, but no seal, shall be required. Any affidavits
made by an absent elector who is in the Armed Forces may be
executed before a commissioned officer, warrant officer, or
noncommissioned officer not lower in grade than sergeant rating or
any person authorized to administer oaths.

(f) When the application accompanies the absentee
ballot it shall not be returned in the same envelope as the ballot
but shall be returned in a separate preaddressed envelope provided
by the registrar.
(g) A person who is a candidate for public office may not be an attesting witness for any absentee ballot upon which the person's name appears.

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

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

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

23-15-637. Absentee ballots received by mail, excluding presidential ballots as provided for in Sections 23-15-731 and 23-15-733, must be received by the registrar by 5:00 p.m. on the date preceding the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted. All early voting ballots shall be cast by the * * * elector * * * in the office of the registrar or designated precinct by * * * not later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. The registrar
shall deposit all absentee ballots and early voting ballot which
have been timely cast in the ballot boxes upon receipt.

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

23-15-639. At the close of the regular balloting and at the
close of the polls, the election managers of each voting precinct
shall first take the envelopes containing the absentee and early
ing voting ballots of such electors from the box, and the name,
address and precinct inscribed on each such envelope shall be
announced by the election managers. The signature on the
application shall then be compared with the signature on the back
of the envelope. If it corresponds and the affidavit, if one is
required, is sufficient and the election managers find that the
applicant is a registered and qualified voter or otherwise
qualified to vote, and that he has not appeared in person and
voted at such election, the envelope shall then be opened and the
ballot removed from the envelope, without its being unfolded, or
permitted to be unfolded or examined. Having observed and found
the ballot to be regular as far as can be observed from its
official endorsement, the election managers shall deposit it in
the ballot box with the other ballots before counting any ballots
and enter the voter's name in the receipt book provided for that
purpose and mark "VOTED" in the pollbook or poll list as if he had
been present and voted on the day of the election. If voting
machines are used, all absentee and early voting ballots shall be
placed in the ballot box before any ballots are counted, and the
election managers in each precinct shall immediately count such
absentee and early voter ballots and add them to the votes cast in
the voting machine or device.

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

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

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

(3) If an affidavit is required and the officials find that
the affidavit is insufficient, or if the officials find that
the voter is otherwise disqualified to vote, the envelope
shall not be opened and a commissioner or executive committee
member shall write across the face of the envelope "REJECTED"
giving the reason therefor, and the registrar shall promptly
notify the voter of such rejection.

amended as follows:

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

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

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

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

23-15-649. For all elections, there shall be prepared and printed by the officials charged with this duty with respect to the election, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days of the election, whichever is later, official ballots for each voting precinct to be known as absentee and early voter ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot except that they shall be printed on tinted paper of a tint different from that of the regular official ballot.

SECTION 17. Section 23-15-651, Mississippi Code of 1972, is amended as follows:
23-15-651. The results of the vote by absentee and early voter balloting shall be announced simultaneously with the vote cast on election day.

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


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

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

(2) Within forty-five (45) days next prior to any election, any elector who cannot vote early as provided in subsection (1) of this section by reason of temporarily residing outside the county, or any person who has a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence and such parent, spouse or dependent will be with such person on election day, may make
application for an absentee ballot by mailing the appropriate application to the registrar. Only persons temporarily residing out of the county of their residence, persons having a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence, and such parent, spouse or dependent will be with such person on election day, may obtain absentee ballots by mail under the provisions of this subsection and as provided by Section 23-15-713. Applications of persons temporarily residing outside the county shall be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter, said application to be accompanied by such verifying affidavits as required by this chapter. The applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

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

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

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

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

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

"STATE OF MISSISSIPPI
COUNTY OF ___________

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

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

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

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

"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

___________________________________________
Signature of person providing assistance

___________________________________________
Printed name of person providing assistance

___________________________________________
Address of person providing assistance

___________________________________________
Date and time assistance provided

___________________________________________
Family relationship to voter (if any)"

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

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

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

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

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

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

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

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

SECTION 24. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.
SECTION 25. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.