HOUSE BILL NO. 1423

1 AN ACT TO COMPLY WITH THE FEDERAL HELP AMERICA VOTE ACT OF
2 2002; TO REQUIRE THE SECRETARY OF STATE TO ESTABLISH AN
3 ADMINISTRATIVE COMPLAINT PROCEDURE FOR HANDLING GRIEVANCES IN
4 ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002; TO REQUIRE THE
5 SECRETARY OF STATE AND THE COMMISSIONER OF PUBLIC SAFETY TO ENTER
6 INTO AN AGREEMENT TO MATCH CERTAIN INFORMATION REQUIRED UNDER SUCH
7 ACT; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN
8 AGREEMENT WITH THE COMMISSIONER OF SOCIAL SECURITY TO VERIFY
9 CERTAIN INFORMATION; TO GRANT THE SECRETARY OF STATE THE AUTHORITY
10 TO ACCEPT AND EXPEND FEDERAL FUNDS APPROPRIATED TO CARRY OUT
11 VOTING MACHINE BUYOUT PROGRAM AUTHORIZED BY SUCH ACT; TO REQUIRE
12 THE SECRETARY OF STATE TO PROVIDE CERTAIN INFORMATION REGARDING
13 VOTER REGISTRATION AND VOTING PROCEDURES; TO AMEND SECTIONS
16 THE VOTER’S REGISTRATION NUMBER SHALL BE HIS DRIVER’S LICENSE
17 NUMBER, THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY NUMBER IF HE
18 HAS NO DRIVER’S LICENSE OR A UNIQUE NUMBER ASSIGNED BY THE
19 SECRETARY OF STATE IF A DRIVER’S LICENSE NUMBER OR THE LAST FOUR
20 DIGITS OF HIS SOCIAL SECURITY NUMBER ARE NOT PROVIDED; TO REQUIRE
21 CERTAIN INFORMATION TO BE POSTED AT PRECINCT POLLING PLACES; TO
22 REVISE THE PROVISIONS REGARDING AFFIDAVIT BALLOTS TO PROVIDE
23 CERTAIN INFORMATION TO THE SECRETARY OF STATE; TO PROVIDE THAT
24 AFFIDAVIT BALLOT AND TO REQUIRE THE SECRETARY OF STATE TO PRESCRIBE THE FORM
25 OF THE AFFIDAVIT AND ENVELOPE; TO PROVIDE THAT FIRST TIME VOTERS
26 WHO REGISTERED BY MAIL PRESENT IDENTIFICATION REQUIRED UNDER 303
27 OF THE HELP AMERICA VOTE ACT OF 2002 AT POLLING PLACES; TO PROVIDE
28 THAT AN APPLICATION TO VOTE UNDER THE ARMED SERVICES ABSENTEE
29 VOTING LAW SHALL SERVE AS A REQUEST FOR AN ABSENTEE BALLOT FOR THE
30 NEXT TWO FEDERAL GENERAL ELECTIONS AND ALL PRIMARY AND GENERAL
31 ELECTIONS THAT FALL WITHIN THAT TIME FRAME; TO PROVIDE THAT
32 ABSENTEE BALLOTS HAVE IDENTIFICATION ATTACHED AS REQUIRED BY THE
33 HELP AMERICA VOTE ACT; TO PROVIDE THAT IF AN APPLICATION FOR
34 ABSENTEE BALLOT OR A REQUEST TO REGISTER TO VOTE BY A UNIFORMED
35 SERVICES APPLICANT OR AN OVERSEAS VOTER IS REJECTED, THE APPLICANT
36 MUST BE PROVIDED WITH THE REASONS FOR THE REJECTION; AND FOR
37 RELATED PURPOSES.

38 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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40 SECTION 1. This act shall be known and may be cited as the
41 "Mississippi Help America Vote Act of 2002 Compliance Law."
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43 SECTION 2. The Secretary of State shall establish, by rule
44 and regulation on or after January 1, 2005, an administrative
45 complaint procedure for handling grievances in accordance with
46
Due to the need to comply with Section 402 of the Help America Vote Act of 2002, the rules and regulations adopted by the Secretary of State by January 1, 2006 shall only be changed by laws adopted by the Legislature of the State of Mississippi.

**SECTION 3.** Prior to casting any ballot at any election, voters who are required to present identification under Section 303 of the Help America Vote Act of 2002 based on the use of any lawful application to register to vote by mail, shall be required to present to the officials in charge of the election a form of identification which complies with Section 303(c) of the Help America Vote Act of 2002.

**SECTION 4.** The Secretary of State and the Commissioner of Public Safety shall enter into an agreement to match information required under Section 303(b)(3)(B)(ii) of the Help America Vote Act of 2002, and an agreement to match information in the database of the statewide voter registration system created under state law with information in the database of the Department of Public Safety to the extent required to enable the Secretary of State and local election officials to verify the accuracy of information provided on applications for voter registration. Implementation of the agreement to match information required by this Section 303(b)(3)(B)(ii) of the Help America Vote Act of 2002 shall be accomplished not later than January 1, 2004.

**SECTION 5.** The Commissioner of Public Safety shall enter into an agreement with the Commissioner of Social Security under Section 205(r)(8) of the Social Security Act (as amended by the Help America Vote Act of 2002) in accordance with Section 303 of the Help America Vote Act of 2002 to verify the accuracy of applicable information provided by the Commissioner of Public Safety with respect to applications for voter registration.

**SECTION 6.** The Secretary of State shall have the authority to accept federal funds authorized under Section 102 of the Help America Vote Act of 2002 and to meet all the requirements of the
Help America Vote Act of 2002 in order to expend the funds to
carry out the voting machine buyout program under such act.

SECTION 7. The Secretary of State shall be responsible for
providing information required by Section 702 of the Help America
Vote Act of 2002, regarding voter registration procedures and
absentee ballot procedures to be used by absent uniformed services
voters and overseas voters with respect to elections, including
procedures relating to the use of the federal write-in absentee
ballot, to all absent uniformed services voters and overseas
voters who wish to register to vote or vote in this state.

SECTION 8. The Secretary of State shall promulgate rules and
regulations necessary to effectuate the provisions of the Help
America Vote Act of 2002.

SECTION 9. Section 23-15-11, Mississippi Code of 1972, is
amended as follows:

23-15-11. Every inhabitant of this state, except idiots and
insane persons, who is a citizen of the United States of America,
eighteen (18) years old and upwards, who has resided in this state
for thirty (30) days and for thirty (30) days in the county in
which he offers to vote, and for thirty (30) days in the
incorporated city or town in which he offers to vote, and who
shall have been duly registered as an elector pursuant to Section
23-15-33, and who has never been convicted of any crime listed in
Section 241, Mississippi Constitution of 1890, shall be a
qualified elector in and for the county, municipality and voting
precinct of his residence, and shall be entitled to vote at any
election. * * *

SECTION 10. Section 23-15-39, Mississippi Code of 1972, is
amended as follows:

23-15-39. (1) Applications for registration as electors of
this state, which are sworn to and subscribed before the registrar
or deputy registrar authorized by law and which are not made by
mail, shall be made upon a triplicate form in the following words and figures:

"APPLICATION FOR REGISTRATION

(You may receive assistance in filling out this form from any person of your choosing. It is not necessary that this form be filled out in the presence of the registrar, however, the oath must be executed in the presence of the registrar or his deputy.)

1. What is your full name, including maiden name, if you have one? __________________________________________

2. Provide your current and valid driver's license number: _________________. If you do not have a current and valid driver's license number, please give the last four (4) digits of your social security number. _______________

3. What is your date of birth? ___________________________

4. Are you a citizen of the United States? ________________

5. What is your present residence address and each place you have resided during the past year, stating when you lived at each place, and specifying the municipality or community, the street name and number and/or any other designation which accurately describes the geographic location of your present residence address?

(a) Present address: _________________________________

   From ____________ (month) to date.

(b) Previous address: ________________________________

   From ____________ (month) to ____________ (month).

(c) Previous address: ________________________________

   From ____________ (month) to ____________ (month).

(If you need additional space, use the back side of this form.)

6. What is your present mailing address? __________________

7. Are you now a resident of this state and county? _______

8. Do you now reside within the city limits of a city or town located within this county? _______
9. Have you ever registered to vote before in any other county or state? If so, give the last place or last two (2) places if registered more than once. __________ __________

10. Have you ever been convicted of the crime of murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy? __________

11. The following questions may be answered by you at your option and are solely for the purpose of aiding in registering you in the proper precinct:

(a) Are there any registered voters living at your present residence? __________ If so, give the name of each such person. ______________________________________________________

(b) Do you have a telephone at your present residence? _______ If so, give the telephone number of such telephone. _______ Please give your work telephone number. __________

After you have answered 1 through 11 above, sign or make your mark on the following oath in the presence of the registrar or deputy registrar.

STATE OF MISSISSIPPI
COUNTY OF ________

I do solemnly swear (or affirm) that I am at least eighteen (18) years old (or I will be before the next general election in this county), and that I am now in good faith a resident of this state and of ________ Election Precinct in this county, and that I am not disqualified from voting by reason of having been convicted of any crime listed in Question 10 of the application; that I have truly answered all questions propounded to me in the foregoing application for registration, and that I will faithfully support the Constitutions of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God.

Applicant sign here: ______________________
SWORN TO AND SUBSCRIBED before me, this the _________ day of

____________________, 2___.

___________________________ (Registrar)

By ___________________ (Deputy Registrar)"

For Office Use Only: unique identification number (if required)

___________________.

(2) The boards of supervisors shall make proper allowances
for office supplies reasonably necessitated by the registration of
county electors.

(3) If the reply to Question 8 above is affirmative, the
county registrar shall forward notice of registration, a copy of
the application for registration, and any changes to such
registration when they occur, either by certified mail to the
clerk of the municipality indicated in the present residence
address stated in answer to Question 5(a) above or by personal
delivery to such clerk provided that a numbered receipt is signed
by such clerk in return for the described documents. Upon receipt
of the copy of the application for registration or changes to such
registration, and if a review *** indicates that the applicant
meets all the criteria necessary to qualify as a municipal
elector, then the clerk of the municipality shall make a
determination of the municipal voting precinct in which the person
making the application shall be required to vote. The clerk shall
send this municipal voting precinct information by United States
first-class mail, postage prepaid, to such person at the address
provided on the application. Any and all mailing costs incurred
by the county registrar or the clerk of the municipality in
effectuating this subsection shall be paid by the governing
authority of such municipality. If a review of the copy of the
application for registration or changes to such registration
indicates that the applicant is not qualified to vote in the
municipality, the clerk of the municipality shall challenge such
application. The municipal election commissioners of the
municipality shall review any such challenge or disqualification after having notified the applicant by certified mail of such challenge or disqualification.

(4) If the reply to Question 9 above is affirmative, the registrar or clerk shall on a monthly basis send notice of this new registration to the registrar or clerk of the county stated in Question 9 as the voter's previous place of registration. The election commission of the voter's previous place of registration shall be responsible for having such voter's name erased from the appropriate registration book and pollbook.

(5) The registrar shall issue to the person making the application a copy of such application upon which has been written the county voting precinct in which such person shall vote. The registrar shall assign a voter registration number to such person, which shall be that person's current and valid driver's license number, or, if the person does not have a current and valid driver's license, the last four (4) digits of the person's social security number if such a number is provided. If the person does not provide a current and valid driver's license number or the last four (4) digits of his social security number, a unique registration number shall be assigned to the person by the Secretary of State. The assigned voter registration number shall be clearly shown on the application.

(6) Any person desiring an application for registration may secure an application from the registrar of the county of which he is a resident and may take the application with him and secure assistance in completing the application from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons requesting them, and it shall likewise be the duty of any registrar to furnish aid and assistance in the completing of the application when requested by an applicant. The application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the
municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. No fee or cost shall be charged the applicant by the registrar for accepting the application or administering the oath or for any other duty imposed by law regarding the registration of electors.

(7) If the person making the application is unable to read or write, for reason of disability or otherwise, he shall not be required to personally complete the application in writing and execute the oath. In such cases, the registrar or deputy registrar shall read to such person the application and oath and such person's answers thereto shall be recorded by the registrar or his deputy. The person shall be registered as an elector if he otherwise meets the requirements to be registered as such. The registrar shall record the responses of such person and such recorded responses shall be retained permanently by the registrar. The registrar shall forward a copy of all such recorded responses to the Secretary of State and shall indicate which were approved for registration.

(8) The receipt of a copy of the application for registration sent pursuant to Section 23-15-35(2) shall be sufficient to allow the applicant to be registered as an elector of this state, provided that such application is not challenged as provided for therein.

(9) In any case in which a municipality expands its corporate boundaries by annexation, the municipal clerk shall, within ten (10) days after the effective date of such annexation, forward to the county registrar a map which accurately depicts the annexed area. The county registrar shall, within ten (10) days after the receipt of the map, forward to the municipal clerk a copy of the most recent county precinct or subprecinct pollbook for the county precincts in which the annexed area is included, or equivalent computer data or information as will permit the identification of county electors who reside in the annexed area.
The municipal clerk shall add those county electors who have resided in the annexed area for at least thirty (30) days after annexation to the municipal registration books as registered voters of the municipality and shall forward to such persons written notification of such addition and of the municipal precinct or ward in which such persons reside.

**SECTION 11.** Section 23-15-47, Mississippi Code of 1972, is amended as follows:

23-15-47. (1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application shall be the date of registration. The application shall be witnessed by one (1) qualified elector in the county of the applicant’s residence. The name, address and, if available, the daytime telephone number of the person witnessing the application must be legibly written or printed on the application. The witness shall not be a candidate for public office as of the date of the execution of the application. Any applicant or witness is subject to the penalties provided in Section 23-15-17 for false registration. Any person who willfully swears falsely to any material matter on a mail-in application is guilty of perjury and, upon conviction thereof, shall be punished as provided in Section 97-9-61.

(b) Upon receipt of a mail-in application, the county registrar shall stamp such application with the date of receipt, and shall verify the application by contacting the applicant by telephone, by personal contact with the applicant, or by any other method approved by the Secretary of State. Within twenty-five
(25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

(c) If the county registrar determines that the applicant is qualified and his application is legible and complete, he shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, polling place and supervisor district in which such person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. Said registration cards shall be provided by the county registrar. The registrar shall assign a voter registration number to such person, which shall be that person's current and valid driver's license number, or, if the person does not have a current and valid driver's license, the last four (4) digits of the person's social security number if such a number is provided. If the person does not provide a current and valid driver's license number or the last four (4) digits of his social security number, a unique voter registration number shall be assigned to such person by the Secretary of State. The voter registration number shall be clearly shown on the application and on the written notification of approval. In mailing such written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD." If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) Except as provided for in paragraph (g) of this section, an incomplete portion of the application which makes it impossible for the registrar to determine the eligibility of the applicant to register;

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(ii) A portion of the application which is illegible in the opinion of the county registrar and makes it impossible to determine the eligibility of the applicant to register;

(iii) The county registrar is unable to determine, from the address and information stated on the application, the precinct in which the voter should be assigned or the supervisor district in which he is entitled to vote;

(iv) The applicant is not qualified to register to vote pursuant to Section 23-15-11;

(v) The registrar determines that the applicant is registered as a qualified elector of the county;

(vi) The county registrar is unable to verify the application pursuant to subsection (2)(b) of this section.

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraphs (d)(i) through (iii) of this subsection, and it appears to the registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the registrar may write or call the applicant at the telephone number provided on the application. If the registrar is able to contact the applicant by mail or telephone, he shall attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone or is not sufficient, the registrar shall give the applicant written notice of the rejection and provide the reason for such rejection. The registrar shall further inform the applicant that he has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and
the "present home address" portion of the application is different from the residence address for the applicant found in the registration book, the mail-in application shall be deemed a written request to transfer registration pursuant to Section 23-15-13. Subject to the time limits and other provisions of Section 23-15-13, the registrar or the election commissioners shall note the new residence address on his records and, if necessary, transfer the applicant to his new precinct, advise the applicant of his new precinct, polling place and supervisor district, and notify the municipal clerk of any such changes on a monthly basis.

(g) If a mail-in application is subject to rejection because the applicant failed to respond to question (9) of the application or the response to question (9) was illegible on the application, the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election for Federal office as provided for in Section 303(b)(4)(B) of the Help America Vote Act of 2002.

(3) The instructions and the application form for voter registration by mail shall be in the following form and shall contain the following information:

"INSTRUCTIONS FOR MAIL-IN VOTER REGISTRATION

1. Anyone may assist you in completing the enclosed application.

2. A registered voter of your county who is not now a candidate for public office must complete and sign the 'Witness Signature and Certification' portion of the enclosed application.

3. All required information must be supplied in legible form.

4. The completed application must be mailed or delivered to the registrar of your county at least thirty (30) days before an
election in order for you to be registered for that election. Applications which are mailed must be postmarked thirty (30) days prior to any election.

5. The penalty for conviction of false registration is a felony punishable by a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment for not more than five (5) years, or both."

"APPLICATION FOR VOTER REGISTRATION BY MAIL

STATE OF MISSISSIPPI

I, ________________, hereby apply for registration as a voter of ________________ County, Mississippi.

1. Full Name, including maiden name if you have one:

_____________________ (First, Middle and/or Maiden, Last)

2. Male ___ Female ___

3. Provide your current and valid Mississippi driver's license number: ___________. If you do not have a current and valid driver's license number, please give the last four (4) digits of your social security number: ____________________

4. Date of Birth: ________________ 4a. Age: _______

4b. Will you be 18 years of age on or before election day?___

5. Present Home Address:

(a) ________________________________ (Street and Number)

_______________________________ (City, State, Zip)

(b) How long have you lived there?

From ___________________ (month/year) to present.

(c) Do you now live in a city or town of this county? _____ If so, which? _______________

(d) Telephone number, if available:

(i) Home telephone number _________________

(ii) Daytime or work telephone number _________________

6. Mailing Address: Give your current mailing address if different from your present home address:

_________________________ (Box or Street and Number)
7. Previous Address: List your most recent address before your present address:
_________________________ (Box or Street and Number)
_________________________ (City, State, Zip)
From ___________ (month/year) to ___________ (month/year)

8. Last Registration: Have you ever registered to vote before in any other county in Mississippi or in any other state?
_________ If yes, give the last place you were registered:
_________________________ (City, County, State)

9. Citizenship, Residence, Prior Convictions:
(a) Are you a citizen of the United States? _______
If you answered "no" in response to either 4(b) or 9(a), do not complete this form.
(b) Are you a resident of this state and county? ______
(c) Have you ever been convicted of the crime of murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy? ___ If so, what State ________, County ________? Date of conviction _______.

10. Will you need assistance on election day? ______. If yes, for which of the following reasons: permanently physically disabled _____; other (please describe) __________________________
11. Applicant Signature and Certification:
I certify that I am at least eighteen (18) years old (or I will be before the next general election), that the above information given by me is true and correct and that I have truly answered all questions in the foregoing application for registration, and that I will faithfully support the Constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same.

Applicant sign here: ________________________
Date: ____________________________________
12. Witness Signature and Certification:

I certify that I am a registered voter in ________________ County, Mississippi, that I am not now a candidate for public office, and that the above named applicant signed this application for registration in my presence. I further certify that I have read the above application, and that the facts stated therein are true and correct to the best of my knowledge. I personally know the person who appeared before me or I have seen the person's identification. I understand that the penalty for knowingly procuring a person's registration who is not entitled to be registered, or is registered under a false name or in any other voting precinct than that in which he resides, is a fine of not more than Five Thousand Dollars ($5,000.00) or imprisonment for not more than five (5) years, or both.

Witness sign here: ________________________

Full name and address of witness (Print):
Name: _________________________________
Address: ______________________________ (Street and Number)
_______________________________ (City, State, Zip)

Telephone number, if available:
Home telephone number ____________
Daytime or work telephone number __________

For Office Use Only: unique identification number (if required) ___________________.

(4) (a) The Secretary of State shall prepare and furnish without charge the necessary forms for application for voter registration by mail to each county registrar, municipal clerk, all public schools, each private school that requests such applications, and all public libraries.

(b) The Secretary of State shall distribute without charge sufficient forms for application for voter registration by mail to the Commissioner of Public Safety, who shall distribute such forms to each driver's license examining and renewal station.
in the state, and shall ensure that the forms are regularly
available to the public at such stations.

(c) Bulk quantities of forms for application for voter
registration by mail shall be furnished by the Secretary of State
to any person or organization. The Secretary of State shall
charge a person or organization the actual cost he incurs in
providing bulk quantities of forms for application for voter
registration to such person or organization.

(5) The originals of completed mail-in applications shall
remain on file in the office of the county registrar in accordance
with Section 23-15-113. Nothing in this section shall preclude
having applications on microfilm or microfiche.

(6) If the reply to question 5(c) above is affirmative, the
county registrar shall forward notice of registration, a duplicate
copy of the application for registration, and any changes to such
registration when they occur, either by certified mail to the
clerk of the municipality indicated in the present residence
address stated in answer to Question 5(c) above or by personal
delivery to such clerk, provided that a numbered receipt is signed
by such clerk in return for the described documents. Upon receipt
of the copy of the application for registration or changes to such
registration, and if a review of same indicates that the applicant
meets all the criteria necessary to qualify as a municipal
elector, then the clerk of said municipality shall register the
applicant as a municipal elector and make a determination of the
municipal voting precinct in which the person making the
application shall be required to vote. The clerk shall send this
municipal voting precinct information by United States first-class
mail, postage prepaid, to such person at the address provided on
the application. Any and all mailing costs incurred by the county
registrar or the clerk of the municipality in effectuating this
subsection shall be paid by the governing authority of such
municipality. If a review of the copy of the application for
registration or changes to such registration indicates that the applicant is not qualified to vote in said municipality, the clerk of said municipality shall deny such application and notify applicant.

(7) If the reply to Question 8 above is affirmative, the registrar or clerk shall send written notice of this new registration by regular United States mail to the registrar or clerk of the county stated in Question 8 as the voter's previous place of registration. The information shall include the complete name, address and age of the voter and shall include the current and valid driver's license number of the voter, if provided, or the social security number of the voter if provided. The election commission of the voter's previous place of registration shall be responsible for having such voter's name erased from the appropriate registration book and pollbook.

SECTION 12. Section 23-15-255, Mississippi Code of 1972, is amended as follows:

23-15-255. (1) The supervisor of each respective supervisors district shall provide at each election place a sufficient number of voting compartments, shelves and tables for the use of electors, which shall be so arranged that it will be impossible for one (1) voter in one (1) compartment to see another voter who is preparing his ballot. The number of voting compartments and shelves or tables shall not be less than one (1) to every two hundred (200) electors in the voting precinct. Each compartment shall be supplied and have posted up in it a card of instructions, and be furnished with other conveniences for marking the ballots.

(2) The managers of each precinct shall publicly post certain voting information at the precinct polling place on the day of any election. The voting information required to be posted by this subsection is as follows:
(a) A sample version of the ballot that will be used at
the election;

(b) Information regarding the date of the election and
the hours during which the polling places will be open;

(c) Instruction on how to vote, including how to cast a
vote and how to cast an affidavit ballot;

(d) Instructions for persons who have registered to
vote by mail and first time voters;

(e) General information on voting rights including
information on the right of an individual to cast an affidavit
ballot and instruction on how to contact the appropriate officials
if these rights are alleged to have been violated; and

(f) The consequences under federal and state laws
regarding fraud and misrepresentation.

SECTION 13. Section 23-15-573, Mississippi Code of 1972, is
amended as follows:

23-15-573. (1) Any person whose name does not appear upon
the pollbooks, or who was registered to vote by mail and is a
first time voter lacking a form of voter identification required
by Section 303 of the Help America Vote Act of 2002, shall be
offered the opportunity to vote as provided in this section. When
a person is offered the opportunity to vote as provided in this
section, he shall be provided with a handout that:

(a) Contains instructions explaining the procedure for
completing an affidavit ballot;

(b) Informs the person how to ascertain whether the
affidavit ballot completed by the person was counted and, if the
vote was not counted, the reasons the vote was not counted.

(2) If any person offering to vote in any election whose
name does not appear upon the pollbook, or who was registered to
vote by mail and is a first time voter lacking a form of voter
identification required by Section 303 of the Help America Vote
Act of 2002, shall make affidavit before one (1) of the managers
of election in writing that he is entitled to vote, * * * that he has been illegally denied registration, or that he was registered to vote by mail and is a first time voter lacking a form of voter identification required by Section 303 of the Help America Vote Act of 2002, as the case may be, his vote may be prepared by him and handed to the proper election officer who shall enclose it in an envelope with the written affidavit of the voter, seal the envelope and mark plainly upon it the name of the person offering to vote. The affidavit must include the complete name, all required addresses and telephone numbers, a statement that the affiant believes he is registered to vote in the jurisdiction in which he desires to vote and is eligible to vote in the election and the signature of the affiant, and must include the signature of one (1) of the election managers. A separate register shall be maintained for affidavit ballots, and the affiant shall sign the register upon completing an affidavit under this section. In canvassing the returns of the election, the executive committee in primary elections, or the election commissioners, in a general election, shall examine the records and allow the ballot to be counted, or not counted, as it appears to be legal.

* * *

(3) The Secretary of State shall design a uniform affidavit and ballot envelope on or after January 1, 2005, which shall be used in all elections in this state. The Secretary of State shall print and have distributed a sufficient number of the affidavit and ballot envelopes to the registrar for use in all elections. The registrar shall distribute the affidavit and ballot envelopes to county executive committees for use in primary elections and to county election commissioners for use in general and special elections.

Due to the need to comply with Section 402 of the Help America Vote Act of 2002, the uniform affidavit and ballot envelope adopted by the Secretary of State by January 1, 2006.
shall be changed only by laws adopted by the Legislature of the State of Mississippi.

SECTION 14. Section 23-15-687, Mississippi Code of 1972, is amended as follows:

23-15-687. (1) The registrar shall keep all applications for absentee ballots and shall, within twenty-four (24) hours, if possible, send to such absent voter on whose behalf the application is made the proper affidavit and the proper ballot or ballots applicable to the elections.

(2) One (1) application shall serve as a request for an absentee ballot for:

(a) The next two (2) federal general elections, including all primary elections associated with such general elections; and

(b) All state and county primary and general elections that occur after the receipt of the application through the date of the second federal election that occurs after the application.

(3) The registrar shall preserve all applications for absentee voter ballots for one (1) year as a record to be furnished to any court or constituted authority for inspection or evidence if properly called for.

(4) If the registrar rejects an application for absentee voter ballot or denies a request to register to vote from a uniformed services applicant or an overseas voter, the registrar shall provide the person with the reasons for the rejection.

SECTION 15. 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 application form to any elector authorized to receive an absentee ballot. Absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; 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 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. A reproduction of an absentee
ballot 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:

Any person who was registered to vote by mail, and is a first
time voter lacking a form of voter identification required by
Section 303 of the Help America Vote Act of 2002, shall be offered
the opportunity to vote by affidavit ballot as provided for in
Section 23-15-573.

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ___ Precinct
of the County of _____, and State of Mississippi, coming within
the purview of the definition 'ABSENT ELECTOR' will be absent from
the county of my residence on election day, or unable to vote in
person because (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 am required to be at work on election day during the times which the polls will be open.

I hereby make application for an official ballot, or ballots, to be voted by me at the election to be held in ____, on ____.
Mail 'Absent Elector's Ballot' to me at the following address ____________ (if eligible to vote by mail).

( ) Are you a first time voter?

If your response to this question is "yes" and this application is submitted by mail, a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows your name and address must be attached to this absentee ballot application.

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 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 16. Section 23-15-541, Mississippi Code of 1972, is amended as follows:

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

23-15-541. At all elections, the polls shall be opened at seven o'clock in the morning and be kept open until seven o'clock in the evening and no longer. Upon the opening of the polls, and not before, the managers of the election shall designate two (2) of their number, other than the manager theretofore designated to receive the blank ballots, who shall thereupon be known respectively as the initialing manager and the alternate initialing manager. The alternate initialing manager, in the absence of the initialing manager, shall perform all of the duties and undertake all of the responsibilities of the initialing manager. When any person entitled to vote shall appear to vote, he shall first sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said
receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. When any person entitled to vote shall appear to vote and the person registered to vote by mail and is a first time voter, a form of identification required by Section 303 of the Help America Vote Act of 2002 shall be presented to the manager before such person is allowed to sign his name. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was receipted for by his assistance.

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

23-15-541. At all elections, the polls shall be opened at seven o’clock in the morning and be kept open until seven o’clock in the evening and no longer. Upon the opening of the polls, and not before, the managers of the election shall designate two (2) of their number, other than the manager theretofore designated to receive the blank ballots, who shall thereupon be known

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respectively as the initialing manager and the alternate initialing manager. The alternate initialing manager, in the absence of the initialing manager, shall perform all of the duties and undertake all of the responsibilities of the initialing manager. When any person entitled to vote shall appear to vote, the managers shall identify the voter, in the presence and view of the bystanders, by requiring the voter to submit a valid Mississippi driver's license, identification card issued by the Department of Public Safety, voter registration card, Medicaid or Medicare card, health insurance card, tax receipt or other identification card or by comparison with the descriptive information on the pollbook or have a person from the precinct vouch for such person's identification; and then such person shall sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. When any person entitled to vote shall appear to vote and the person registered to vote by
mail and is a first time voter, a form of identification required by Section 303 of the Help America Vote Act of 2002 shall be presented to the manager before such person is allowed to sign his name. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was receipted for by his assistance.

SECTION 17. 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 18. Sections 2, 4, 5, 6, 7, 8, 10 and 11 of this act shall take effect and be in force from and after the date they are effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended. The remainder of this act shall take effect and be in force from and after January 1, 2004, or the date they are effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended, whichever is the later date.