MISSISSIPPI LEGISLATURE  
REGULAR SESSION 2003

By: Senator(s) Robertson, Johnson (19th)  
To: Elections

SENATE BILL NO. 2821  
(As Passed the Senate)

1 AN ACT TO COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002; TO  
2 REQUIRE THE SECRETARY OF STATE TO ESTABLISH AN ADMINISTRATIVE  
3 COMPLAINT PROCEDURE FOR HANDLING GRIEVANCES IN ACCORDANCE WITH THE  
4 HELP AMERICA VOTE ACT OF 2002; TO REQUIRE THE SECRETARY OF STATE  
5 AND THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT  
6 TO MATCH CERTAIN INFORMATION REQUIRED UNDER SUCH ACT; TO REQUIRE  
7 THE COMMISSIONER OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH  
8 THE COMMISSIONER OF SOCIAL SECURITY TO VERIFY CERTAIN INFORMATION;  
9 TO GRANT THE SECRETARY OF STATE THE AUTHORITY TO ACCEPT AND EXPEND  
10 FEDERAL FUNDS APPROPRIATED TO CARRY OUT VOTING MACHINE BUY OUT  
11 PROGRAM AUTHORIZED BY SUCH ACT; TO REQUIRE THE SECRETARY OF STATE  
12 TO PROVIDE CERTAIN INFORMATION REGARDING VOTER REGISTRATION AND  
15 PROVIDE THAT THE VOTER’S REGISTRATION NUMBER SHALL BE HIS DRIVER  
16 LICENSE NUMBER, THE LAST FOUR DIGITS OF HIS SOCIAL SECURITY NUMBER  
17 IF HE HAS NO DRIVER’S LICENSE OR A UNIQUE NUMBER ASSIGNED BY THE  
18 SECRETARY OF STATE IF A DRIVER’S LICENSE NUMBER OR THE LAST FOUR  
19 DIGITS OF HIS SOCIAL SECURITY NUMBER ARE NOT PROVIDED; TO REQUIRE  
20 CERTAIN INFORMATION TO BE POSTED AT PRECINCT POLLING PLACES; TO  
21 REVISE THE PROVISIONS REGARDING AFFIDAVIT BALLOTS TO PROVIDE  
22 CERTAIN ADDITIONAL REASONS THAT A PERSON MAY VOTE BY AFFIDAVIT  
23 BALLOT AND TO REQUIRE THE SECRETARY OF STATE TO PRESCRIBE THE FORM  
24 OF THE AFFIDAVIT AND ENVELOPE; TO PROVIDE THAT AN APPLICATION TO  
25 VOTE UNDER THE ARMED SERVICES ABSENTEE VOTING LAW SHALL SERVE AS A  
26 REQUEST FOR AN ABSENTEE BALLOT FOR THE NEXT TWO FEDERAL GENERAL  
27 ELECTIONS AND ALL PRIMARY AND GENERAL ELECTIONS THAT FALL WITHIN  
28 THAT TIME FRAME; TO PROVIDE THAT IF AN APPLICATION FOR ABSENTEE  
29 BALLOT OR A REQUEST TO REGISTER TO VOTE BY A UNIFORMED SERVICES  
30 APPLICANT OR AN OVERSEAS VOTER IS REJECTED, THE APPLICANT MUST BE  
31 PROVIDED WITH THE REASONS FOR THE REJECTION; TO REQUIRE PERSONS  
32 PRESENTING THEMSELVES TO VOTE TO PRESENT CERTAIN IDENTIFICATION  
33 PRIOR TO BEING ALLOWED TO VOTE; TO AMEND SECTIONS 23-15-541,  
35 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known and may be cited as the
"Mississippi Help America Vote Act of 2002 Compliance Law."

SECTION 2. The Secretary of State shall, by rule and
regulation, establish an administrative complaint procedure for
handling grievances in accordance with Section 402 of the Help
America Vote Act of 2002.
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 buy out 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.
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)"
The boards of supervisors shall make proper allowances for office supplies reasonably necessitated by the registration of county electors.

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 his duty 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
(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) An incomplete portion of the application which makes it impossible for the registrar to determine the eligibility of the applicant to register;

(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.

(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: _______

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)
   ________________ (City, State, Zip)

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? _______
   (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: ________________________
(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 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.

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.** (1) Each elector shall present valid identification to an election manager, or the circuit clerk or deputy circuit clerk in the case of absentee voting, before he shall be allowed to vote. Valid identification shall consist of any one (1) of the following:

(a) A valid Mississippi driver's license;
(b) A valid identification card issued by a branch, department, agency or entity of the State of Mississippi;
(c) A valid United States passport;
(d) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency or entity of the United States government, the State of Mississippi, or any county, municipality, board, authority or other entity of this state;
(e) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of the employer's business;
(f) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate, technical or professional school located within the State of Mississippi;
(g) A valid Mississippi license to carry a pistol or revolver;
(h) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States;
(i) A valid United States military identification card;
(j) A certified copy of the elector's birth certificate;
(k) A valid social security card;

(l) Certified naturalization documentation;

(m) Social security documentation;

(n) Bank statement;

(o) Official voter registration card;

(p) Medicaid identification card;

(q) Medicare identification card;

(r) Food stamp recipient EBT card; or

(s) Any other generally recognized form of photographic identification.

(2) If an elector is unable to produce any of the items of identification listed in subsection (1) of this section, he or she shall sign a statement under oath in a form approved by the State Board of Election Commissioners, swearing or affirming that he or she is the person identified on the pollbooks. One (1) of the election managers, or the circuit clerk or deputy circuit clerk in the case of absentee voting, shall sign the statement as a witness to the oath taken by the elector. The person shall be allowed to vote without undue delay. Any elector who falsely swears or affirms the statement prescribed in this subsection shall be guilty of a felony and, upon conviction, shall be fined not more than Five Thousand Dollars ($5,000.00) or imprisoned not less than one (1) year, but not more than five (5) years, or both.

SECTION 16. Section 23-15-541, Mississippi Code of 1972, is amended 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, the managers shall first identify the voter by requiring the voter to present valid identification as provided in Section 15, Senate Bill No. 2821, 2003 Regular Session, and then the 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. 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. 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 absentee voters, excepting those with temporary or permanent physical disabilities or those who are sixty-five (65) years of age or older, who mark their ballots in the county of the residence shall use the registrar of that county as the witness. Said absentee voter shall come to the office of the registrar and neither the registrar nor his deputy shall be required to go out of the registrar's office 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 shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on back of the envelope. 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.

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.

(d) When the application accompanies the 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.

(e) 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.

(f) Any voter casting an absentee 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 Secretary of State shall prepare instructions on how
absent voters may comply with the Help America Vote Act of 2002
which shall be provided to the registrar and enclosed with each
absent ballot.

(3) 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 18. Section 23-15-639, Mississippi Code of 1972, is
amended as follows:

23-15-639. (1) 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
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 in person. If voting machines are used, all absentee
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 ballots and add them to the votes cast in the voting machine or device.

(2) The election managers shall also take such action as may be prescribed by the Secretary of State to ensure compliance with the provisions of the Help America Vote Act of 2002.

SECTION 19. 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 paragraph (a) of Section 23-15-715, the registrar shall deliver the necessary ballots to the applicant. The registrar shall only deliver the ballots to the applicant by mail or to the applicant in the registrar's office. The registrar shall not personally hand deliver ballots to voters, unless he delivers the ballots in the office of the registrar. The elector 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. The registrar shall take such action as may be prescribed by the Secretary of State to ensure compliance with the provisions of the Help America Vote Act of 2002.

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.

_______________________
(Signature of voter)

SWORN TO AND SUBSCRIBED before me, __________, this the ___ day of _________, 2___.

(Registrar) _______________________ (Registrar)"

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 absentee 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
ST: Elections; comply with the federal Help America Vote Act of 2002.

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

SECTION 20. 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 21. 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.