

*****Adopted*****

AMENDMENT No. 2 PROPOSED TO

Senate Bill NO. 2821

By Senator(s) Ross

1 **Amend by inserting the following after line 632 and renumber**

2 **subsequent sections accordingly:**

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

8 (a) A valid Mississippi driver's license;

9 (b) A valid identification card issued by a branch,
10 department, agency or entity of the State of Mississippi;

11 (c) A valid United States passport;

12 (d) A valid employee identification card containing a
13 photograph of the elector and issued by any branch, department,
14 agency or entity of the United States government, the State of
15 Mississippi, or any county, municipality, board, authority or
16 other entity of this state;

17 (e) A valid employee identification card containing a
18 photograph of the elector and issued by any employer of the
19 elector in the ordinary course of the employer's business;

20 (f) A valid student identification card containing a
21 photograph of the elector from any public or private college,
22 university, or postgraduate, technical or professional school
23 located within the State of Mississippi;

24 (g) A valid Mississippi license to carry a pistol or
25 revolver;

26 (h) A valid pilot's license issued by the Federal
27 Aviation Administration or other authorized agency of the United
28 States;

29 (i) A valid United States military identification card;

30 (j) A certified copy of the elector's birth
31 certificate;

32 (k) A valid social security card;

33 (l) Certified naturalization documentation;

34 (m) Official voter registration card; or

35 (n) Any other generally recognized form of photographic
36 identification.

37 (2) If an elector is unable to produce any of the items of
38 identification listed in subsection (1) of this section, he or she
39 shall sign a statement under oath in a form approved by the State
40 Board of Election Commissioners, swearing or affirming that he or
41 she is the person identified on the pollbooks. One (1) of the

42 election managers, or the circuit clerk or deputy circuit clerk in
43 the case of absentee voting, shall sign the statement as a witness
44 to the oath taken by the elector. The person shall be allowed to
45 vote without undue delay. Any elector who falsely swears or
46 affirms the statement prescribed in this subsection shall be
47 guilty of a felony and, upon conviction, shall be fined not more
48 than Five Thousand Dollars (\$5,000.00) or imprisoned not less than
49 one (1) year, but not more than five (5) years, or both

50 **Amend by striking the underlined language lines 646, 647 and**
51 **648 and insert in lieu thereof the following:**

52 the managers shall first identify the voter by requiring the voter
53 to present valid identification as provided in Section *, Senate
54 Bill No. 2821, 2003 Regular Session, and then the person

55 **Amend by inserting the following after line 669:**

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

58 23-15-631. (1) The registrar shall enclose with each ballot
59 provided to an absent elector separate printed instructions
60 furnished by him containing the following:

61 (a) All absentee voters, excepting those with temporary
62 or permanent physical disabilities or those who are sixty-five
63 (65) years of age or older, who mark their ballots in the county
64 of the residence shall use the registrar of that county as the
65 witness. Said absentee voter shall come to the office of the
66 registrar and neither the registrar nor his deputy shall be
67 required to go out of the registrar's office to serve as an
68 attesting witness.

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

73 (c) After marking the ballot, fill out and sign the
74 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
75 signature shall be across the flap of the envelope so as to insure
76 the integrity of the ballot. All absent electors shall have the
77 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
78 the flap on back of the envelope. Place necessary postage on the
79 envelope and deposit it in the post office or some government
80 receptacle provided for deposit of mail so that the absent
81 elector's ballot, excepting presidential absentee ballots, will
82 reach the registrar in which your precinct is located not later
83 than 5:00 p.m. on the day preceding the date of the election, or
84 by personally delivering such ballot to the registrar's office not
85 later than 12:00 noon on the Saturday immediately preceding
86 elections held on Tuesday, the Thursday immediately preceding
87 elections held on Saturday, and the second day immediately
88 preceding elections held on other days.

89 Any notary public, United States postmaster, assistant United
90 States postmaster, United States postal supervisor, clerk in
91 charge of a contract postal station, or any officer having
92 authority to administer an oath or take an acknowledgment may be
93 an attesting witness; provided, however, that in the case of an
94 absent elector who is temporarily or permanently physically
95 disabled, the attesting witness may be any person eighteen (18)
96 years of age or older and such person is not required to have the
97 authority to administer an oath. If a postmaster, assistant
98 postmaster, postal supervisor, or clerk in charge of a contract
99 postal station acts as an attesting witness, his signature on the
100 elector's certificate must be authenticated by the cancellation
101 stamp of their respective post offices. If one or the other
102 officers herein named acts as attesting witness, his signature on
103 the elector's certificate, together with his title and address,

104 but no seal, shall be required. Any affidavits made by an absent
105 elector who is in the Armed Forces may be executed before a
106 commissioned officer, warrant officer, or noncommissioned officer
107 not lower in grade than sergeant rating or any person authorized
108 to administer oaths.

109 (d) When the application accompanies the ballot it
110 shall not be returned in the same envelope as the ballot but shall
111 be returned in a separate preaddressed envelope provided by the
112 registrar.

113 (e) A person who is a candidate for public office may
114 not be an attesting witness for any absentee ballot upon which the
115 person's name appears.

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

129 (2) The Secretary of State shall prepare instructions on how
130 absent voters may comply with the Help America Vote Act of 2002
131 which shall be provided to the registrar and enclosed with each
132 absent ballot.

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

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

139 23-15-639. (1) At the close of the regular balloting and at
140 the close of the polls, the election managers of each voting
141 precinct shall first take the envelopes containing the absentee
142 ballots of such electors from the box, and the name, address and
143 precinct inscribed on each such envelope shall be announced by the
144 election managers. The signature on the application shall then be
145 compared with the signature on the back of the envelope. If it
146 corresponds and the affidavit, if one is required, is sufficient
147 and the election managers find that the applicant is a registered
148 and qualified voter or otherwise qualified to vote, and that he
149 has not appeared in person and voted at such election, the
150 envelope shall then be opened and the ballot removed from the
151 envelope, without its being unfolded, or permitted to be unfolded
152 or examined. Having observed and found the ballot to be regular
153 as far as can be observed from its official endorsement, the
154 election managers shall deposit it in the ballot box with the
155 other ballots before counting any ballots and enter the voter's
156 name in the receipt book provided for that purpose and mark
157 "VOTED" in the pollbook or poll list as if he had been present and
158 voted in person. If voting machines are used, all absentee
159 ballots shall be placed in the ballot box before any ballots are
160 counted, and the election managers in each precinct shall
161 immediately count such absentee ballots and add them to the votes
162 cast in the voting machine or device.

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

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

168 23-15-719. (1) Immediately upon completion of an
169 application filed pursuant to the provisions of paragraph (a) of
170 Section 23-15-715, the registrar shall deliver the necessary
171 ballots to the applicant. The registrar shall only deliver the
172 ballots to the applicant by mail or to the applicant in the

173 registrar's office. The registrar shall not personally hand
174 deliver ballots to voters, unless he delivers the ballots in the
175 office of the registrar. The elector shall fill in his ballot in
176 secret. After the applicant has properly marked the ballot and
177 properly folded it, he shall deposit it in the envelope furnished
178 him by the registrar. The registrar shall take such action as may
179 be prescribed by the Secretary of State to ensure compliance with
180 the provisions of the Help America Vote Act of 2002.

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

185 "STATE OF MISSISSIPPI
186 COUNTY OF _____

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

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

197 _____
198 (Signature of voter)
199 SWORN TO AND SUBSCRIBED before me, _____, this the ____
200 day of _____, 2____.

201 (Registrar) _____
202 (Registrar) "

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

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

210 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

220 _____
221 Signature of person providing assistance

222 _____
223 Printed name of person providing assistance

224 _____
225 Address of person providing assistance

226 _____
227 Date and time assistance provided

228 _____
229 Family relationship to voter (if any) "

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

232 **Further amend line 31 of the title by inserting the following**
233 **after the semicolon:**

234 TO REQUIRE PERSONS PRESENTING THEMSELVES TO VOTE TO PRESENT
235 CERTAIN IDENTIFICATION PRIOR TO BEING ALLOWED TO VOTE;

236 **Further amend line 32 of the title by inserting the following**
237 **after "23-15-541,":**

238 23-15-631, 23-15-639 and 23-15-719