

By: Representative Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 1399

1 AN ACT TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI
2 CODE OF 1972, TO ALLOW QUALIFIED ELECTORS TO VOTE PRIOR TO
3 ELECTION DAY AT THE OFFICE OF THE REGISTRAR OR CERTAIN DESIGNATED
4 PRECINCTS; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972,
5 TO REQUIRE ALL REGISTRARS' OFFICES TO REMAIN OPEN FROM 7:00 A.M.
6 TO 7:00 P.M. ON THE TWO SATURDAYS PRIOR TO THE ELECTION TO PERFORM
7 DUTIES RELATED TO ABSENTEE AND EARLY VOTING; TO REQUIRE THE
8 REGISTRAR TO KEEP OPEN THE PRECINCT POLLING PLACES OF ALL
9 PRECINCTS THAT CONTAIN 500 OR MORE QUALIFIED ELECTORS FROM 7:00
10 A.M. TO 7:00 P.M. ON THE TWO SATURDAYS PRIOR TO EACH ELECTION IN
11 ORDER TO ALLOW PERSONS TO VOTE EARLY; TO AMEND SECTIONS 23-15-449,
12 23-15-463, 23-15-511, 23-15-621, 23-15-623, 23-15-631, 23-15-637,
13 23-15-639, 23-15-641, 23-15-643, 23-15-645, 23-15-649, 23-15-651,
14 23-15-711, 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND
15 23-15-753, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
16 FOR RELATED PURPOSES.

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

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

20 23-15-627. The registrar shall be responsible for furnishing
21 an absentee ballot and early voting application form to any
22 elector authorized to receive an absentee ballot or any person
23 desiring to vote early. Absentee ballot and early voting
24 applications shall be furnished to a person only upon the oral or
25 written request of the elector who seeks to vote by absentee
26 ballot or upon the request of an elector who desires to vote
27 early; however, the parent, child, spouse, sibling, legal
28 guardian, those empowered with a power of attorney for that
29 elector's affairs or agent of the elector may orally request an
30 absentee ballot application on behalf of the elector. An absentee
31 ballot or early voting application must have the seal of the
32 circuit or municipal clerk affixed to it and be initialed by the
33 registrar or his deputy in order to be utilized to obtain an
34 absentee ballot or an early voting ballot. A reproduction of an

35 absentee ballot or early voting application shall not be valid
36 unless it is a reproduction provided by the office of the
37 registrar of the jurisdiction in which the election is being held
38 and which contains the seal and initials required by this section.
39 Such application shall be substantially in the following form:

40 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

41 OR EARLY VOTING BALLOT

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

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

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

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

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

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

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

65 () I am a student, teacher or administrator at a college,
66 university, junior or community college, high, junior high,
67 elementary or grade school, whose studies or employment at such

68 institution necessitates my absence from the county of my voting
69 residence or spouse or dependent of such student, teacher or
70 administrator who maintains a common domicile outside the county
71 of my voting residence with such student, teacher or
72 administrator.

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

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

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

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

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

83 () I desire to vote early.

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

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

88 I realize that I can be fined up to Five Thousand Dollars
89 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
90 for making a false statement in this application and for selling
91 my vote and violating the Mississippi Absentee and Early Voter
92 Law. (This sentence is to be in bold print.)

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

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

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

103 _____
104 (Signature of absent elector)

105 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
106 2____.

107 _____
108 (Official authorized to administer oaths
109 for absentee balloting.)

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

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

116 _____
117 (Signature of witness)

118 CERTIFICATE OF DELIVERY

119 I hereby certify that _____ (print name of voter)
120 has requested that I, _____ (print name of person
121 delivering application), deliver to the voter this absentee ballot
122 application.

123 _____
124 (Signature of person delivering application)

125 _____
126 (Address of person delivering application)"

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

129 23-15-713. For the purpose of this subarticle, any duly
130 qualified elector may vote as provided in this subarticle if he be
131 one who falls within the following categories:

132 (a) Any qualified elector who is a bona fide student,
133 teacher or administrator at any college, university, junior

134 college, high, junior high, or elementary grade school whose
135 studies or employment at such institution necessitates his absence
136 from the county of his voting residence on the date of any
137 primary, general or special election, or the spouse and dependents
138 of said student, teacher or administrator if such spouse or
139 dependent(s) maintain a common domicile, outside of the county of
140 his voting residence, with such student, teacher or administrator.

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

147 * * *

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

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

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

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

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

165 **SECTION 3.** Section 23-15-653, Mississippi Code of 1972, is
166 amended as follows:

167 23-15-653. (1) All registrars' offices shall remain open
168 from 7 a.m. until 7 p.m. on the two (2) Saturdays prior to each
169 election to perform duties related to absentee or early voting.

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

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

180 23-15-449. All laws relating to elections now in force in
181 this state shall apply to all elections under this chapter so far
182 as the same may be applicable thereto, and so far as such
183 provisions are not inconsistent with the provisions of this
184 chapter. Absentee ballots and early voting ballots shall be voted
185 as now provided by law.

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

188 23-15-463. The board of supervisors of any county in the
189 State of Mississippi and the governing authorities of any
190 municipality in the State of Mississippi are hereby authorized and
191 empowered, in their discretion, to purchase or rent voting devices
192 and automatic tabulating equipment used in an electronic voting
193 system which meets the requirements of Section 23-15-465, and may
194 use such system in all or a part of the precincts within its
195 boundaries, or in combination with paper ballots in any election
196 or primary. It may enlarge, consolidate or alter the boundaries
197 of precincts where an electronic voting system is used. The
198 provisions of Sections 23-15-461 through 23-15-485 shall be
199 controlling with respect to elections where an electronic voting

200 system is used, and shall be liberally construed so as to carry
201 out the purpose of this chapter. The provisions of the election
202 law relating to the conduct of elections with paper ballots,
203 insofar as they are applicable and not inconsistent with the
204 efficient conduct of elections with electronic voting systems,
205 shall apply. Absentee ballots and early voting ballots shall be
206 voted as now provided by law.

207 **SECTION 6.** Section 23-15-511, Mississippi Code of 1972, is
208 amended as follows:

209 23-15-511. The ballots shall, as far as practicable, to be
210 in the same order of arrangement as provided for paper ballots
211 that are to be counted manually, except that such information may
212 be printed in vertical or horizontal rows. Nothing in this
213 chapter shall be construed as prohibiting the information being
214 presented to the voters from being printed on both sides of a
215 single ballot. In those years when a special election shall occur
216 on the same day as the general election, the names of candidates
217 in any special election and the general election shall be placed
218 on the same ballot by the commissioners of elections or officials
219 in charge of the election, but the general election candidates
220 shall be clearly distinguished from the special election
221 candidates. At any time a special election is held on the same
222 day as a party primary election, the names of the candidates in
223 the special election may be placed on the same ballot, but shall
224 be clearly distinguished as special election candidates or primary
225 election candidates.

226 Ballots shall be printed in plain clear type in black ink and
227 upon clear white materials of such size and arrangement as to be
228 compatible with the OMR tabulating equipment. Absentee ballots
229 and early voting ballots shall be prepared and printed in the same
230 form and shall be on the same size and texture as the regular
231 official ballots, except that they shall be printed on tinted
232 paper; or the ink used to print the ballots shall be of a color

233 different from that of the ink used to print the regular official
234 ballots. Arrows may be printed on the ballot to indicate the
235 place to mark the ballot, which may be to the right or left of the
236 names of candidates and propositions. The titles of offices may
237 be arranged in vertical columns on the ballot and shall be printed
238 above or at the side of the names of candidates so as to indicate
239 clearly the candidates for each office and the number to be
240 elected. In case there are more candidates for an office than can
241 be printed in one (1) column, the ballot shall be clearly marked
242 that the list of candidates is continued on the following column.
243 The names of candidates for each office shall be printed in
244 vertical columns, grouped by the offices which they seek. In
245 partisan elections, the party designation of each candidate, which
246 may be abbreviated, shall be printed following his name.

247 Two (2) sample ballots, which shall be facsimile ballots of
248 the official ballot and instructions to the voters, shall be
249 provided for each precinct and shall be posted in each polling
250 place on election day.

251 A separate ballot security envelope or suitable equivalent in
252 which the voter can place his ballot after voting, shall be
253 provided to conceal the choices the voter has made. Absentee
254 voters and early voters will receive a similar ballot security
255 envelope provided by the county in which the absentee voter or
256 early voter will insert their voted ballot, which then can be
257 inserted into a return envelope to be mailed back to the election
258 official. Absentee ballots and early voting ballots will not be
259 required to be folded when a ballot security envelope is provided.

260 **SECTION 7.** Section 23-15-621, Mississippi Code of 1972, is
261 amended as follows:

262 23-15-621. The title of Sections 23-15-621 through 23-15-653
263 of this chapter shall be the Absentee Balloting and Early Voting
264 Balloting Procedures Law.

265 **SECTION 8.** Section 23-15-623, Mississippi Code of 1972, is
266 amended as follows:

267 23-15-623. All absentee ballots and early voting ballots as
268 authorized in Sections 23-15-671 through 23-15-697, in Sections
269 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,
270 shall be handled as provided in Sections 23-15-621 through
271 23-15-653.

272 **SECTION 9.** Section 23-15-631, Mississippi Code of 1972, is
273 amended as follows:

274 23-15-631. (1) The registrar shall enclose with each ballot
275 provided to an absent elector separate printed instructions
276 furnished by him containing the following:

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

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

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

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

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

328 (f) When the application accompanies the absentee
329 ballot it shall not be returned in the same envelope as the ballot

330 but shall be returned in a separate preaddressed envelope provided
331 by the registrar.

332 (g) A person who is a candidate for public office may
333 not be an attesting witness for any absentee ballot upon which the
334 person's name appears.

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

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

352 **SECTION 10.** Section 23-15-637, Mississippi Code of 1972, is
353 amended as follows:

354 23-15-637. Absentee ballots received by mail, excluding
355 presidential ballots as provided for in Sections 23-15-731 and
356 23-15-733, must be received by the registrar by 5:00 p.m. on the
357 date preceding the election; any received after such time shall be
358 handled as provided in Section 23-15-647 and shall not be counted.
359 All early voting ballots shall be cast by the * * * elector * * *
360 in the office of the registrar or designated precinct by not later
361 than 12:00 noon on the Saturday immediately preceding elections
362 held on Tuesday, the Thursday immediately preceding elections held

363 on Saturday, or the second day immediately preceding the date of
364 elections held on other days. The registrar shall deposit all
365 absentee ballots and early voting ballot which have been timely
366 cast in the ballot boxes upon receipt.

367 **SECTION 11.** Section 23-15-639, Mississippi Code of 1972, is
368 amended as follows:

369 23-15-639. At the close of the regular balloting and at the
370 close of the polls, the election managers of each voting precinct
371 shall first take the envelopes containing the absentee and early
372 voting ballots of such electors from the box, and the name,
373 address and precinct inscribed on each such envelope shall be
374 announced by the election managers. The signature on the
375 application shall then be compared with the signature on the back
376 of the envelope. If it corresponds and the affidavit, if one is
377 required, is sufficient and the election managers find that the
378 applicant is a registered and qualified voter or otherwise
379 qualified to vote, and that he has not appeared in person and
380 voted at such election, the envelope shall then be opened and the
381 ballot removed from the envelope, without its being unfolded, or
382 permitted to be unfolded or examined. Having observed and found
383 the ballot to be regular as far as can be observed from its
384 official endorsement, the election managers shall deposit it in
385 the ballot box with the other ballots before counting any ballots
386 and enter the voter's name in the receipt book provided for that
387 purpose and mark "VOTED" in the pollbook or poll list as if he had
388 been present and voted on the day of the election. If voting
389 machines are used, all absentee and early voting ballots shall be
390 placed in the ballot box before any ballots are counted, and the
391 election managers in each precinct shall immediately count such
392 absentee and early voter ballots and add them to the votes cast in
393 the voting machine or device.

394 **SECTION 12.** Section 23-15-641, Mississippi Code of 1972, is
395 amended as follows:

396 23-15-641. (1) If an affidavit or the certificate of the
397 officer before whom the affidavit is taken is required and such
398 affidavit or certificate is found to be insufficient, or if it is
399 found that the signatures do not correspond, or that the applicant
400 is not a duly qualified elector in the precinct, or otherwise
401 qualified to vote, or that the ballot envelope is open or has been
402 opened and resealed, or the voter is not eligible to vote absentee
403 or that the voter who voted by absentee or early voting ballot is
404 present and has voted within the precinct where he represents
405 himself to be a qualified elector, or otherwise qualified to vote,
406 on the date of the election at such precinct, the previously cast
407 vote shall not be allowed. Without opening the voter's envelope
408 the commissioners of election, designated executive committee
409 members or election managers, as appropriate, shall mark across
410 its face "REJECTED," with the reason therefor.

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

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

426 **SECTION 13.** Section 23-15-643, Mississippi Code of 1972, is
427 amended as follows:

428 23-15-643. If an affidavit is required, the appropriate
429 election officials shall examine the affidavit of each absentee
430 ballot envelope. If the officials are satisfied that any such
431 affidavit is sufficient and that the absentee or early voter is
432 otherwise qualified to vote, an official shall announce the name
433 of the voter and shall give any person present an opportunity to
434 challenge in like manner and for the same cause as the voter could
435 have been challenged had he presented himself personally in such
436 precinct to vote. The ineligibility of the voter to vote by
437 absentee ballot shall be a ground for a challenge. Also, the
438 officials shall consider any absentee or early voter challenged
439 when a person has previously filed a written challenge of such
440 voter's right to vote. The election officials shall handle any
441 such challenge in the same manner as other challenged ballots are
442 handled.

443 **SECTION 14.** Section 23-15-645, Mississippi Code of 1972, is
444 amended as follows:

445 23-15-645. After the votes have been counted the officials
446 shall preserve all applications, envelopes and the list of absent
447 or early voters along with the ballots and other election
448 materials and return the same to the registrar.

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

451 23-15-649. For all elections, there shall be prepared and
452 printed by the officials charged with this duty with respect to
453 the election, as soon as the deadline for the qualification of
454 candidates has passed or forty-five (45) days of the election,
455 whichever is later, official ballots for each voting precinct to
456 be known as absentee and early voter ballots, which ballots shall
457 be prepared and printed in the same form and shall be of the same
458 size and texture as the regular official ballot except that they
459 shall be printed on tinted paper of a tint different from that of
460 the regular official ballot.

461 **SECTION 16.** Section 23-15-651, Mississippi Code of 1972, is
462 amended as follows:

463 23-15-651. The results of the vote by absentee and early
464 voter balloting shall be announced simultaneously with the vote
465 cast on election day.

466 **SECTION 17.** Section 23-15-711, Mississippi Code of 1972, is
467 amended as follows:

468 23-15-711. The title of Sections 23-15-711 through 23-15-721
469 shall be the Mississippi Absentee and Early Voter Law.

470 **SECTION 18.** Section 23-15-715, Mississippi Code of 1972, is
471 amended as follows:

472 23-15-715. (1) Any elector desiring to vote early as
473 provided in this subarticle may secure an early voting ballot
474 if * * * not more than forty-five (45) days nor later than 12:00
475 noon on the Saturday immediately preceding elections held on
476 Tuesday, the Thursday immediately preceding elections held on
477 Saturday, or the second day immediately preceding the date of
478 elections held on other days, he shall appear in person before the
479 registrar of the county in which he resides, or such registrar's
480 deputies, or for municipal elections he shall appear in person
481 before the city clerk of the municipality in which he resides, or
482 such clerk's deputies, and * * * execute and file an application
483 as provided in Section 23-15-627. Such elector may vote by early
484 ballot at the office of such registrar or clerk or at the
485 precincts designated for early voting. * * *

486 (2) Within forty-five (45) days next prior to any election,
487 any elector who cannot vote early as provided in subsection (1) of
488 this section by reason of temporarily residing outside the county,
489 or any person who has a temporary or permanent physical
490 disability, persons who are sixty-five (65) years of age or older,
491 or any person who is the parent, spouse or dependent of a
492 temporarily or permanently physically disabled person who is
493 hospitalized outside of his county of residence or more than fifty

494 (50) miles away from his residence and such parent, spouse or
495 dependent will be with such person on election day, may make
496 application for an absentee ballot by mailing the appropriate
497 application to the registrar. Only persons temporarily residing
498 out of the county of their residence, persons having a temporary
499 or permanent physical disability, persons who are sixty-five (65)
500 years of age or older, or any person who is the parent, spouse or
501 dependent of a temporarily or permanently physically disabled
502 person who is hospitalized outside of his county of residence or
503 more than fifty (50) miles away from his residence, and such
504 parent, spouse or dependent will be with such person on election
505 day, may obtain absentee ballots by mail under the provisions of
506 this subsection and as provided by Section 23-15-713.
507 Applications of persons temporarily residing outside the county
508 shall be sworn to and subscribed before an official who is
509 authorized to administer oaths or other official authorized to
510 witness absentee balloting as provided in this chapter, said
511 application to be accompanied by such verifying affidavits as
512 required by this chapter. The applications of persons having a
513 temporary or permanent physical disability shall not be required
514 to be accompanied by an affidavit but shall be witnessed and
515 signed by a person eighteen (18) years of age or older. The
516 registrar shall send to such absent voter a proper absentee voter
517 ballot within twenty-four (24) hours, or as soon thereafter as the
518 ballots are available, containing the names of all candidates who
519 qualify or the proposition to be voted on in such election, and
520 with such ballot there shall be sent an official envelope
521 containing upon it in printed form the recitals and data
522 hereinafter required.

523 **SECTION 19.** Section 23-15-717, Mississippi Code of 1972, is
524 amended as follows:

525 23-15-717. Any elector enumerated in Section 23-15-713
526 applying for an absentee or early voting ballot shall complete an

527 application form as provided in Section 23-15-627, and said
528 elector shall fill in the application as is appropriate for his
529 particular situation.

530 **SECTION 20.** Section 23-15-719, Mississippi Code of 1972, is
531 amended as follows:

532 23-15-719. (1) Immediately upon completion of an
533 application filed pursuant to the provisions of * * * Section
534 23-15-715(1), the registrar or his deputies shall deliver the
535 necessary early voting ballots to the applicant. The registrar
536 shall only deliver the ballots to the applicant * * * in the
537 registrar's office or the precincts designated for early voting.
538 The registrar shall not personally hand deliver ballots to voters,
539 unless he delivers the ballots in the office of the registrar.
540 The elector voting by early voting ballot shall fill in his ballot
541 in secret. After the applicant has properly marked the ballot and
542 properly folded it, he shall deposit it in the envelope furnished
543 him by the registrar.

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

548 "STATE OF MISSISSIPPI
549 COUNTY OF _____

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

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

560 _____
561 (Signature of voter)
562 SWORN TO AND SUBSCRIBED before me, _____, this the ____
563 day of _____, 2____.
564 (Registrar) _____
565 (Registrar)"

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

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

573 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE
574 (To be completed only if the voter has received assistance in
575 marking the enclosed ballot.) I hereby certify that the
576 above-named voter declared to me that he or she is blind,
577 temporarily or permanently physically disabled, or cannot read or
578 write, and that the voter requested that I assist the voter in
579 marking the enclosed * * * ballot. I hereby certify that the
580 ballot preferences on the enclosed ballot are those communicated
581 by the voter to me, and that I have marked the enclosed ballot in
582 accordance with the voter's instructions.

583 _____
584 Signature of person providing assistance
585 _____
586 Printed name of person providing assistance
587 _____
588 Address of person providing assistance
589 _____
590 Date and time assistance provided
591 _____
592 Family relationship to voter (if any)"

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

595 **SECTION 21.** Section 23-15-721, Mississippi Code of 1972, is
596 amended as follows:

597 23-15-721. (1) Electors temporarily residing outside the
598 county and obtaining an absentee ballot under the provisions
599 of * * * Section 23-15-715(2) shall appear before any official
600 authorized to administer oaths or other official authorized to
601 witness absentee balloting as provided in this chapter. The
602 elector shall exhibit to such official his absentee ballot
603 unmarked and thereupon proceed in secret to fill in his ballot.
604 After the elector has properly marked the ballot and properly
605 folded it, he shall deposit it in the envelope furnished him.
606 After he has sealed the envelope he shall deliver it to the
607 official before whom he is appearing and shall subscribe and swear
608 to the elector's certificate provided for in Section 23-15-635,
609 which affidavit shall be printed on the back of the envelope as
610 provided for in Section 23-15-635.

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

615 (3) After the completion of the requirements of this
616 section, the elector shall mail the envelope containing the ballot
617 to the registrar in the county wherein said elector is qualified
618 to vote. Said ballots must be received by the registrar prior to
619 5:00 p.m. on the day preceding the election to be counted.

620 **SECTION 22.** Section 23-15-753, Mississippi Code of 1972, is
621 amended as follows:

622 23-15-753. (1) Any person who willfully, unlawfully and
623 feloniously procures, seeks to procure, or seeks to influence the
624 vote of any person voting by absentee or early ballot, by the
625 payment of money, the promise of payment of money, or by the

626 delivery of any other item of value or promise to give the voter
627 any item of value, or by promising or giving the voter any favor
628 or reward in an effort to influence his vote, or any person who
629 aids, abets, assists, encourages, helps, or causes any person
630 voting an absentee or early ballot to violate any provision of law
631 pertaining to absentee or early voting, or any person who sells
632 his vote for money, favor, or reward, has been paid or promised
633 money, a reward, a favor or favors, or any other item of value, or
634 any person who shall willfully swear falsely to any affidavit
635 provided for in Sections 23-15-621 through 23-15-735, shall be
636 guilty of the crime of "vote fraud" and, upon conviction, shall be
637 sentenced to pay a fine of not less than Five Hundred Dollars
638 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
639 imprisonment in the county jail for no more than one (1) year, or
640 by both fine and imprisonment, or by being sentenced to the State
641 Penitentiary for not less than one (1) year nor more than five (5)
642 years.

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

652 **SECTION 23.** The Attorney General of the State of Mississippi
653 shall submit this act, immediately upon approval by the Governor,
654 or upon approval by the Legislature subsequent to a veto, to the
655 Attorney General of the United States or to the United States
656 District Court for the District of Columbia in accordance with the
657 provisions of the Voting Rights Act of 1965, as amended and
658 extended.

659 **SECTION 24.** This act shall take effect and be in force from
660 and after the date it is effectuated under Section 5 of the Voting
661 Rights Act of 1965, as amended and extended.