

By: Representatives Capps, Whittington,
Reynolds

To: Apportionment and
Elections; Constitution

HOUSE BILL NO. 318
(As Passed the House)

1 AN ACT TO AMEND SECTION 23-15-369, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE FORM OF THE BALLOT ON PROPOSED CONSTITUTIONAL
3 AMENDMENTS; TO INCREASE THE MAXIMUM NUMBER OF WORDS THAT MAY
4 APPEAR ON THE BALLOT AS AN EXPLANATORY STATEMENT OF THE CHIEF
5 PURPOSE OF THE MEASURE; TO AUTHORIZE AN ELECTOR WHO IS TEMPORARILY
6 OR PERMANENTLY PHYSICALLY DISABLED AND WHOSE VOTING PRECINCT IS
7 NOT ACCESSIBLE DUE TO SUCH TEMPORARY OR PERMANENT PHYSICAL
8 DISABILITY TO HAVE HIS OR HER BALLOT MADE AVAILABLE TO THE NEAREST
9 WARD OR VOTING PRECINCT THAT IS ACCESSIBLE TO SUCH ELECTOR; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-369, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-369. (1) (a) Whenever a constitutional amendment is
15 submitted to the vote of the people, the substance of such
16 amendment shall be printed in clear and unambiguous language on
17 the ballot after the list of candidates, if any, followed by the
18 words "FOR THE AMENDMENT" and also by the words "AGAINST THE
19 AMENDMENT", and shall be styled in such a manner that a * * * vote
20 "FOR THE AMENDMENT" will indicate approval of the proposal and
21 a * * * vote "AGAINST THE AMENDMENT" will indicate rejection.

22 (b) The substance of the amendment shall be an
23 explanatory statement not exceeding one hundred (100) words in
24 length of the chief purpose of the measure. Such statement shall
25 be prepared by the Legislature and included in the concurrent
26 resolution proposing the amendment to the Constitution. The
27 statement shall avoid, whenever possible, the use of legal
28 terminology or jargon and shall use instead, simple, ordinary,
29 everyday language. The Secretary of State shall give each
30 proposed constitutional amendment a designating number for
31 convenient reference. This number designation shall appear on the

32 ballot. Designating numbers shall be assigned in the order of
33 filing or certification of the amendments. The Secretary of State
34 shall furnish the designating number and the substance of each
35 amendment to the circuit clerk of each county in which such
36 amendment is to be voted on.

37 (c) The full text of each proposed constitutional
38 amendment shall be published by the Secretary of State as provided
39 for in Section 7-3-39, Mississippi Code of 1972, and shall be
40 posted prominently in all polling places, with copies of the
41 proposed amendment to be * * * available at each polling place.

42 (2) Except as may be otherwise provided in subsection (1) of
43 this section, whenever any public measure, question or matter that
44 requires an affirmative or negative vote is submitted to a vote of
45 the electors, the measure or matter shall be printed on the ballot
46 and also the words "FOR" or "AGAINST" to be so arranged by the
47 proper officer so that the voter can intelligently vote his
48 preference.

49 **SECTION 2.** (1) An elector who is temporarily or permanently
50 physically disabled and whose voting precinct is not accessible
51 due to such temporary or physical disability shall be entitled to
52 have his or her ballot made available to the nearest voting
53 precinct that is able to accommodate such elector's physical
54 disability, subject to the following conditions:

55 (a) A written request that is submitted no later than
56 forty-five (45) days before the date of the election and explains
57 the elector's need to transfer because of a temporary or permanent
58 physical disability;

59 (b) The registrar of the county to whom the request to
60 transfer is made shall verify that the elector's voting precinct
61 is not accessible to such elector due to such elector's
62 disability.

63 (2) Each supervisor's district shall have no less than one
64 (1) voting precinct that is in compliance with the federal
65 Americans with Disabilities Act.

66 (3) This section shall stand repealed on July 1, 2007.

67 **SECTION 3.** The Attorney General of the State of Mississippi
68 shall submit this act, immediately upon approval by the Governor,
69 or upon approval by the Legislature subsequent to a veto, to the
70 Attorney General of the United States or to the United States
71 District Court for the District of Columbia in accordance with the
72 provisions of the Voting Rights Act of 1965, as amended and
73 extended.

74 **SECTION 4.** This act shall take effect and be in force from
75 and after the date it is effectuated under Section 5 of the Voting
76 Rights Act of 1965, as amended and extended.