

By: Senator(s) Jackson (32nd)

To: Elections

SENATE BILL NO. 2855

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 am required to be at work on election day during the
85 times which the polls will be open.

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

88 Mail the 'Absent Elector's Ballot' to me at the following
89 address _____ (if eligible to vote by mail).

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

95 If you are temporarily or permanently disabled, you are not
96 required to have this application notarized or signed by an
97 official authorized to administer oaths for absentee balloting.

98 You are required to sign this application in the proper place and
99 have a person eighteen (18) years of age or older witness your
100 signature and sign this application in the proper place.

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

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

105 _____
106 (Signature of absent elector)

107 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
108 2____.

109 _____
110 (Official authorized to administer oaths
111 for absentee balloting.)

112 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
113 DISABLED:

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

118 _____
119 (Signature of witness)

120 CERTIFICATE OF DELIVERY

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

125 _____
126 (Signature of person delivering application)

127 _____
128 (Address of person delivering application)"

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

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

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

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

149 * * *

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

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

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

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

165 (g) Any qualified elector who desires to cast his vote
166 early.

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

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

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

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

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

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

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

200 provisions of Sections 23-15-461 through 23-15-485 shall be
201 controlling with respect to elections where an electronic voting
202 system is used, and shall be liberally construed so as to carry
203 out the purpose of this chapter. The provisions of the election
204 law relating to the conduct of elections with paper ballots,
205 insofar as they are applicable and not inconsistent with the
206 efficient conduct of elections with electronic voting systems,
207 shall apply. Absentee ballots and early voting ballots shall be
208 voted as now provided by law.

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

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

228 Ballots shall be printed in plain clear type in black ink and
229 upon clear white materials of such size and arrangement as to be
230 compatible with the OMR tabulating equipment. Absentee ballots
231 and early voting ballots shall be prepared and printed in the same
232 form and shall be on the same size and texture as the regular

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

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

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

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

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

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

269 23-15-623. All absentee ballots and early voting ballots as
270 authorized in Sections 23-15-671 through 23-15-697, in Sections
271 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,
272 shall be handled as provided in Sections 23-15-621 through
273 23-15-653.

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

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

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

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

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

297 vote early shall have the attesting witness sign the "ATTESTING
298 WITNESS CERTIFICATE" across the flap on back of the envelope.

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

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

330 (f) When the application accompanies the absentee
331 ballot it shall not be returned in the same envelope as the ballot
332 but shall be returned in a separate preaddressed envelope provided
333 by the registrar.

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

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

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

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

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

363 later than 12:00 noon on the Saturday immediately preceding
364 elections held on Tuesday, the Thursday immediately preceding
365 elections held on Saturday, or the second day immediately
366 preceding the date of elections held on other days. The registrar
367 shall deposit all absentee ballots and early voting ballot which
368 have been timely cast in the ballot boxes upon receipt.

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

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

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

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

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

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

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

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

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

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

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

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

461 shall be printed on tinted paper of a tint different from that of
462 the regular official ballot.

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

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

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

470 23-15-711. The title of Sections 23-15-711 through 23-15-721
471 shall be the Mississippi Absentee and Early Voter Law.

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

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

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

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

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

527 23-15-717. Any elector enumerated in Section 23-15-713
528 applying for an absentee or early voting ballot shall complete an
529 application form as provided in Section 23-15-627, and said
530 elector shall fill in the application as is appropriate for his
531 particular situation.

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

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

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

550 "STATE OF MISSISSIPPI
551 COUNTY OF _____

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

559 counted, and record my name on the poll list as if I were present
560 in person and voted.

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

562 _____
563 (Signature of voter)

564 SWORN TO AND SUBSCRIBED before me, _____, this the ____
565 day of _____, 2____.

566 (Registrar) _____
567 (Registrar)"

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

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

575 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

585 _____
586 Signature of person providing assistance

587 _____
588 Printed name of person providing assistance

589 _____
590 Address of person providing assistance

591 _____

592 Date and time assistance provided

593

594 Family relationship to voter (if any)"

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

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

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

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

617 (3) After the completion of the requirements of this
618 section, the elector shall mail the envelope containing the ballot
619 to the registrar in the county wherein said elector is qualified
620 to vote. Said ballots must be received by the registrar prior to
621 5:00 p.m. on the day preceding the election to be counted.

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

624 23-15-753. (1) Any person who willfully, unlawfully and
625 feloniously procures, seeks to procure, or seeks to influence the
626 vote of any person voting by absentee or early ballot, by the
627 payment of money, the promise of payment of money, or by the
628 delivery of any other item of value or promise to give the voter
629 any item of value, or by promising or giving the voter any favor
630 or reward in an effort to influence his vote, or any person who
631 aids, abets, assists, encourages, helps, or causes any person
632 voting an absentee or early ballot to violate any provision of law
633 pertaining to absentee or early voting, or any person who sells
634 his vote for money, favor, or reward, has been paid or promised
635 money, a reward, a favor or favors, or any other item of value, or
636 any person who shall willfully swear falsely to any affidavit
637 provided for in Sections 23-15-621 through 23-15-735, shall be
638 guilty of the crime of "vote fraud" and, upon conviction, shall be
639 sentenced to pay a fine of not less than Five Hundred Dollars
640 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
641 imprisonment in the county jail for no more than one (1) year, or
642 by both fine and imprisonment, or by being sentenced to the State
643 Penitentiary for not less than one (1) year nor more than five (5)
644 years.

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

654 **SECTION 23.** The Attorney General of the State of Mississippi
655 shall submit this act, immediately upon approval by the Governor,
656 or upon approval by the Legislature subsequent to a veto, to the

657 Attorney General of the United States or to the United States
658 District Court for the District of Columbia in accordance with the
659 provisions of the Voting Rights Act of 1965, as amended and
660 extended.

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