

By: Senator(s) Tollison

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2723

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; TO AMEND SECTION
4 23-15-653, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL REGISTRARS'
5 OFFICES TO REMAIN OPEN FROM 7:00 A.M. TO 7:00 P.M. ON THE TWO
6 SATURDAYS PRIOR TO THE ELECTION TO PERFORM DUTIES RELATED TO
7 ABSENTEE AND EARLY VOTING; TO AMEND SECTIONS 23-15-449, 23-15-463,
8 23-15-511, 23-15-621, 23-15-623, 23-15-631, 23-15-637, 23-15-639,
9 23-15-641, 23-15-643, 23-15-645, 23-15-649, 23-15-651, 23-15-711,
10 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-753,
11 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
12 PURPOSES.

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

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

16 23-15-627. The registrar shall be responsible for furnishing
17 an absentee ballot and early voting application form to any
18 elector authorized to receive an absentee ballot or any person
19 desiring to vote early. Absentee ballot and early voting
20 applications shall be furnished to a person only upon the oral or
21 written request of the elector who seeks to vote by absentee
22 ballot or upon the request of an elector who desires to vote
23 early; however, the parent, child, spouse, sibling, legal
24 guardian, those empowered with a power of attorney for that
25 elector's affairs or agent of the elector may orally request an
26 absentee ballot application on behalf of the elector. An absentee
27 ballot or early voting application must have the seal of the
28 circuit or municipal clerk affixed to it and be initialed by the
29 registrar or his deputy in order to be utilized to obtain an
30 absentee ballot or an early voting ballot. A reproduction of an
31 absentee ballot or early voting application shall not be valid
32 unless it is a reproduction provided by the office of the

33 registrar of the jurisdiction in which the election is being held
34 and which contains the seal and initials required by this section.
35 Such application shall be substantially in the following form:

36 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

37 OR EARLY VOTING BALLOT

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

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

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

48 () I am a member of the Merchant Marine or the American Red
49 Cross and am a citizen of Mississippi or spouse or dependent of
50 such member.

51 () I am a disabled war veteran who is a patient in any
52 hospital and am a citizen of Mississippi or spouse or dependent of
53 such veteran.

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

58 () I am a citizen of Mississippi temporarily residing
59 outside the territorial limits of the United States and the
60 District of Columbia.

61 () I am a student, teacher or administrator at a college,
62 university, junior or community college, high, junior high,
63 elementary or grade school, whose studies or employment at such
64 institution necessitates my absence from the county of my voting
65 residence or spouse or dependent of such student, teacher or

66 administrator who maintains a common domicile outside the county
67 of my voting residence with such student, teacher or
68 administrator.

69 * * *

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

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

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

77 () I am a member of the congressional delegation, or spouse
78 or dependent of a member of the congressional delegation.

79 () I desire to vote early.

80 * * *

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

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

85 I realize that I can be fined up to Five Thousand Dollars
86 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
87 for making a false statement in this application and for selling
88 my vote and violating the Mississippi Absentee and Early Voter
89 Law. (This sentence is to be in bold print.)

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

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

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

100 _____
101 (Signature of absent elector)

102 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
103 2____.

104 _____
105 (Official authorized to administer oaths
106 for absentee balloting.)

107 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
108 DISABLED:

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

113 _____
114 (Signature of witness)

115 CERTIFICATE OF DELIVERY

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

120 _____
121 (Signature of person delivering application)

122 _____
123 (Address of person delivering application)"

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

126 23-15-713. For the purpose of this subarticle, any duly
127 qualified elector may vote as provided in this subarticle if he be
128 one who falls within the following categories:

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

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

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

144 * * *

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

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

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

157 (f) Any member of the Mississippi congressional
158 delegation absent from Mississippi on election day, and the spouse
159 and dependents of such member of the congressional delegation.

160 (g) Any qualified elector who desires to cast his vote
161 early.

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

164 23-15-653. All registrars' offices shall remain open from 7
165 a.m. until 7 p.m. on the two (2) Saturdays prior to each election
166 to perform duties related to absentee or early voting.

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

169 23-15-449. All laws relating to elections now in force in
170 this state shall apply to all elections under this chapter so far
171 as the same may be applicable thereto, and so far as such
172 provisions are not inconsistent with the provisions of this
173 chapter. Absentee ballots and early voting ballots shall be voted
174 as now provided by law.

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

177 23-15-463. The board of supervisors of any county in the
178 State of Mississippi and the governing authorities of any
179 municipality in the State of Mississippi are hereby authorized and
180 empowered, in their discretion, to purchase or rent voting devices
181 and automatic tabulating equipment used in an electronic voting
182 system which meets the requirements of Section 23-15-465, and may
183 use such system in all or a part of the precincts within its
184 boundaries, or in combination with paper ballots in any election
185 or primary. It may enlarge, consolidate or alter the boundaries
186 of precincts where an electronic voting system is used. The
187 provisions of Sections 23-15-461 through 23-15-485 shall be
188 controlling with respect to elections where an electronic voting
189 system is used, and shall be liberally construed so as to carry
190 out the purpose of this chapter. The provisions of the election
191 law relating to the conduct of elections with paper ballots,
192 insofar as they are applicable and not inconsistent with the
193 efficient conduct of elections with electronic voting systems,
194 shall apply. Absentee ballots and early voting ballots shall be
195 voted as now provided by law.

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

198 23-15-511. The ballots shall, as far as practicable, to be
199 in the same order of arrangement as provided for paper ballots
200 that are to be counted manually, except that such information may
201 be printed in vertical or horizontal rows. Nothing in this
202 chapter shall be construed as prohibiting the information being
203 presented to the voters from being printed on both sides of a
204 single ballot. In those years when a special election shall occur
205 on the same day as the general election, the names of candidates
206 in any special election and the general election shall be placed
207 on the same ballot by the commissioners of elections or officials
208 in charge of the election, but the general election candidates
209 shall be clearly distinguished from the special election
210 candidates. At any time a special election is held on the same
211 day as a party primary election, the names of the candidates in
212 the special election may be placed on the same ballot, but shall
213 be clearly distinguished as special election candidates or primary
214 election candidates.

215 Ballots shall be printed in plain clear type in black ink and
216 upon clear white materials of such size and arrangement as to be
217 compatible with the OMR tabulating equipment. Absentee ballots
218 and early voting ballots shall be prepared and printed in the same
219 form and shall be on the same size and texture as the regular
220 official ballots, except that they shall be printed on tinted
221 paper; or the ink used to print the ballots shall be of a color
222 different from that of the ink used to print the regular official
223 ballots. Arrows may be printed on the ballot to indicate the
224 place to mark the ballot, which may be to the right or left of the
225 names of candidates and propositions. The titles of offices may
226 be arranged in vertical columns on the ballot and shall be printed
227 above or at the side of the names of candidates so as to indicate
228 clearly the candidates for each office and the number to be

229 elected. In case there are more candidates for an office than can
230 be printed in one (1) column, the ballot shall be clearly marked
231 that the list of candidates is continued on the following column.
232 The names of candidates for each office shall be printed in
233 vertical columns, grouped by the offices which they seek. In
234 partisan elections, the party designation of each candidate, which
235 may be abbreviated, shall be printed following his name.

236 Two (2) sample ballots, which shall be facsimile ballots of
237 the official ballot and instructions to the voters, shall be
238 provided for each precinct and shall be posted in each polling
239 place on election day.

240 A separate ballot security envelope or suitable equivalent in
241 which the voter can place his ballot after voting, shall be
242 provided to conceal the choices the voter has made. Absentee
243 voters and early voters will receive a similar ballot security
244 envelope provided by the county in which the absentee voter or
245 early voter will insert their voted ballot, which then can be
246 inserted into a return envelope to be mailed back to the election
247 official. Absentee ballots and early voting ballots will not be
248 required to be folded when a ballot security envelope is provided.

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

251 23-15-621. The title of Sections 23-15-621 through 23-15-653
252 of this chapter shall be the Absentee Balloting and Early Voting
253 Balloting Procedures Law.

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

256 23-15-623. All absentee ballots and early voting ballots as
257 authorized in Sections 23-15-671 through 23-15-697, in Sections
258 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,
259 shall be handled as provided in Sections 23-15-621 through
260 23-15-653.

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

263 23-15-631. (1) The registrar shall enclose with each ballot
264 provided to an absent elector separate printed instructions
265 furnished by him containing the following:

266 (a) All electors who utilize the provisions of this act
267 to vote, except those with temporary or permanent physical
268 disabilities or those who are sixty-five (65) years of age or
269 older, and who mark their ballots in the county of the residence
270 shall use the registrar of that county or one (1) of his deputies
271 as the witness. Such voters shall come to the office of the
272 registrar and neither the registrar nor his deputy shall be
273 required to go out of the registrar's office to serve as an
274 attesting witness.

275 (b) Upon receipt of the enclosed ballot, you will not
276 mark same except in view or sight of the attesting witness. In
277 the sight or view of the attesting witness, mark the ballot
278 according to instructions.

279 (c) After marking the ballot, fill out and sign the
280 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
281 signature shall be across the flap of the envelope so as to insure
282 the integrity of the ballot. All absent electors or electors who
283 vote early shall have the attesting witness sign the "ATTESTING
284 WITNESS CERTIFICATE" across the flap on back of the envelope.

285 (d) If you are authorized to cast your ballot by mail,
286 place necessary postage on the envelope and deposit it in the post
287 office or some government receptacle provided for deposit of mail
288 so that the absent elector's ballot, excepting presidential
289 absentee ballots, will reach the registrar in which your precinct
290 is located not later than 5:00 p.m. on the day preceding the date
291 of the election, or by personally delivering such ballot to the
292 registrar's office not later than 12:00 noon on the Saturday
293 immediately preceding elections held on Tuesday, the Thursday

294 immediately preceding elections held on Saturday, and the second
295 day immediately preceding elections held on other days.

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

316 (f) When the application accompanies the absentee
317 ballot it shall not be returned in the same envelope as the ballot
318 but shall be returned in a separate preaddressed envelope provided
319 by the registrar.

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

323 (h) Any voter casting an absentee ballot or an early
324 voting ballot who declares that he requires assistance to vote by
325 reason of blindness, temporary or permanent physical disability or
326 inability to read or write, shall be entitled to receive

327 assistance in the marking of his absentee ballot and in completing
328 the affidavit on the absentee ballot envelope. The voter may be
329 given assistance by anyone of the voter's choice other than a
330 candidate whose name appears on the absentee ballot being marked,
331 or the voter's employer, or agent of that employer. In order to
332 ensure the integrity of the ballot, any person who provides
333 assistance to an absentee voter shall be required to sign and
334 complete the "Certificate of Person Providing Voter Assistance" on
335 the absentee ballot envelope.

336 (2) The foregoing instructions required to be provided by
337 the registrar to the elector shall also constitute the substantive
338 law pertaining to the handling of absentee ballots by the elector
339 and registrar.

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

342 23-15-637. Absentee ballots received by mail, excluding
343 presidential ballots as provided for in Sections 23-15-731 and
344 23-15-733, must be received by the registrar by 5:00 p.m. on the
345 date preceding the election; any received after such time shall be
346 handled as provided in Section 23-15-647 and shall not be counted.
347 All early voting ballots shall be cast by the * * * elector * * *
348 in the office of the registrar * * * not later than 7:00 p.m. on
349 the Saturday immediately preceding elections held on Tuesday, the
350 Thursday immediately preceding elections held on Saturday, or the
351 second day immediately preceding the date of elections held on
352 other days. The registrar shall deposit all absentee ballots and
353 early voting ballot which have been timely cast in the ballot
354 boxes upon receipt.

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

357 23-15-639. At the close of the regular balloting and at the
358 close of the polls, the election managers of each voting precinct
359 shall first take the envelopes containing the absentee and early

360 voting ballots of such electors from the box, and the name,
361 address and precinct inscribed on each such envelope shall be
362 announced by the election managers. The signature on the
363 application shall then be compared with the signature on the back
364 of the envelope. If it corresponds and the affidavit, if one is
365 required, is sufficient and the election managers find that the
366 applicant is a registered and qualified voter or otherwise
367 qualified to vote, and that he has not appeared in person and
368 voted at such election, the envelope shall then be opened and the
369 ballot removed from the envelope, without its being unfolded, or
370 permitted to be unfolded or examined. Having observed and found
371 the ballot to be regular as far as can be observed from its
372 official endorsement, the election managers shall deposit it in
373 the ballot box with the other ballots before counting any ballots
374 and enter the voter's name in the receipt book provided for that
375 purpose and mark "VOTED" in the pollbook or poll list as if he had
376 been present and voted on the day of the election. If voting
377 machines are used, all absentee and early voting ballots shall be
378 placed in the ballot box before any ballots are counted, and the
379 election managers in each precinct shall immediately count * * *
380 absentee and early voter ballots and add them to the votes cast in
381 the voting machine or device.

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

384 23-15-641. (1) If an affidavit or the certificate of the
385 officer before whom the affidavit is taken is required and the
386 affidavit or certificate is found to be insufficient, or if it is
387 found that the signatures do not correspond, or that the applicant
388 is not a duly qualified elector in the precinct, or otherwise
389 qualified to vote, or that the ballot envelope is open or has been
390 opened and resealed, or the voter is not eligible to vote absentee
391 or that the voter who voted by absentee or early voting ballot is
392 present and has voted within the precinct where he represents

393 himself to be a qualified elector, or otherwise qualified to vote,
394 on the date of the election at the precinct, the previously cast
395 vote shall not be allowed. Without opening the voter's envelope
396 the commissioners of election, designated executive committee
397 members or election managers, as appropriate, shall mark across
398 its face "REJECTED", with the reason therefor.

399 (2) If the ballot envelope contains more than one (1) ballot
400 of any kind, the ballot shall not be counted but shall be marked
401 "REJECTED", with the reason therefor. The voter's envelopes and
402 affidavits, and the voter's envelope with its contents unopened,
403 when such vote is rejected, shall be retained and preserved in the
404 same manner as other ballots at the election. Such votes may be
405 challenged in the same manner and for the same reasons that any
406 other vote cast in such election may be challenged.

407 (3) If an affidavit is required and the officials find that
408 the affidavit is insufficient, or if the officials find that
409 the * * * voter is otherwise disqualified to vote, the envelope
410 shall not be opened and a commissioner or executive committee
411 member shall write across the face of the envelope "REJECTED"
412 giving the reason therefor, and the registrar shall promptly
413 notify the voter of such rejection.

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

416 23-15-643. If an affidavit is required, the appropriate
417 election officials shall examine the affidavit of each absentee
418 ballot envelope. If the officials are satisfied that the
419 affidavit is sufficient and that the absentee or early voter is
420 otherwise qualified to vote, an official shall announce the name
421 of the voter and shall give any person present an opportunity to
422 challenge in like manner and for the same cause as the voter could
423 have been challenged had he presented himself personally in the
424 precinct to vote. The ineligibility of the voter to vote by
425 absentee ballot shall be a ground for a challenge. Also, the

426 officials shall consider any absentee or early voter challenged
427 when a person has previously filed a written challenge of the
428 voter's right to vote. The election officials shall handle any
429 such challenge in the same manner as other challenged ballots are
430 handled.

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

433 23-15-645. After the votes have been counted the officials
434 shall preserve all applications, envelopes and the list of absent
435 or early voters along with the ballots and other election
436 materials and return the same to the registrar.

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

439 23-15-649. For all elections, there shall be prepared and
440 printed by the officials charged with this duty with respect to
441 the election, as soon as the deadline for the qualification of
442 candidates has passed or forty-five (45) days of the election,
443 whichever is later, official ballots for each voting precinct to
444 be known as absentee and early voter ballots, which ballots shall
445 be prepared and printed in the same form and shall be of the same
446 size and texture as the regular official ballot except that they
447 shall be printed on tinted paper of a tint different from that of
448 the regular official ballot.

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

451 23-15-651. The results of the vote by absentee and early
452 voter balloting shall be announced simultaneously with the vote
453 cast on election day.

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

456 23-15-711. The title of Sections 23-15-711 through 23-15-721
457 shall be the Mississippi Absentee and Early Voter Law.

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

460 23-15-715. (1) Any elector desiring to vote early as
461 provided in this subarticle may secure an early voting ballot
462 if * * * not more than forty-five (45) days nor later than 7:00
463 p.m. on the Saturday immediately preceding elections held on
464 Tuesday, the Thursday immediately preceding elections held on
465 Saturday, or the second day immediately preceding the date of
466 elections held on other days, he shall appear in person before the
467 registrar of the county in which he resides, or such registrar's
468 deputies, or for municipal elections he shall appear in person
469 before the city clerk of the municipality in which he resides or
470 such clerk's deputies, and * * * execute and file an application
471 as provided in Section 23-15-627. The elector may vote by early
472 ballot at the office of such registrar. * * *

473 (2) Within forty-five (45) days next prior to any election,
474 any elector who cannot vote early as provided in subsection (1) of
475 this section by reason of temporarily residing outside the county,
476 or any person who has a temporary or permanent physical
477 disability, persons who are sixty-five (65) years of age or older,
478 or any person who is the parent, spouse or dependent of a
479 temporarily or permanently physically disabled person who is
480 hospitalized outside of his county of residence or more than fifty
481 (50) miles away from his residence and such parent, spouse or
482 dependent will be with such person on election day, may make
483 application for an absentee ballot by mailing the appropriate
484 application to the registrar. Only persons temporarily residing
485 out of the county of their residence, persons having a temporary
486 or permanent physical disability, persons who are sixty-five (65)
487 years of age or older, or any person who is the parent, spouse or
488 dependent of a temporarily or permanently physically disabled
489 person who is hospitalized outside of his county of residence or
490 more than fifty (50) miles away from his residence, and the

491 parent, spouse or dependent will be with the person on election
492 day, may obtain absentee ballots by mail under the provisions of
493 this paragraph and as provided by Section 23-15-713. Applications
494 of persons temporarily residing outside the county shall be sworn
495 to and subscribed before an official who is authorized to
496 administer oaths or other official authorized to witness absentee
497 balloting as provided in this chapter, the application shall be
498 accompanied by such verifying affidavits as required by this
499 chapter. The applications of persons having a temporary or
500 permanent physical disability shall not be required to be
501 accompanied by an affidavit but shall be witnessed and signed by a
502 person eighteen (18) years of age or older. The registrar shall
503 send to the absent voter a proper absentee voter ballot within
504 twenty-four (24) hours, or as soon thereafter as the ballots are
505 available, containing the names of all candidates who qualify or
506 the proposition to be voted on in the election, and with the
507 ballot there shall be sent an official envelope containing upon it
508 in printed form the recitals and data hereinafter required.

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

511 23-15-717. Any elector enumerated in Section 23-15-713
512 applying for an absentee or early voting ballot shall complete an
513 application form as provided in Section 23-15-627, and the elector
514 shall fill in the application as is appropriate for his particular
515 situation.

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

518 23-15-719. (1) Immediately upon completion of an
519 application filed pursuant to the provisions of * * * Section
520 23-15-715(1), the registrar or his deputies shall deliver the
521 necessary early voting ballots to the applicant. The registrar
522 shall only deliver the ballots to the applicant * * * in the
523 registrar's office. The registrar shall not personally hand

524 deliver ballots to voters, unless he delivers the ballots in the
525 office of the registrar. The elector voting by early voting
526 ballot shall fill in his ballot in secret. After the applicant
527 has properly marked the ballot and properly folded it, he shall
528 deposit it in the envelope furnished him by the registrar.

529 After he has sealed the envelope, he shall subscribe and
530 swear to an affidavit in the following form, which shall be
531 printed on the back of the envelope containing the applicant's
532 ballot:

533 "STATE OF MISSISSIPPI

534 COUNTY OF _____

535 I, _____, do solemnly swear that this envelope contains
536 the ballot marked by me indicating my choice of the candidates or
537 propositions to be submitted at the election to be held on the ____
538 day of _____, 2____, and I hereby authorize the registrar to
539 place this envelope in the ballot box on my behalf, and I further
540 authorize the election managers to open this envelope and place my
541 ballot among the other ballots cast before such ballots are
542 counted, and record my name on the poll list as if I were present
543 in person and voted.

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

545 _____

546 (Signature of voter)

547 SWORN TO AND SUBSCRIBED before me, _____, this the ____

548 day of _____, 2____.

549 (Registrar) _____

550 (Registrar)"

551 After the completion of the requirements of this section, the
552 elector shall deliver the envelope containing the ballot to the
553 registrar.

554 (2) If the voter has received assistance in marking his
555 ballot, the person providing the assistance shall complete the

556 following form which shall be printed on the back of the envelope
557 containing the applicant's ballot:

558 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

559 (To be completed only if the voter has received assistance in
560 marking the enclosed ballot.) I hereby certify that the
561 above-named voter declared to me that he or she is blind,
562 temporarily or permanently physically disabled, or cannot read or
563 write, and that the voter requested that I assist the voter in
564 marking the enclosed * * * ballot. I hereby certify that the
565 ballot preferences on the enclosed ballot are those communicated
566 by the voter to me, and that I have marked the enclosed ballot in
567 accordance with the voter's instructions.

568 _____
569 Signature of person providing assistance

570 _____
571 Printed name of person providing assistance

572 _____
573 Address of person providing assistance

574 _____
575 Date and time assistance provided

576 _____
577 Family relationship to voter (if any)"

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

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

582 23-15-721. (1) Electors temporarily residing outside the
583 county and obtaining an absentee ballot under the provisions
584 of * * * Section 23-15-715(2) shall appear before any official
585 authorized to administer oaths or other official authorized to
586 witness absentee balloting as provided in this chapter. The
587 elector shall exhibit to such official his absentee ballot
588 unmarked and thereupon proceed in secret to fill in his ballot.

589 After the elector has properly marked the ballot and properly
590 folded it, he shall deposit it in the envelope furnished him.
591 After he has sealed the envelope he shall deliver it to the
592 official before whom he is appearing and shall subscribe and swear
593 to the elector's certificate provided for in Section 23-15-635,
594 which affidavit shall be printed on the back of the envelope as
595 provided for in Section 23-15-635.

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

600 (3) After the completion of the requirements of this
601 section, the elector shall mail the envelope containing the ballot
602 to the registrar in the county wherein said elector is qualified
603 to vote. The ballots must be received by the registrar prior to
604 5:00 p.m. on the day preceding the election to be counted.

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

607 23-15-753. (1) Any person who willfully, unlawfully and
608 feloniously procures, seeks to procure, or seeks to influence the
609 vote of any person voting by absentee or early ballot, by the
610 payment of money, the promise of payment of money, or by the
611 delivery of any other item of value or promise to give the voter
612 any item of value, or by promising or giving the voter any favor
613 or reward in an effort to influence his vote, or any person who
614 aids, abets, assists, encourages, helps, or causes any person
615 voting an absentee or early ballot to violate any provision of law
616 pertaining to absentee or early voting, or any person who sells
617 his vote for money, favor, or reward, has been paid or promised
618 money, a reward, a favor or favors, or any other item of value, or
619 any person who shall willfully swear falsely to any affidavit
620 provided for in Sections 23-15-621 through 23-15-735, shall be
621 guilty of the crime of "vote fraud" and, upon conviction, shall be

622 sentenced to pay a fine of not less than Five Hundred Dollars
623 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
624 imprisonment in the county jail for no more than one (1) year, or
625 by both fine and imprisonment, or by being sentenced to the State
626 Penitentiary for not less than one (1) year nor more than five (5)
627 years.

628 (2) It shall be unlawful for any person who pays or
629 compensates another person for assisting voters in marking their
630 absentee or early ballots to base the pay or compensation on the
631 number of * * * voters assisted or the number of * * * ballots
632 cast by persons who have received the assistance. Any person who
633 violates this section, upon conviction shall, be fined not less
634 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
635 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
636 than one (1) year nor more than five (5) years, or both.

637 **SECTION 23.** The Attorney General of the State of Mississippi
638 shall submit this act, immediately upon approval by the Governor,
639 or upon approval by the Legislature subsequent to a veto, to the
640 Attorney General of the United States or to the United States
641 District Court for the District of Columbia in accordance with the
642 provisions of the Voting Rights Act of 1965, as amended and
643 extended.

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