

By: Senator(s) Jackson (32nd)

To: Elections

SENATE BILL NO. 2529

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 desire to vote early.

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

79 () I am required to be at work on election day during the
80 times which the polls will be open.

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

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

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

177 23-15-449. All laws relating to elections now in force in
178 this state shall apply to all elections under this chapter so far
179 as the same may be applicable thereto, and so far as such
180 provisions are not inconsistent with the provisions of this
181 chapter. Absentee ballots and early voting ballots shall be voted
182 as now provided by law.

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

185 23-15-463. The board of supervisors of any county in the
186 State of Mississippi and the governing authorities of any
187 municipality in the State of Mississippi are hereby authorized and
188 empowered, in their discretion, to purchase or rent voting devices
189 and automatic tabulating equipment used in an electronic voting
190 system which meets the requirements of Section 23-15-465, and may
191 use such system in all or a part of the precincts within its
192 boundaries, or in combination with paper ballots in any election
193 or primary. It may enlarge, consolidate or alter the boundaries
194 of precincts where an electronic voting system is used. The
195 provisions of Sections 23-15-461 through 23-15-485 shall be
196 controlling with respect to elections where an electronic voting
197 system is used, and shall be liberally construed so as to carry
198 out the purpose of this chapter. The provisions of the election
199 law relating to the conduct of elections with paper ballots,

200 insofar as they are applicable and not inconsistent with the
201 efficient conduct of elections with electronic voting systems,
202 shall apply. Absentee ballots and early voting ballots shall be
203 voted as now provided by law.

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

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

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

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

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

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

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

259 23-15-621. The title of Sections 23-15-621 through 23-15-653
260 of this chapter shall be the Absentee Balloting and Early Voting
261 Balloting Procedures Law.

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

264 23-15-623. All absentee ballots and early voting ballots as
265 authorized in Sections 23-15-671 through 23-15-697, in Sections

266 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,
267 shall be handled as provided in Sections 23-15-621 through
268 23-15-653.

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

271 23-15-631. (1) The registrar shall enclose with each ballot
272 provided to an absent elector separate printed instructions
273 furnished by him containing the following:

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

284 (b) Upon receipt of the enclosed ballot, you will not
285 mark the ballot except in view or sight of the attesting witness.
286 In the sight or view of the attesting witness, mark the ballot
287 according to instructions.

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

295 (d) If you are authorized to cast your ballot by mail,
296 place necessary postage on the envelope and deposit it in the post
297 office or some government receptacle provided for deposit of mail
298 so that the absent elector's ballot, excepting presidential

299 absentee ballots, will reach the registrar in which your precinct
300 is located not later than 5:00 p.m. on the day preceding the date
301 of the election.

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

322 (e) When the application accompanies the absentee
323 ballot it shall not be returned in the same envelope as the ballot
324 but shall be returned in a separate preaddressed envelope provided
325 by the registrar.

326 (f) A person who is a candidate for public office may
327 not be an attesting witness for any absentee ballot upon which the
328 person's name appears.

329 (g) Any voter casting an absentee ballot or early
330 voting ballot who declares that he requires assistance to vote by
331 reason of blindness, temporary or permanent physical disability or

332 inability to read or write, shall be entitled to receive
333 assistance in the marking of his absentee ballot and in completing
334 the affidavit on the absentee ballot envelope. The voter may be
335 given assistance by anyone of the voter's choice other than a
336 candidate whose name appears on the absentee ballot being marked,
337 or the voter's employer, or agent of that employer. In order to
338 ensure the integrity of the ballot, any person who provides
339 assistance to an absentee voter shall be required to sign and
340 complete the "Certificate of Person Providing Voter Assistance" on
341 the absentee ballot envelope.

342 (2) The foregoing instructions required to be provided by
343 the registrar to the elector shall also constitute the substantive
344 law pertaining to the handling of absentee or early voting ballots
345 by the elector and registrar.

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

348 23-15-637. Absentee ballots received by mail, excluding
349 presidential ballots as provided for in Sections 23-15-731 and
350 23-15-733, must be received by the registrar by 5:00 p.m. on the
351 date preceding the election; any received after such time shall be
352 handled as provided in Section 23-15-647 and shall not be counted.
353 All absentee ballots and early voting ballots shall be cast by
354 the * * * elector * * * in the office of the registrar or
355 designated precinct by * * * not later than 12:00 noon on the
356 Saturday immediately preceding elections held on Tuesday, the
357 Thursday immediately preceding elections held on Saturday, or the
358 second day immediately preceding the date of elections held on
359 other days. The registrar shall deposit all absentee ballots and
360 early voting ballots which have been timely cast in the ballot
361 boxes upon receipt.

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

364 23-15-639. (1) In elections in which direct recording
365 electronic voting systems are not utilized, the examination and
366 counting of absentee and early voting ballots shall be conducted
367 as follows:

368 (a) At the close of the regular balloting and at the
369 close of the polls, the election managers of each voting precinct
370 shall first take the envelopes containing the absentee and early
371 voting ballots of such electors from the box, and the name,
372 address and precinct inscribed on each envelope shall be announced
373 by the election managers.

374 (b) The signature on the application shall then be
375 compared with the signature on the back of the envelope. If it
376 corresponds and the affidavit, if one is required, is sufficient
377 and the election managers find that the applicant is a registered
378 and qualified voter or otherwise qualified to vote, and that he
379 has not appeared in person and voted at the election, the envelope
380 shall then be opened and the ballot removed from the envelope,
381 without its being unfolded, or permitted to be unfolded or
382 examined.

383 (c) Having observed and found the ballot to be regular
384 as far as can be observed from its official endorsement, the
385 election managers shall deposit it in the ballot box with the
386 other ballots before counting any ballots and enter the voter's
387 name in the receipt book provided for that purpose and mark
388 "VOTED" in the pollbook or poll list as if he had been present and
389 voted in person on the day of the election. If voting machines
390 are used, all absentee and early voting ballots shall be placed in
391 the ballot box before any ballots are counted, and the election
392 managers in each precinct shall immediately count such absentee
393 and early voting ballots and add them to the votes cast in the
394 voting machine or device.

395 (2) In elections in which direct recording electronic voting
396 systems are utilized, the examination and counting of absentee and
397 early voting ballots shall be conducted as follows:

398 (a) At the close of the regular balloting and at the
399 close of the polls, the election managers of each voting precinct
400 shall first take the envelopes containing the absentee and early
401 voting ballots of such electors from the box, and the name,
402 address and precinct inscribed on each envelope shall be announced
403 by the election managers.

404 (b) The signature on the application shall then be
405 compared with the signature on the back of the envelope. If it
406 corresponds and the affidavit, if one is required, is sufficient
407 and the election managers find that the applicant is a registered
408 and qualified voter or otherwise qualified to vote, and that he
409 has not appeared in person and voted at the election, the unopened
410 envelope shall be marked "ACCEPTED" and the election managers
411 shall enter the voter's name in the receipt book provided for that
412 purpose and mark "VOTED" in the pollbook or poll list as if he had
413 been present and voted in person on the day of the election.

414 (c) All absentee and early voting ballot envelopes
415 shall then be placed in the secure ballot transfer case and
416 delivered to the officials in charge of conducting the election at
417 the central tabulation point of the county. The official in
418 charge of the election shall open the envelopes marked "ACCEPTED"
419 and remove the ballot from the envelope.

420 (d) Having observed the ballot to be regular as far as
421 can be observed from its official endorsement, the absentee or
422 early voting ballot shall be processed through the central optical
423 scanner. The scanned totals shall then be combined with the
424 direct recording electronic voting system totals for the
425 unofficial vote count.

426 When there is a conflict between an electronic voting system
427 and a paper record, then there is a rebuttable presumption that
428 the paper record is correct.

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

431 23-15-641. (1) If an affidavit or the certificate of the
432 officer before whom the affidavit is taken is required and such
433 affidavit or certificate is found to be insufficient, or if it is
434 found that the signatures do not correspond, or that the applicant
435 is not a duly qualified elector in the precinct, or otherwise
436 qualified to vote, or that the ballot envelope is open or has been
437 opened and resealed, or the voter is not eligible to vote absentee
438 or that the voter who voted by absentee or early voting ballot is
439 present and has voted within the precinct where he represents
440 himself to be a qualified elector, or otherwise qualified to vote,
441 on the date of the election at such precinct, the previously cast
442 vote shall not be allowed. Without opening the voter's envelope
443 the commissioners of election, designated executive committee
444 members or election managers, as appropriate, shall mark across
445 its face "REJECTED", with the reason therefor.

446 (2) If the ballot envelope contains more than one (1) ballot
447 of any kind, the ballot shall not be counted but shall be marked
448 "REJECTED", with the reason therefor. The voter's envelopes and
449 affidavits, and the voter's envelope with its contents unopened,
450 when such vote is rejected, shall be retained and preserved in the
451 same manner as other ballots at the election. Such votes may be
452 challenged in the same manner and for the same reasons that any
453 other vote cast in such election may be challenged.

454 (3) If an affidavit is required and the officials find that
455 the affidavit is insufficient, or if the officials find that
456 the * * * voter is otherwise disqualified to vote, the envelope
457 shall not be opened and a commissioner or executive committee
458 member shall write across the face of the envelope "REJECTED"

459 giving the reason therefor, and the registrar shall promptly
460 notify the voter of such rejection.

461 (4) The ballots marked "REJECTED" shall be placed in a
462 separate envelope in the secure ballot transfer case and delivered
463 to the officials in charge of conducting the election at the
464 central tabulation point of the county.

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

467 23-15-643. If an affidavit is required, the appropriate
468 election officials shall examine the affidavit of each absentee
469 ballot envelope. If the officials are satisfied that any such
470 affidavit is sufficient and that the absentee or early voter is
471 otherwise qualified to vote, an official shall announce the name
472 of the voter and shall give any person present an opportunity to
473 challenge in like manner and for the same cause as the voter could
474 have been challenged had he presented himself personally in such
475 precinct to vote. The ineligibility of the voter to vote by
476 absentee ballot shall be a ground for a challenge. Also, the
477 officials shall consider any absentee or early voter challenged
478 when a person has previously filed a written challenge of such
479 voter's right to vote. The election officials shall handle any
480 such challenge in the same manner as other challenged ballots are
481 handled.

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

484 23-15-645. After the votes have been counted the officials
485 shall preserve all applications, envelopes and the list of absent
486 or early voters along with the ballots and other election
487 materials and return the same to the registrar.

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

490 23-15-649. For all elections, there shall be prepared and
491 printed by the officials charged with this duty with respect to

492 the election, as soon as the deadline for the qualification of
493 candidates has passed or forty-five (45) days of the election,
494 whichever is later, official ballots for each voting precinct to
495 be known as absentee and early voter ballots, which ballots shall
496 be prepared and printed in the same form and shall be of the same
497 size and texture as the regular official ballot except that they
498 shall be printed on tinted paper of a tint different from that of
499 the regular official ballot.

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

502 23-15-651. The results of the vote by absentee and early
503 voter balloting shall be announced simultaneously with the vote
504 cast on election day.

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

507 23-15-711. The title of Sections 23-15-711 through 23-15-721
508 shall be the Mississippi Absentee and Early Voter Law.

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

511 23-15-715. (1) Any elector desiring to vote early as
512 provided in this subarticle may secure an early voting ballot
513 if * * * not more than forty-five (45) days nor later than 12:00
514 noon on the Saturday immediately preceding elections held on
515 Tuesday, the Thursday immediately preceding elections held on
516 Saturday, or the second day immediately preceding the date of
517 elections held on other days, he shall appear in person before the
518 registrar of the county in which he resides, or such registrar's
519 deputies, or for municipal elections he shall appear in person
520 before the city clerk of the municipality in which he resides, or
521 such clerk's deputies, and * * * execute and file an application
522 as provided in Section 23-15-627. Such elector may vote by early
523 ballot at the office of such registrar or clerk or at the
524 precincts designated for early voting. * * *

525 (2) Within forty-five (45) days next prior to any election,
526 any elector who cannot vote early as provided in subsection (1) of
527 this section by reason of temporarily residing outside the county,
528 or any person who has a temporary or permanent physical
529 disability, persons who are sixty-five (65) years of age or older,
530 or any person who is the parent, spouse or dependent of a
531 temporarily or permanently physically disabled person who is
532 hospitalized outside of his county of residence or more than fifty
533 (50) miles away from his residence and such parent, spouse or
534 dependent will be with such person on election day, may make
535 application for an absentee ballot by mailing the appropriate
536 application to the registrar. Only persons temporarily residing
537 out of the county of their residence, persons having a temporary
538 or permanent physical disability, persons who are sixty-five (65)
539 years of age or older, or any person who is the parent, spouse or
540 dependent of a temporarily or permanently physically disabled
541 person who is hospitalized outside of his county of residence or
542 more than fifty (50) miles away from his residence, and such
543 parent, spouse or dependent will be with such person on election
544 day, may obtain absentee ballots by mail under the provisions of
545 this subsection and as provided by Section 23-15-713.
546 Applications of persons temporarily residing outside the county
547 shall be sworn to and subscribed before an official who is
548 authorized to administer oaths or other official authorized to
549 witness absentee balloting as provided in this chapter, said
550 application to be accompanied by such verifying affidavits as
551 required by this chapter. The applications of persons having a
552 temporary or permanent physical disability shall not be required
553 to be accompanied by an affidavit but shall be witnessed and
554 signed by a person eighteen (18) years of age or older. The
555 registrar shall send to such absent voter a proper absentee voter
556 ballot within twenty-four (24) hours, or as soon thereafter as the
557 ballots are available, containing the names of all candidates who

558 qualify or the proposition to be voted on in such election, and
559 with such ballot there shall be sent an official envelope
560 containing upon it in printed form the recitals and data
561 hereinafter required.

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

564 23-15-717. Any elector enumerated in Section 23-15-713
565 applying for an absentee or early voting ballot shall complete an
566 application form as provided in Section 23-15-627, and said
567 elector shall fill in the application as is appropriate for his
568 particular situation.

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

571 23-15-719. (1) Immediately upon completion of an
572 application filed pursuant to the provisions of * * * Section
573 23-15-715(1), the registrar or his deputies shall deliver the
574 necessary early voting ballots to the applicant. The registrar
575 shall only deliver the ballots to the applicant * * * in the
576 registrar's office or the precincts designated for early voting.
577 The registrar shall not personally hand deliver ballots to voters,
578 unless he delivers the ballots in the office of the registrar.
579 The elector voting by early voting ballot shall fill in his ballot
580 in secret. After the applicant has properly marked the ballot and
581 properly folded it, he shall deposit it in the envelope furnished
582 him by the registrar.

583 After he has sealed the envelope, he shall subscribe and
584 swear to an affidavit in the following form, which shall be
585 printed on the back of the envelope containing the applicant's
586 ballot:

587 "STATE OF MISSISSIPPI

588 COUNTY OF _____

589 I, _____, do solemnly swear that this envelope contains
590 the ballot marked by me indicating my choice of the candidates or

591 propositions to be submitted at the election to be held on the ___
592 day of _____, 2____, and I hereby authorize the registrar to
593 place this envelope in the ballot box on my behalf, and I further
594 authorize the election managers to open this envelope and place my
595 ballot among the other ballots cast before such ballots are
596 counted, and record my name on the poll list as if I were present
597 in person and voted.

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

599 _____

600 (Signature of voter)

601 SWORN TO AND SUBSCRIBED before me, _____, this the ___

602 day of _____, 2____.

603 (Registrar) _____

604 (Registrar)"

605 After the completion of the requirements of this section, the
606 elector shall deliver the envelope containing the ballot to the
607 registrar.

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

612 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

613 (To be completed only if the voter has received assistance in
614 marking the enclosed ballot.) I hereby certify that the
615 above-named voter declared to me that he or she is blind,
616 temporarily or permanently physically disabled, or cannot read or
617 write, and that the voter requested that I assist the voter in
618 marking the enclosed * * * ballot. I hereby certify that the
619 ballot preferences on the enclosed ballot are those communicated
620 by the voter to me, and that I have marked the enclosed ballot in
621 accordance with the voter's instructions.

622 _____

623 Signature of person providing assistance

624 _____
625 Printed name of person providing assistance
626 _____
627 Address of person providing assistance
628 _____
629 Date and time assistance provided
630 _____
631 Family relationship to voter (if any)"

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

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

636 23-15-721. (1) Electors temporarily residing outside the
637 county and obtaining an absentee ballot under the provisions
638 of * * * Section 23-15-715(2) shall appear before any official
639 authorized to administer oaths or other official authorized to
640 witness absentee balloting as provided in this chapter. The
641 elector shall exhibit to such official his absentee ballot
642 unmarked and thereupon proceed in secret to fill in his ballot.
643 After the elector has properly marked the ballot and properly
644 folded it, he shall deposit it in the envelope furnished him.
645 After he has sealed the envelope he shall deliver it to the
646 official before whom he is appearing and shall subscribe and swear
647 to the elector's certificate provided for in Section 23-15-635,
648 which affidavit shall be printed on the back of the envelope as
649 provided for in Section 23-15-635.

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

654 (3) After the completion of the requirements of this
655 section, the elector shall mail the envelope containing the ballot
656 to the registrar in the county wherein said elector is qualified

657 to vote. Said ballots must be received by the registrar prior to
658 5:00 p.m. on the day preceding the election to be counted.

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

661 23-15-753. (1) Any person who willfully, unlawfully and
662 feloniously procures, seeks to procure, or seeks to influence the
663 vote of any person voting by absentee or early ballot, by the
664 payment of money, the promise of payment of money, or by the
665 delivery of any other item of value or promise to give the voter
666 any item of value, or by promising or giving the voter any favor
667 or reward in an effort to influence his vote, or any person who
668 aids, abets, assists, encourages, helps, or causes any person
669 voting an absentee or early ballot to violate any provision of law
670 pertaining to absentee or early voting, or any person who sells
671 his vote for money, favor, or reward, has been paid or promised
672 money, a reward, a favor or favors, or any other item of value, or
673 any person who shall willfully swear falsely to any affidavit
674 provided for in Sections 23-15-621 through 23-15-735, shall be
675 guilty of the crime of "vote fraud" and, upon conviction, shall be
676 sentenced to pay a fine of not less than Five Hundred Dollars
677 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
678 imprisonment in the county jail for no more than one (1) year, or
679 by both fine and imprisonment, or by being sentenced to the State
680 Penitentiary for not less than one (1) year nor more than five (5)
681 years.

682 (2) It shall be unlawful for any person who pays or
683 compensates another person for assisting voters in marking their
684 absentee or early ballots to base the pay or compensation on the
685 number of * * * voters assisted or the number of * * * ballots
686 cast by persons who have received the assistance. Any person who
687 violates this section, upon conviction shall, be fined not less
688 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand

689 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
690 than one (1) year nor more than five (5) years, or both.

691 **SECTION 23.** The Attorney General of the State of Mississippi
692 shall submit this act, immediately upon approval by the Governor,
693 or upon approval by the Legislature subsequent to a veto, to the
694 Attorney General of the United States or to the United States
695 District Court for the District of Columbia in accordance with the
696 provisions of the Voting Rights Act of 1965, as amended and
697 extended.

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