

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.