

By: Senator(s) Tollison

To: Elections

SENATE BILL NO. 2798

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, * * *
199 be 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 the ballot except in view or sight of the attesting witness.
277 In 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.

292 (e) For absentee voters, any notary public, United
293 States postmaster, assistant United States postmaster, United

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

312 (f) When the application accompanies the absentee
313 ballot it shall not be returned in the same envelope as the ballot
314 but shall be returned in a separate preaddressed envelope provided
315 by the registrar.

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

319 (h) Any voter casting an absentee ballot or an early
320 voting ballot who declares that he requires assistance to vote by
321 reason of blindness, temporary or permanent physical disability or
322 inability to read or write, shall be entitled to receive
323 assistance in the marking of his absentee ballot and in completing
324 the affidavit on the absentee ballot envelope. The voter may be
325 given assistance by anyone of the voter's choice other than a
326 candidate whose name appears on the absentee ballot being marked,

327 or the voter's employer, or agent of that employer. In order to
328 ensure the integrity of the ballot, any person who provides
329 assistance to an absentee voter shall be required to sign and
330 complete the "Certificate of Person Providing Voter Assistance" on
331 the absentee ballot envelope.

332 (2) The foregoing instructions required to be provided by
333 the registrar to the elector shall also constitute the substantive
334 law pertaining to the handling of absentee ballots by the elector
335 and registrar.

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

338 23-15-637. Absentee ballots received by mail, excluding
339 presidential ballots as provided for in Sections 23-15-731 and
340 23-15-733, must be received by the registrar by 5:00 p.m. on the
341 date preceding the election; any received after such time shall be
342 handled as provided in Section 23-15-647 and shall not be counted.
343 All early voting ballots shall be cast by the * * * elector * * *
344 in the office of the registrar * * * not later than 7:00 p.m. on
345 the Saturday immediately preceding elections held on Tuesday, the
346 Thursday immediately preceding elections held on Saturday, or the
347 second day immediately preceding the date of elections held on
348 other days. The registrar shall deposit all absentee ballots and
349 early voting ballot which have been timely cast in the ballot
350 boxes upon receipt.

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

353 23-15-639. (1) In elections in which direct recording
354 electronic voting systems are not utilized, the examination and
355 counting of absentee ballots shall be conducted as follows:

356 (a) At the close of the regular balloting and at the
357 close of the polls, the election managers of each voting precinct
358 shall first take the envelopes containing the absentee and early
359 voting ballots of such electors from the box, and the name,

360 address and precinct inscribed on each envelope shall be announced
361 by the election managers.

362 (b) The signature on the application shall then be
363 compared with the signature on the back of the envelope. If it
364 corresponds and the affidavit, if one is required, is sufficient
365 and the election managers find that the applicant is a registered
366 and qualified voter or otherwise qualified to vote, and that he
367 has not appeared in person and voted at the election, the envelope
368 shall then be opened and the ballot removed from the envelope,
369 without its being unfolded, or permitted to be unfolded or
370 examined.

371 (c) Having observed and found the ballot to be regular
372 as far as can be observed from its official endorsement, the
373 election managers shall deposit it in the ballot box with the
374 other ballots before counting any ballots and enter the voter's
375 name in the receipt book provided for that purpose and mark
376 "VOTED" in the pollbook or poll list as if he had been present and
377 voted in person on the day of the election. If voting machines
378 are used, all absentee and early voting ballots shall be placed in
379 the ballot box before any ballots are counted, and the election
380 managers in each precinct shall immediately count * * * absentee
381 and early voter ballots and add them to the votes cast in the
382 voting machine or device.

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

386 (a) At the close of the regular balloting and at the
387 close of the polls, the election managers of each voting precinct
388 shall first take the envelopes containing the absentee and early
389 voting ballots of such electors from the box, and the name,
390 address and precinct inscribed on each envelope shall be announced
391 by the election managers.

392 (b) The signature on the application shall then be
393 compared with the signature on the back of the envelope. If it
394 corresponds and the affidavit, if one is required, is sufficient
395 and the election managers find that the applicant is a registered
396 and qualified voter or otherwise qualified to vote, and that he
397 has not appeared in person and voted at the election, the unopened
398 envelope shall be marked "ACCEPTED" and the election managers
399 shall enter the voter's name in the receipt book provided for that
400 purpose and mark "VOTED" in the pollbook or poll list as if he had
401 been present and voted in person on the day of the election.

402 (c) All absentee ballot and early voting envelopes
403 shall then be placed in the secure ballot transfer case and
404 delivered to the officials in charge of conducting the election at
405 the central tabulation point of the county. The official in
406 charge of the election shall open the envelopes marked "ACCEPTED"
407 and remove the ballot from the envelope.

408 (d) Having observed the ballot to be regular as far as
409 can be observed from its official endorsement, the absentee and
410 early voting ballots shall be processed through the central
411 optical scanner. The scanned totals shall then be combined with
412 the direct recording electronic voting system totals for the
413 unofficial vote count.

414 When there is a conflict between an electronic voting system
415 and a paper record, then there is a rebuttable presumption that
416 the paper record is correct.

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

419 23-15-641. (1) If an affidavit or the certificate of the
420 officer before whom the affidavit is taken is required and such
421 affidavit or certificate is found to be insufficient, or if it is
422 found that the signatures do not correspond, or that the applicant
423 is not a duly qualified elector in the precinct, or otherwise
424 qualified to vote, or that the ballot envelope is open or has been

425 opened and resealed, or the voter is not eligible to vote absentee
426 or that the voter who voted by absentee ballot or early voting
427 ballot is present and has voted within the precinct where he
428 represents himself to be a qualified elector, or otherwise
429 qualified to vote, on the date of the election at the precinct,
430 the previously cast vote shall not be allowed. Without opening
431 the voter's envelope the commissioners of election, designated
432 executive committee members or election managers, as appropriate,
433 shall mark across its face "REJECTED", with the reason therefor.

434 (2) If the ballot envelope contains more than one (1) ballot
435 of any kind, the ballot shall not be counted but shall be marked
436 "REJECTED", with the reason therefor. The voter's envelopes and
437 affidavits, and the voter's envelope with its contents unopened,
438 when such vote is rejected, shall be retained and preserved in the
439 same manner as other ballots at the election. Such votes may be
440 challenged in the same manner and for the same reasons that any
441 other vote cast in such election may be challenged.

442 (3) If an affidavit is required and the officials find that
443 the affidavit is insufficient, or if the officials find that
444 the * * * voter is otherwise disqualified to vote, the envelope
445 shall not be opened and a commissioner or executive committee
446 member shall write across the face of the envelope "REJECTED"
447 giving the reason therefor, and the registrar shall promptly
448 notify the voter of such rejection.

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

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

455 23-15-643. If an affidavit is required, the appropriate
456 election officials shall examine the affidavit of each absentee
457 ballot envelope. If the officials are satisfied that the

458 affidavit is sufficient and that the absentee or early voter is
459 otherwise qualified to vote, an official shall announce the name
460 of the voter and shall give any person present an opportunity to
461 challenge in like manner and for the same cause as the voter could
462 have been challenged had he presented himself personally in the
463 precinct to vote. The ineligibility of the voter to vote by
464 absentee ballot shall be a ground for a challenge. Also, the
465 officials shall consider any absentee or early voter challenged
466 when a person has previously filed a written challenge of the
467 voter's right to vote. The election officials shall handle any
468 such challenge in the same manner as other challenged ballots are
469 handled.

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

472 23-15-645. After the votes have been counted the officials
473 shall preserve all applications, envelopes and the list of absent
474 or early voters along with the ballots and other election
475 materials and return the same to the registrar.

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

478 23-15-649. For all elections, there shall be prepared and
479 printed by the officials charged with this duty with respect to
480 the election, as soon as the deadline for the qualification of
481 candidates has passed or forty-five (45) days of the election,
482 whichever is later, official ballots for each voting precinct to
483 be known as absentee and early voter ballots, which ballots shall
484 be prepared and printed in the same form and shall be of the same
485 size and texture as the regular official ballot except that they
486 shall be printed on tinted paper of a tint different from that of
487 the regular official ballot.

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

490 23-15-651. The results of the vote by absentee and early
491 voter balloting shall be announced simultaneously with the vote
492 cast on election day.

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

495 23-15-711. The title of Sections 23-15-711 through 23-15-721
496 shall be the Mississippi Absentee and Early Voter Law.

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

499 23-15-715. (1) Any elector desiring to vote early as
500 provided in this subarticle may secure an early voting ballot
501 if * * * not more than forty-five (45) days nor later than 7:00
502 p.m. on the Saturday immediately preceding elections held on
503 Tuesday, the Thursday immediately preceding elections held on
504 Saturday, or the second day immediately preceding the date of
505 elections held on other days, he shall appear in person before the
506 registrar of the county in which he resides, or such registrar's
507 deputies, or for municipal elections he shall appear in person
508 before the city clerk of the municipality in which he resides or
509 such clerk's deputies, and * * * execute and file an application
510 as provided in Section 23-15-627. The elector may vote by early
511 ballot at the office of such registrar. * * *

512 (2) Within forty-five (45) days next prior to any election,
513 any elector who cannot vote early as provided in subsection (1) of
514 this section by reason of temporarily residing outside the county,
515 or any person who has a temporary or permanent physical
516 disability, persons who are sixty-five (65) years of age or older,
517 or any person who is the parent, spouse or dependent of a
518 temporarily or permanently physically disabled person who is
519 hospitalized outside of his county of residence or more than fifty
520 (50) miles away from his residence and such parent, spouse or
521 dependent will be with such person on election day, may make
522 application for an absentee ballot by mailing the appropriate

523 application to the registrar. Only persons temporarily residing
524 out of the county of their residence, persons having a temporary
525 or permanent physical disability, persons who are sixty-five (65)
526 years of age or older, or any person who is the parent, spouse or
527 dependent of a temporarily or permanently physically disabled
528 person who is hospitalized outside of his county of residence or
529 more than fifty (50) miles away from his residence, and the
530 parent, spouse or dependent will be with the person on election
531 day, may obtain absentee ballots by mail under the provisions of
532 this paragraph and as provided by Section 23-15-713. Applications
533 of persons temporarily residing outside the county shall be sworn
534 to and subscribed before an official who is authorized to
535 administer oaths or other official authorized to witness absentee
536 balloting as provided in this chapter, the application shall be
537 accompanied by such verifying affidavits as required by this
538 chapter. The applications of persons having a temporary or
539 permanent physical disability shall not be required to be
540 accompanied by an affidavit but shall be witnessed and signed by a
541 person eighteen (18) years of age or older. The registrar shall
542 send to the absent voter a proper absentee voter ballot within
543 twenty-four (24) hours, or as soon thereafter as the ballots are
544 available, containing the names of all candidates who qualify or
545 the proposition to be voted on in the election, and with the
546 ballot there shall be sent an official envelope containing upon it
547 in printed form the recitals and data hereinafter required.

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

550 23-15-717. Any elector enumerated in Section 23-15-713
551 applying for an absentee or early voting ballot shall complete an
552 application form as provided in Section 23-15-627, and the elector
553 shall fill in the application as is appropriate for his particular
554 situation.

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

557 23-15-719. (1) Immediately upon completion of an
558 application filed pursuant to the provisions of * * * Section
559 23-15-715(1), the registrar or his deputies shall deliver the
560 necessary early voting ballots to the applicant. The registrar
561 shall only deliver the ballots to the applicant * * * in the
562 registrar's office. The registrar shall not personally hand
563 deliver ballots to voters, unless he delivers the ballots in the
564 office of the registrar. The elector voting by early voting
565 ballot shall fill in his ballot in secret. After the applicant
566 has properly marked the ballot and properly folded it, he shall
567 deposit it in the envelope furnished him by the registrar.

568 After he has sealed the envelope, he shall subscribe and
569 swear to an affidavit in the following form, which shall be
570 printed on the back of the envelope containing the applicant's
571 ballot:

572 "STATE OF MISSISSIPPI
573 COUNTY OF _____

574 I, _____, do solemnly swear that this envelope contains
575 the ballot marked by me indicating my choice of the candidates or
576 propositions to be submitted at the election to be held on the ___
577 day of _____, 2____, and I hereby authorize the registrar to
578 place this envelope in the ballot box on my behalf, and I further
579 authorize the election managers to open this envelope and place my
580 ballot among the other ballots cast before such ballots are
581 counted, and record my name on the poll list as if I were present
582 in person and voted.

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

584 _____
585 (Signature of voter)

586 SWORN TO AND SUBSCRIBED before me, _____, this the ___
587 day of _____, 2____.

588 (Registrar) _____

589 (Registrar)"

590 After the completion of the requirements of this section, the
591 elector shall deliver the envelope containing the ballot to the
592 registrar.

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

597 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

598 (To be completed only if the voter has received assistance in
599 marking the enclosed ballot.) I hereby certify that the
600 above-named voter declared to me that he or she is blind,
601 temporarily or permanently physically disabled, or cannot read or
602 write, and that the voter requested that I assist the voter in
603 marking the enclosed * * * ballot. I hereby certify that the
604 ballot preferences on the enclosed ballot are those communicated
605 by the voter to me, and that I have marked the enclosed ballot in
606 accordance with the voter's instructions.

607 _____
608 Signature of person providing assistance

609 _____
610 Printed name of person providing assistance

611 _____
612 Address of person providing assistance

613 _____
614 Date and time assistance provided

615 _____
616 Family relationship to voter (if any)"

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

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

621 23-15-721. (1) Electors temporarily residing outside the
622 county and obtaining an absentee ballot under the provisions
623 of * * * Section 23-15-715(2) shall appear before any official
624 authorized to administer oaths or other official authorized to
625 witness absentee balloting as provided in this chapter. The
626 elector shall exhibit to such official his absentee ballot
627 unmarked and thereupon proceed in secret to fill in his ballot.
628 After the elector has properly marked the ballot and properly
629 folded it, he shall deposit it in the envelope furnished him.
630 After he has sealed the envelope he shall deliver it to the
631 official before whom he is appearing and shall subscribe and swear
632 to the elector's certificate provided for in Section 23-15-635,
633 which affidavit shall be printed on the back of the envelope as
634 provided for in Section 23-15-635.

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

639 (3) After the completion of the requirements of this
640 section, the elector shall mail the envelope containing the ballot
641 to the registrar in the county wherein said elector is qualified
642 to vote. The ballots must be received by the registrar prior to
643 5:00 p.m. on the day preceding the election to be counted.

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

646 23-15-753. (1) Any person who willfully, unlawfully and
647 feloniously procures, seeks to procure, or seeks to influence the
648 vote of any person voting by absentee or early ballot, by the
649 payment of money, the promise of payment of money, or by the
650 delivery of any other item of value or promise to give the voter
651 any item of value, or by promising or giving the voter any favor
652 or reward in an effort to influence his vote, or any person who
653 aids, abets, assists, encourages, helps, or causes any person

654 voting an absentee or early ballot to violate any provision of law
655 pertaining to absentee or early voting, or any person who sells
656 his vote for money, favor, or reward, has been paid or promised
657 money, a reward, a favor or favors, or any other item of value, or
658 any person who shall willfully swear falsely to any affidavit
659 provided for in Sections 23-15-621 through 23-15-735, shall be
660 guilty of the crime of "vote fraud" and, upon conviction, shall be
661 sentenced to pay a fine of not less than Five Hundred Dollars
662 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
663 imprisonment in the county jail for no more than one (1) year, or
664 by both fine and imprisonment, or by being sentenced to the State
665 Penitentiary for not less than one (1) year nor more than five (5)
666 years.

667 (2) It shall be unlawful for any person who pays or
668 compensates another person for assisting voters in marking their
669 absentee or early ballots to base the pay or compensation on the
670 number of * * * voters assisted or the number of * * * ballots
671 cast by persons who have received the assistance. Any person who
672 violates this section, upon conviction shall, be fined not less
673 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
674 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
675 than one (1) year nor more than five (5) years, or both.

676 **SECTION 23.** The Attorney General of the State of Mississippi
677 shall submit this act, immediately upon approval by the Governor,
678 or upon approval by the Legislature subsequent to a veto, to the
679 Attorney General of the United States or to the United States
680 District Court for the District of Columbia in accordance with the
681 provisions of the Voting Rights Act of 1965, as amended and
682 extended.

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