

By: Senator(s) Blount

To: Accountability,
Efficiency, Transparency;
Elections

SENATE BILL NO. 2010

1 AN ACT TO AUTHORIZE A PERSON WHO IS NOT REGISTERED TO VOTE OR
2 DID NOT REGISTER TO VOTE BY THE DEADLINE OTHERWISE SPECIFIED BY
3 LAW AND WHO IS OTHERWISE A QUALIFIED ELECTOR, TO GO TO THE POLLING
4 PLACE FOR THE PRECINCT IN WHICH SUCH PERSON'S RESIDENCE IS LOCATED
5 ON THE DAY OF A PRIMARY OR ELECTION OR THE REGISTRAR'S OFFICE AND
6 REGISTER TO VOTE BY COMPLETING AN APPLICATION FOR REGISTRATION AS
7 AN ELECTOR IN THIS STATE AND BY PROVIDING THE POLL MANAGER OR
8 REGISTRAR WITH ONE OF THE FORMS OF IDENTIFICATION A PERSON IS
9 REQUIRED TO PRESENT IN ORDER TO VOTE IN PERSON; TO PROVIDE THAT A
10 PERSON WHO REGISTERS TO VOTE IN SUCH A MANNER SHALL VOTE BY
11 AFFIDAVIT BALLOT; TO AMEND SECTIONS 23-15-11, 23-15-39 AND
12 23-15-573, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
13 AUTHORIZE PERSONS ELIGIBLE TO VOTE IN THIS STATE TO SUBMIT VOTER
14 REGISTRATION APPLICATIONS THROUGH A SECURE INTERNET WEBSITE
15 ESTABLISHED BY THE SECRETARY OF STATE; TO ALLOW PERSONS WHO ARE
16 REGISTERED TO VOTE TO UPDATE THEIR VOTER REGISTRATION INFORMATION
17 USING SUCH WEBSITE; TO PROVIDE THAT THE SECRETARY OF STATE SHALL
18 FORWARD THE APPLICATION AND ANY ADDITIONAL INFORMATION RECEIVED TO
19 THE REGISTRAR OF THE COUNTY IN WHICH THE APPLICANT CURRENTLY
20 RESIDES; TO PROVIDE PROCEDURES BY WHICH THE COUNTY REGISTRAR SHALL
21 PROCESS SUCH APPLICATIONS; TO AUTHORIZE A QUALIFIED ELECTOR TO
22 VOTE EARLY NOT MORE THAN 21 DAYS NOR LESS THAN 5 DAYS BEFORE THE
23 DATE OF AN ELECTION; TO PROVIDE THAT EARLY VOTING MAY BE CONDUCTED
24 IN THE REGISTRAR'S OFFICE OR AT A LOCATION DESIGNATED BY THE BOARD
25 OF SUPERVISORS; TO REQUIRE A PERSON WHO DESIRES TO VOTE EARLY TO
26 APPEAR AT THE REGISTRAR'S OFFICE OR LOCATION DESIGNATED BY THE
27 BOARD OF SUPERVISORS AND TO PROVIDE THAT AFTER SIGNING THE RECEIPT
28 BOOK SUCH PERSON SHALL BE ENTITLED TO VOTE AT THE REGISTRAR'S
29 OFFICE OR AT THE LOCATION DESIGNATED BY THE REGISTRAR DURING THE
30 EARLY VOTING PERIOD IN THE SAME MANNER AS HE WOULD AT HIS VOTING
31 PRECINCT ON THE DAY OF THE ELECTION; TO PROVIDE THAT THE ELECTION
32 LAWS THAT GOVERN PROCEDURES FOR A PERSON WHO APPEARS TO VOTE ON
33 THE DAY OF ELECTION SHALL APPLY WHEN A PERSON APPEARS TO VOTE
34 DURING THE EARLY VOTING PERIOD; TO PROVIDE THAT ALL VOTES CAST



35 DURING THE EARLY VOTING PERIOD SHALL BE FINAL; TO PROVIDE THAT THE
36 VOTES CAST DURING EARLY VOTING SHALL BE ANNOUNCED SIMULTANEOUSLY
37 WITH THE VOTE CAST ON ELECTION DAY; TO PROVIDE THAT EACH CANDIDATE
38 SHALL HAVE THE RIGHT TO BE PRESENT AT THE REGISTRAR'S OFFICE AND
39 TO CHALLENGE THE QUALIFICATIONS OF ANY PERSON OFFERING TO VOTE
40 EARLY IN THE SAME MANNER AS PROVIDED BY LAW AT THE POLLING PLACE
41 ON THE DAY OF THE ELECTION; TO REQUIRE THE SECRETARY OF STATE TO
42 PROMULGATE RULES AND REGULATIONS NECESSARY TO EFFECTUATE EARLY
43 VOTING; TO AMEND SECTIONS 23-15-195, 23-15-353 AND 23-15-653,
44 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS
45 23-15-627, 23-15-637, 23-15-641, 23-15-713 AND 23-15-715,
46 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VOTERS MAY NOT CAST
47 ABSENTEE BALLOTS AT THE OFFICE OF THE REGISTRAR DURING THE EARLY
48 VOTING PERIOD; AND FOR RELATED PURPOSES.

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

50 **SECTION 1.** (1) Notwithstanding any provision of law to the
51 contrary, any person may register and vote in accordance with this
52 section on the day of a primary or election.

53 (2) A person who is not registered to vote or did not
54 register to vote by the deadline specified in Section 23-15-11 and
55 is otherwise a qualified elector, may go to the polling place for
56 the precinct in which such person's residence is located on the
57 day of a primary or election or the registrar's office and
58 register to vote by completing an application for registration as
59 an elector in this state and by providing the poll manager or
60 registrar with one (1) of the forms of identification a person is
61 required to present in order to vote in person as provided for in
62 Section 23-15-563.

63 (2) Upon fully completing the application for registration
64 as an elector and providing the appropriate identification, a
65 person shall be entitled to vote by affidavit ballot as provided
66 for in Section 23-15-573.



67 (3) Persons waiting in line to complete an application for
68 registration as an elector at the time of the closing of the polls
69 shall be permitted to complete the application, provide the
70 appropriate identification, and vote by affidavit ballot.

71 (4) The application for registration as an elector shall be
72 sworn to and subscribed before the poll manager or registrar.

73 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
74 amended as follows:

75 23-15-11. Every inhabitant of this state, except persons
76 adjudicated to be non compos mentis, who is a citizen of the
77 United States of America, eighteen (18) years old and upwards, who
78 has resided in this state for thirty (30) days and for thirty (30)
79 days in the county in which he seeks to vote, and for thirty (30)
80 days in the incorporated municipality in which he seeks to vote,
81 and who has been duly registered as an elector under Section
82 23-15-33 or Section 1 of this act, and who has never been
83 convicted of vote fraud or of any crime listed in Section 241,
84 Mississippi Constitution of 1890, shall be a qualified elector in
85 and for the county, municipality and voting precinct of his
86 residence, and shall be entitled to vote at any election upon
87 compliance with Section 23-15-563. Any person who will be
88 eighteen (18) years of age or older on or before the date of the
89 general election and, except as otherwise provided in Section 1 of
90 this act, who is duly registered to vote not less than thirty (30)
91 days before the primary election associated with the general



92 election, may vote in the primary election even though the person
93 has not reached his or her eighteenth birthday at the time that
94 the person seeks to vote at the primary election. No others than
95 those specified in this section shall be entitled, or shall be
96 allowed, to vote at any election.

97 **SECTION 3.** Section 23-15-39, Mississippi Code of 1972, is
98 amended as follows:

99 23-15-39. (1) Applications for registration as electors of
100 this state, which are sworn to and subscribed before the registrar
101 or deputy registrar authorized by law and which are not made by
102 mail under Section 23-15-47, sworn to and subscribed before a poll
103 manager as provided for in Section 1 of this act, or by online
104 application under Section 5 of this act, shall be made upon a form
105 established by rule duly adopted by the Secretary of State.

106 (2) The boards of supervisors shall make proper allowances
107 for office supplies reasonably necessitated by the registration of
108 county electors.

109 (3) If the applicant indicates on the application that he
110 resides within the city limits of a city or town in the county of
111 registration, the county registrar shall process the application
112 for registration or changes to the registration as provided by
113 law.

114 (4) If the applicant indicates on the application that he
115 has previously registered to vote in another county of this state
116 or another state, notice to the voter's previous county of



117 registration in this state shall be provided by the Statewide
118 Elections Management System. If the voter's previous place of
119 registration was in another state, notice shall be provided to the
120 voter's previous state of residence if the Statewide Elections
121 Management System has that capability.

122 (5) The county registrar shall provide to the person making
123 the application a copy of the application upon which has been
124 written the county voting precinct and municipal voting precinct,
125 if any, in which the person shall vote. Upon entry of the voter
126 registration information into the Statewide Elections Management
127 System, the system shall assign a voter registration number to the
128 person.

129 (6) Any person desiring an application for registration may
130 secure an application from the registrar of the county of which he
131 is a resident and may take the application with him and secure
132 assistance in completing the application from any person of the
133 applicant's choice. It shall be the duty of all registrars to
134 furnish applications for registration to all persons requesting
135 them, and it shall likewise be his duty to furnish aid and
136 assistance in the completing of the application when requested by
137 an applicant. The application for registration shall be sworn to
138 and subscribed before the registrar or deputy registrar at the
139 municipal clerk's office, the county registrar's office or any
140 other location where the applicant is allowed to register to vote.
141 No fee or cost shall be charged the applicant by the registrar for



142 accepting the application or administering the oath or for any
143 other duty imposed by law regarding the registration of electors.

144 (7) If the person making the application is unable to read
145 or write, for reason of disability or otherwise, he shall not be
146 required to personally complete the application in writing and
147 execute the oath. In such cases, the registrar or deputy
148 registrar shall read to the person the application and oath and
149 the person's answers thereto shall be recorded by the registrar or
150 his deputy. The person shall be registered as an elector if he
151 otherwise meets the requirements to be registered as an elector.
152 The registrar shall record the responses of the person and the
153 recorded responses shall be retained permanently by the registrar.
154 The registrar shall enter the voter registration information into
155 the Statewide Elections Management System and designate the entry
156 as an assisted filing.

157 (8) The receipt of a copy of the application for
158 registration sent pursuant to Section 23-15-35(2) shall be
159 sufficient to allow the applicant to be registered as an elector
160 of this state, if the application is not challenged.

161 (9) In any case in which a municipality expands its
162 corporate boundaries by annexation or redistricts all or a part of
163 the municipality, the municipal clerk shall within ten (10) days
164 after the effective date of the annexation or after preclearance
165 of the redistricting plan under Section 5 of the Voting Rights Act
166 of 1965, provide the county registrar with conforming geographic



167 data that is compatible with the Statewide Elections Management
168 System. The data shall be developed by the municipality's use of
169 a standardized format specified by the Statewide Elections
170 Management System. The county registrar shall update the
171 municipal boundary information or redistricting information into
172 the Statewide Elections Management System. The Statewide
173 Elections Management System shall update the voter registration
174 records to include the new municipal electors who have resided
175 within the annexed area for at least thirty (30) days after
176 annexation and assign the electors to the municipal voting
177 precincts. The county registrar shall forward to the municipal
178 clerk written notification of the additions and changes, and the
179 municipal clerk shall forward to the new municipal electors
180 written notification of the additions and changes. The Statewide
181 Elections Management System shall correctly place municipal
182 electors within districts whose boundaries were altered by any
183 redistricting conducted within the municipality and assign such
184 electors to the correct municipal voting precincts.

185 **SECTION 4.** Section 23-15-573, Mississippi Code of 1972, is
186 amended as follows:

187 23-15-573. (1) If a person registers to vote pursuant to
188 Section 1 of this act, or if any person declares that he or she is
189 a registered voter in the jurisdiction in which he offers to vote
190 and that he is eligible to vote in the election, but his name does
191 not appear upon the pollbooks, or that he or she is not able to



192 cast a regular election day ballot under a provision of state or
193 federal law but is otherwise qualified to vote, or that he or she
194 has been illegally denied registration:

195 (a) A poll manager shall notify the person that he or
196 she may cast an affidavit ballot at the election.

197 (b) The person shall be permitted to cast an affidavit
198 ballot at the polling place upon execution of a written affidavit
199 before one (1) of the managers of election stating that the
200 individual:

201 (i) Believes he or she is a registered voter in
202 the jurisdiction in which he desires to vote and is eligible to
203 vote in the election; or

204 (ii) Is not able to cast a regular election day
205 ballot under a provision of state or federal law but is otherwise
206 qualified to vote; * * *

207 (iii) Believes that he or she has been illegally
208 denied registration * * *; or

209 (iv) He or she registered to vote pursuant to
210 Section 1 of this act.

211 (c) The manager shall allow the individual to prepare
212 his or her vote which shall be delivered by him or her to the
213 proper election official who shall enclose it in an envelope with
214 the written affidavit of the voter, seal the envelope and mark
215 plainly upon it the name of the person offering to vote.

216 (2) The affidavit shall include:



217 (a) The complete name, all required addresses and
218 telephone numbers;

219 (b) A statement that the affiant believes he or she is
220 registered to vote in the jurisdiction in which he or she offers
221 to vote or that the affiant registered to vote pursuant to Section
222 1 of this act;

223 (c) The signature of the affiant; and

224 (d) The signature of a poll manager at the precinct at
225 which the affiant offers to vote.

226 (3) (a) A separate register shall be maintained for
227 affidavit ballots and the affiant shall sign the register upon
228 completing the affidavit ballot.

229 (b) In canvassing the returns of the election, the
230 executive committee in primary elections, or the election
231 commissioners in other elections, shall examine the records and
232 allow the ballot to be counted, or not counted as it appears
233 legal.

234 (4) When a person is offered the opportunity to vote by
235 affidavit ballot, he or she shall be provided with written
236 information that informs the person how to ascertain whether his
237 or her affidavit ballot was counted and, if the vote was not
238 counted, the reasons the vote was not counted.

239 (5) The Secretary of State shall, by rule duly adopted,
240 establish a uniform affidavit and affidavit ballot envelope which
241 shall be used in all elections in this state. The Secretary of



242 State shall print and distribute a sufficient number of affidavits
243 and affidavit ballot envelopes to the registrar of each county for
244 use in elections. The registrar shall distribute the affidavits
245 and affidavit ballot envelopes to municipal and county executive
246 committees for use in primary elections and to municipal and
247 county election commissioners for use in other elections.

248 (6) County registrars and municipal registrars shall
249 implement a secure free access system that complies with the Help
250 America Vote Act of 2002, by which persons who vote by affidavit
251 ballot may determine if their ballots were counted, and if not,
252 the reasons the ballot was not counted.

253 (7) Any person who votes in any election as a result of a
254 federal or state court order or other order extending the time
255 established by law for closing the polls, may only vote by
256 affidavit ballot. Any affidavit ballot cast under this subsection
257 shall be separated and kept apart from other affidavit ballots
258 cast by voters not affected by the order.

259 **SECTION 5.** (1) A person may register to vote under this
260 section if the person is eligible to register to vote under
261 Section 23-15-11.

262 (2) A person described in subsection (1) of this section may
263 submit a voter registration application to a county registrar
264 using the procedures set forth in this section.

265 (3) (a) The Secretary of State shall establish a secure
266 Internet website to permit persons described in subsection (1) of



267 this section to submit voter registration applications. The form
268 of the online application shall be established by rule duly
269 adopted by the Secretary of State.

270 (b) The secure website established under this
271 subsection shall allow a person described in subsection (1) of
272 this section to submit:

273 (i) An application:

274 1. For registration as a first-time voter in
275 Mississippi; or

276 2. To change the individual's name, address
277 or other information set forth in the person's existing voter
278 registration record; and

279 (ii) Information to establish that the applicant
280 is eligible under this section to register online.

281 (4) (a) The Secretary of State shall forward the
282 application and any additional information received to the
283 registrar of the county in which the applicant currently resides.
284 The Secretary of State shall use information supplied by the
285 applicant to determine the county in which the applicant currently
286 resides.

287 (b) Upon receipt of an application under this section,
288 the county registrar shall verify the application by contacting
289 the applicant by telephone, by personal contact with the
290 applicant, or by any other method approved by the Secretary of
291 State. Within twenty-five (25) days of receipt of the



292 application, the county registrar shall complete action on the
293 application, including any attempts to notify the applicant of the
294 status of his application.

295 (c) If the application is a request to change the
296 individual's name, address or other information in the person's
297 voter registration record, the registrar shall make the requested
298 changes.

299 (d) If the application is for registration as a voter,
300 and if the county registrar determines that the applicant is
301 qualified and his application is complete, he or she shall mail
302 the applicant written notification that the application has been
303 approved, specifying the county voting precinct, municipal voting
304 precinct, if any, polling place and supervisor district in which
305 the person shall vote. This written notification of approval
306 containing the specified information shall be the voter's
307 registration card. The registration cards shall be provided by
308 the county registrar. Upon entry of the voter registration
309 information into the Statewide Elections Management System, the
310 system shall assign a voter registration number to the person.
311 The assigned voter registration number shall be clearly shown on
312 the written notification of approval. In mailing the written
313 notification, the county registrar shall note the following on the
314 envelope: "DO NOT FORWARD". If any registration notification
315 form is returned as undeliverable, the voter's registration shall
316 be void.



317 (e) An application to register to vote shall be
318 rejected for any of the following reasons:

319 (i) An incomplete portion of the application which
320 makes it impossible for the registrar to determine the eligibility
321 of the applicant to register;

322 (ii) The county registrar is unable to determine,
323 from the address and information on the application, the precinct
324 in which the voter should be assigned or the supervisor district
325 in which he is entitled to vote;

326 (iii) The applicant is not qualified to register
327 to vote pursuant to Section 23-15-11;

328 (iv) The registrar determines that the applicant
329 is registered as a qualified elector of the county;

330 (v) The county registrar is unable to verify the
331 application pursuant to paragraph (b) of this subsection.

332 (f) If the application of a person contains a defect or
333 omission of such a minor nature that any necessary additional
334 information may be supplied by the applicant over the telephone or
335 by further correspondence, the registrar may write or call the
336 applicant at the telephone number provided on the application. If
337 the registrar is able to contact the applicant by mail or
338 telephone, he or she shall attempt to ascertain the necessary
339 information and if this information is sufficient for the
340 registrar to complete the application, the applicant shall be
341 registered. If the necessary information cannot be obtained by



342 mail or telephone or is not sufficient, the registrar shall give
343 the applicant written notice of the rejection and provide the
344 reason for the rejection.

345 (5) If an applicant, in an application submitted by use of
346 the secure Internet website established under this section,
347 indicates that the applicant is currently registered at an address
348 other than the address within the county in which the applicant
349 currently resides, the Secretary of State shall provide a copy of
350 the applicant's application to any county in Mississippi or any
351 jurisdiction outside Mississippi in which the applicant states
352 that the applicant currently is or may be registered to vote.

353 **SECTION 6.** Sections 6 through 10 of this act shall be known
354 and may be cited as the "Early Voting Act."

355 **SECTION 7.** (1) A qualified elector may vote early not more
356 than twenty-one (21) days nor less than five (5) days before the
357 date of an election in the office of the registrar or at any
358 locations designated by the board of supervisors of the county in
359 which the elector is registered to vote during the times
360 established for early voting in this section.

361 (2) If only one (1) person has qualified for each office on
362 the ballot, early voting shall not be conducted.

363 (3) Early voting shall be conducted at the office of the
364 registrar during the following times:



365 (a) Weekdays from 8:00 a.m. until 5:00 p.m., except
366 that the office of the registrar shall remain open until 7:00 p.m.
367 the last two (2) days of the early voting period; and

368 (b) The Saturday immediately preceding the date of the
369 election during the early voting period from 8:00 a.m. until 4:00
370 p.m.

371 (4) Notice of the early voting hours shall be given by the
372 commissioners of election not less than twenty-five (25) days
373 before the day of election by publication in a newspaper of
374 general circulation in the county. If a state holiday occurs on
375 any day in which early voting is allowed, the commissioners of
376 election may authorize the closing of the office of the registrar
377 or the designated location on such holiday by including a notice
378 of such closure in the notice published pursuant to this
379 subsection.

380 **SECTION 8.** (1) A person who desires to vote early shall
381 appear at the office of the registrar or the location authorized
382 by the board of supervisors for early voting. After signing the
383 appropriate receipt book, the elector shall vote at the location
384 in the same manner as he would at his voting precinct on the day
385 of the election. Except as may be otherwise provided by Sections
386 6 through 10 of this act, the election laws that govern procedures
387 for a person who appears to vote on the day of election shall
388 apply when a person appears to vote during the early voting
389 period.



390 (2) All votes cast at an early voting location shall be
391 final.

392 (3) The votes cast during early voting shall be announced
393 simultaneously with the vote cast on election day.

394 **SECTION 9.** Each candidate or his representatives shall have
395 the right to be present at the office of the registrar or
396 designated location when it is open for early voting and to
397 challenge the qualifications of any person offering to vote in the
398 same manner as provided by law at the polling place on election
399 day.

400 **SECTION 10.** The Secretary of State shall promulgate rules
401 and regulations necessary to effectuate early voting.

402 **SECTION 11.** Section 23-15-195, Mississippi Code of 1972, is
403 amended as follows:

404 23-15-195. All elections by the people shall be by
405 ballot * * *.

406 **SECTION 12.** Section 23-15-353, Mississippi Code of 1972, is
407 amended as follows:

408 23-15-353. (1) The officer charged with printing and
409 distributing the official ballot shall ascertain from the
410 registrar, at least ten (10) days before the day of election, the
411 number of registered voters in each voting precinct; and he shall
412 have printed and distributed a sufficient number of ballots for
413 use in each precinct. He shall also prepare full instructions for
414 the guidance of electors at elections as to obtaining ballots, the



415 manner of marking them, and the mode of obtaining new ballots in
416 the place of those spoiled by accident. The instructions shall be
417 printed in large, clear type, on "cards of instruction," and the
418 officer shall furnish the same in sufficient numbers for the use
419 of electors. The cards shall be preserved by the officers of
420 election and returned by them to the commissioners of election;
421 and they may be used, if applicable, in subsequent elections.

422 (2) The officer charged with printing and distributing the
423 official ballot shall ascertain from the registrar, at least ten
424 (10) days before the beginning of early voting, the number of
425 ballots that the registrar desires for early voting.

426 **SECTION 13.** Section 23-15-653, Mississippi Code of 1972, is
427 amended as follows:

428 23-15-653. Except as otherwise provided in Section 7 of this
429 act, all registrars' offices shall remain open until noon on the
430 two (2) Saturdays prior to each election.

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

433 23-15-627. The registrar shall be responsible for furnishing
434 an absentee ballot application form to any elector authorized to
435 receive an absentee ballot. Except as otherwise provided in
436 Section 23-15-625, absentee ballot applications shall be furnished
437 to a person only upon the oral or written request of the elector
438 who seeks to vote by absentee ballot; however, the parent, child,
439 spouse, sibling, legal guardian, those empowered with a power of



440 attorney for that elector's affairs or agent of the elector, who
441 is designated in writing and witnessed by a resident of this state
442 who shall write his or her physical address on such designation,
443 may orally request an absentee ballot application on behalf of the
444 elector. The written designation shall be valid for one (1) year
445 after the date of the designation. An absentee ballot application
446 must have the seal of the circuit or municipal clerk affixed to it
447 and be initialed by the registrar or his deputy in order to be
448 utilized to obtain an absentee ballot. A reproduction of an
449 absentee ballot application shall not be valid unless it is a
450 reproduction provided by the office of the registrar of the
451 jurisdiction in which the election is being held and which
452 contains the seal and initials required by this section. Such
453 application shall be substantially in the following form:

454 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

455 I, _____, duly qualified and registered in the ____ Precinct
456 of the County of _____, and State of Mississippi, coming within
457 the purview of the definition 'ABSENT ELECTOR' will be absent from
458 the county of my residence on election day and all days upon which
459 early voting may be conducted, or unable to vote in person because
460 (check appropriate reason):

461 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
462 resident of Mississippi or have moved therefrom within thirty (30)
463 days of the coming presidential election and will be absent from



464 the county of my residence on election day and all days upon which
465 early voting may be conducted.

466 () I am an enlisted or commissioned member, male or female,
467 of any component of the United States Armed Forces and am a
468 citizen of Mississippi, or spouse or dependent of such member and
469 will be absent from the county of my residence on election day and
470 all days upon which early voting may be conducted.

471 () I am a member of the Merchant Marine or the American Red
472 Cross and am a citizen of Mississippi or spouse or dependent of
473 such member and will be absent from the county of my residence on
474 election day and all days upon which early voting may be
475 conducted.

476 () I am a disabled war veteran who is a patient in any
477 hospital and am a citizen of Mississippi or I am the spouse or
478 dependent of such veteran and I will be absent from the county of
479 my residence on election day and all days upon which early voting
480 may be conducted.

481 () I am a civilian attached to and serving outside of the
482 United States with any branch of the Armed Forces or with the
483 Merchant Marine or American Red Cross, and am a citizen of
484 Mississippi or spouse or dependent of such civilian and will be
485 absent from the county of my residence on election day and all
486 days upon which early voting may be conducted.

487 () I am a citizen of Mississippi temporarily residing
488 outside the territorial limits of the United States and the



489 District of Columbia and will be absent from the county of my
490 residence on election day and all days upon which early voting may
491 be conducted.

492 () I am a student, teacher or administrator at a college,
493 university, junior or community college, high, junior high,
494 elementary or grade school, whose studies or employment at such
495 institution necessitates my absence from the county of my voting
496 residence or spouse or dependent of such student, teacher or
497 administrator who maintains a common domicile outside the county
498 of my voting residence with such student, teacher or administrator
499 and will be absent from the county of my residence on election day
500 and all days upon which early voting may be conducted.

501 () I will be outside the county on election day and all
502 days upon which early voting may be conducted.

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

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

505 () I am the parent, spouse or dependent of a person with a
506 temporary or permanent physical disability who is hospitalized
507 outside his county of residence or more than fifty (50) miles away
508 from his residence, and I will be with such person on election day
509 and all days upon which early voting may be conducted.

510 () I am a member of the congressional delegation, or spouse
511 or dependent of a member of the congressional delegation and will
512 be absent from the county of my residence on election day and all
513 days upon which early voting may be conducted.



514 () I am required to be at work on election day and all days
515 upon which early voting may be conducted during the times which
516 the polls will be open.

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

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

521 I realize that I can be fined up to Five Thousand Dollars
522 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
523 for making a false statement in this application and for selling
524 my vote and violating the Mississippi Absentee Voter Law. (This
525 sentence is to be in bold print.)

526 If you are temporarily or permanently disabled, you are not
527 required to have this application notarized or signed by an
528 official authorized to administer oaths for absentee balloting.
529 You are required to sign this application in the proper place and
530 have a person eighteen (18) years of age or older witness your
531 signature and sign this application in the proper place.

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

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

536 _____

537 (Signature of absent elector)



538 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
539 2____.

540 _____
541 (Official authorized to administer oaths
542 for absentee balloting.)

543 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
544 DISABLED:

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

549 _____
550 (Signature of witness)

551 CERTIFICATE OF DELIVERY

552 I hereby certify that _____ (print name of voter)
553 has requested that I, _____ (print name of person
554 delivering application), deliver to the voter this absentee ballot
555 application.

556 _____
557 (Signature of person delivering application)

558 _____
559 (Address of person delivering application)"

560 **SECTION 15.** Section 23-15-637, Mississippi Code of 1972, is
561 amended as follows:



562 23-15-637. Absentee ballots received by mail, except
563 presidential ballots as provided for in Sections 23-15-731 and
564 23-15-733 and except as otherwise provided by Section 23-15-699,
565 must be received by the registrar by 5:00 p.m. on the date
566 preceding the election; any received after such time shall be
567 handled as provided in Section 23-15-647 and shall not be counted.
568 All ballots cast by the absent elector appearing in person in the
569 office of the registrar shall be cast not later than * * * on
570 the * * * day immediately preceding * * * the beginning of the
571 early voting period. The registrar shall deposit all absentee
572 ballots which have been timely cast in the ballot boxes upon
573 receipt.

574 **SECTION 16.** Section 23-15-641, Mississippi Code of 1972, is
575 amended as follows:

576 23-15-641. (1) If an affidavit or the certificate of the
577 officer before whom the affidavit is taken is required and such
578 affidavit or certificate is found to be insufficient, or if it is
579 found that the signatures do not correspond, or that the applicant
580 is not a duly qualified elector in the precinct, or otherwise
581 qualified to vote, or that the ballot envelope is open or has been
582 opened and resealed, or the voter is not eligible to vote absentee
583 or that the voter is present and has voted within the precinct
584 where he represents himself to be a qualified elector, or
585 otherwise qualified to vote, on the date of the election at such
586 precinct or has voted early, the * * * vote cast by absentee



587 ballot shall not be allowed. Without opening the voter's envelope
588 the commissioners of election, designated executive committee
589 members or election managers, as appropriate, shall mark across
590 its face "REJECTED", with the reason therefor.

591 (2) If the ballot envelope contains more than one (1) ballot
592 of any kind, the ballot shall not be counted but shall be marked
593 "REJECTED", with the reason therefor. The voter's envelopes and
594 affidavits, and the voter's envelope with its contents unopened,
595 when such vote is rejected, shall be retained and preserved in the
596 same manner as other ballots at the election. Such votes may be
597 challenged in the same manner and for the same reasons that any
598 other vote cast in such election may be challenged.

599 (3) If an affidavit is required and the officials find that
600 the affidavit is insufficient, or if the officials find that the
601 absentee voter is otherwise disqualified to vote, the envelope
602 shall not be opened and a commissioner or executive committee
603 member shall write across the face of the envelope "REJECTED"
604 giving the reason therefor, and the registrar shall promptly
605 notify the voter of such rejection.

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

610 **SECTION 17.** Section 23-15-713, Mississippi Code of 1972, is
611 amended as follows:



612 23-15-713. For the purpose of this subarticle, any duly
613 qualified elector may vote as provided in this subarticle if he be
614 one who falls within the following categories:

615 (a) Any qualified elector who is a bona fide student,
616 teacher or administrator at any college, university, junior
617 college, high, junior high, or elementary grade school whose
618 studies or employment at such institution necessitates his absence
619 from the county of his voting residence on the * * * election day
620 and all days upon which early voting may be conducted, or the
621 spouse and dependents of * * * the student, teacher or
622 administrator if * * * the spouse or dependent(s) maintain a
623 common domicile, outside of the county of his voting residence,
624 with * * * the student, teacher or administrator.

625 (b) Any qualified elector who is required to be away
626 from his place of residence on any election day and all days upon
627 which early voting may be conducted due to his employment as an
628 employee of a member of the Mississippi congressional delegation
629 and the spouse and dependents of * * * the person if he or she
630 shall be residing with such absentee voter away from the county of
631 the spouse's voting residence.

632 (c) Any qualified elector who is away from his county
633 of residence on election day and all days upon which early voting
634 may be conducted for any reason.

635 (d) Any person who has a temporary or permanent
636 physical disability and who, because of such disability, is unable



637 to vote in person without substantial hardship to himself or
638 others, or whose attendance at the voting place could reasonably
639 cause danger to himself or others.

640 (e) The parent, spouse or dependent of a person with a
641 temporary or permanent physical disability who is hospitalized
642 outside of his county of residence or more than fifty (50) miles
643 distant from his residence, if the parent, spouse or dependent
644 will be with such person on election day and all days upon which
645 early voting may be conducted.

646 (f) Any person who is sixty-five (65) years of age or
647 older.

648 (g) Any member of the Mississippi congressional
649 delegation absent from Mississippi on election day and all days
650 upon which early voting may be conducted, and the spouse and
651 dependents of * * * the member of the congressional delegation.

652 (h) Any qualified elector who will be unable to vote in
653 person because he is required to be at work on election day and
654 all days upon which early voting may be conducted during the times
655 at which the polls will be open.

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

658 23-15-715. Any elector desiring an absentee ballot as
659 provided in this subarticle may secure same if:

660 (a) Not more than forty-five (45) days nor later
661 than * * * the * * * day immediately preceding * * * the beginning



662 of the early voting period, he shall appear in person before the
663 registrar of the county in which he resides, or for municipal
664 elections he shall appear in person before the city clerk of the
665 municipality in which he resides and, when the elector so appears,
666 he shall execute and file an application as provided in Section
667 23-15-627 and vote by absentee ballot, except that if the ballot
668 has not been printed by forty-five (45) days preceding the
669 election, the elector may appear and file an application anytime
670 before the election. Then the absentee ballot shall be mailed by
671 the circuit clerk to the elector as soon as the ballot has been
672 printed.

673 (b) Within forty-five (45) days next prior to any
674 election, any elector who cannot comply with paragraph (a) of this
675 section by reason of temporarily residing outside the county, or
676 any person who has a temporary or permanent physical disability,
677 persons who are sixty-five (65) years of age or older, or any
678 person who is the parent, spouse or dependent of a temporarily or
679 permanently physically disabled person who is hospitalized outside
680 of his county of residence or more than fifty (50) miles away from
681 his residence and such parent, spouse or dependent will be with
682 such person on election day and all days upon which early voting
683 may be conducted, may make application for an absentee ballot by
684 mailing the appropriate application to the registrar. Only
685 persons temporarily residing out of the county of their residence,
686 persons having a temporary or permanent physical disability,



687 persons who are sixty-five (65) years of age or older, or any
688 person who is the parent, spouse or dependent of a temporarily or
689 permanently physically disabled person who is hospitalized outside
690 of his county of residence or more than fifty (50) miles away from
691 his residence, and such parent, spouse or dependent will be with
692 such person on election day and all days upon which early voting
693 may be conducted, may obtain absentee ballots by mail under the
694 provisions of this * * * paragraph and as provided by Section
695 23-15-713. Applications of persons temporarily residing outside
696 the county shall be sworn to and subscribed before an official who
697 is authorized to administer oaths or other official authorized to
698 witness absentee balloting as provided in this chapter, said
699 application to be accompanied by such verifying affidavits as
700 required by this chapter. The applications of persons having a
701 temporary or permanent physical disability shall not be required
702 to be accompanied by an affidavit but shall be
703 witnessed and signed by a person eighteen (18) years of age or
704 older. The registrar shall send to such absent voter a proper
705 absentee voter ballot within twenty-four (24) hours, or as soon
706 thereafter as the ballots are available, containing the names of
707 all candidates who qualify or the proposition to be voted on in
708 such election, and with such ballot there shall be sent an
709 official envelope containing upon it in printed form the recitals
710 and data hereinafter required.



711 **SECTION 19.** This act shall take effect and be in force from
712 and after July 1, 2014.

