

By: Representative Anderson

To: Apportionment and
Elections

HOUSE BILL NO. 1187

1 AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO ESTABLISH A
 2 SECURE WEBSITE TO ENABLE STUDENT VOTERS TO SUBMIT ELECTRONIC
 3 ABSENTEE BALLOT APPLICATIONS; TO ESTABLISH THE DOCUMENTS WHICH
 4 MUST BE SUBMITTED BY THE STUDENT TO APPROVE SUCH APPLICATIONS; TO
 5 PROVIDE THAT UPON APPROVAL, STUDENT ABSENTEE VOTERS MAY BE
 6 AUTOMATICALLY MAILED ABSENTEE BALLOTS FOR ALL ELECTIONS THAT OCCUR
 7 FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTIONS 23-15-627,
 8 23-15-631, 23-15-715 AND 23-15-721, MISSISSIPPI CODE OF 1972, TO
 9 CONFORM; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) For purposes of this article, "student
 12 absentee voter" or "student absentee elector" means an individual
 13 who is a registered elector and who is enrolled in any institution
 14 of higher education whose studies at the institution requires the
 15 individual's absence from the municipality or county of his or her
 16 voting residence on the date of any primary, general or special
 17 election.

18 (2) A student absentee elector may submit an electronic
 19 absentee ballot application using the following procedures:

20 (a) The student absentee elector must print and
 21 complete the application for absentee electors as described in



22 Section 2 of this act. The application must be signed and stamped
23 by the registrar or a registrar's deputy for the institution in
24 which the student is enrolled;

25 (b) The student must copy his or her student
26 identification card issued by the institution of higher education
27 in which he or she is enrolled; and

28 (c) The student must upload the application, copy of
29 the student identification card and enter any other information as
30 may be required into the secure Internet website established by
31 the Secretary of State.

32 (3) If approved, a student's application to receive absentee
33 ballots by mail is valid from the date of approval until the next
34 following June 30.

35 **SECTION 2.** (1) The Secretary of State shall establish a
36 secure Internet website to permit student absentee electors to
37 submit an electronic absentee ballot application. The software
38 used by the Secretary of State for accepting and processing
39 applications must be capable of the following:

40 (a) Uploading a copy of the elector's student
41 identification card issued by the institution in which the student
42 is enrolled; and

43 (b) Accepting an electronic absentee ballot application
44 for student voters, as described in this section.

45 (2) The electronic absentee ballot application for student
46 voters shall be substantially similar to the following form:



47 "OFFICIAL ELECTRONIC APPLICATION FOR ABSENTEE ELECTOR'S BALLOT
48 STUDENT ABSENTEE ELECTORS

49 I, _____, duly qualified and registered in the ____ Precinct
50 of the County of _____, and State of Mississippi, coming within
51 the purview of the definition 'STUDENT ABSENTEE ELECTOR' will be
52 absent from the county or municipality of my residence on election
53 day (check all that apply):

54 () I am a student at a college, university, junior college,
55 community college or other institution of higher education whose
56 studies at such institution necessitates my absence from the
57 county of my voting residence.

58 () I am a student at a college, university, junior college,
59 community college or other institution of higher education whose
60 studies at such institution necessitates my absence from the
61 municipality of my voting residence.

62 I hereby assert that I am a student at
63 _____ (name of university or college of
64 enrollment).

65 I hereby make application for an official ballot, or ballots,
66 to be voted by me for any election in which I am entitled to vote
67 to be held on any day between July 1, _____ and June 30, _____.

68 My permanent physical address is _____.

69 Mail 'Absentee Elector's Ballot' to me at the following
70 address _____.



71 I realize that if approved, my application to receive ballots
72 by mail will expire on June 30, _____, and that I must submit a
73 new electronic application for absentee elector's ballots.

74 I realize that I can be fined up to Five Thousand Dollars
75 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
76 for making a false statement in this application and for selling
77 my vote and violating the Mississippi Absentee Voter Law. (This
78 sentence is to be in bold print.)

79 As a student absentee elector, you are not required to have
80 this application notarized or signed by an official authorized to
81 administer oaths for absentee balloting. You are required to sign
82 this application in the proper place and have the registrar of the
83 institution of higher education in which you are enrolled, or a
84 deputy of such registrar to witness your signature and sign this
85 application in the proper place.

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

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

90 _____

91 (Signature of student absentee elector)

92 TO BE SIGNED AND SEALED BY WITNESS FOR STUDENT ABSENTEE
93 ELECTOR:

94 I HEREBY CERTIFY that this application for an absentee
95 elector's ballot was signed by the above-named student elector in



96 my presence, that I am the registrar of the institution of higher
97 education in which the above-named student elector is enrolled or
98 a deputy of such registrar, and that I have verified the
99 above-named student's enrollment in such institution, this the
100 _____ day of _____, 2____.

101 _____
102 (Signature of registrar or deputy
103 registrar)

104 _____
105 (Print name of university/college)

106 _____
107 (Affix official imprint, stamp or seal
108 of university/college)"

109 (3) The Secretary of State shall verify the student
110 elector's electronic absentee ballot application. If any of the
111 information within the application does not match or the
112 information does not match that on file with the elector's
113 registration record, the ballot application shall be denied. The
114 student absentee elector shall be notified of the reason for
115 denial.

116 (4) The Secretary of State shall forward approved absentee
117 ballot applications to the circuit and municipal clerks of the
118 student absentee voter's residence. Upon receipt, the circuit and
119 municipal clerks shall affix their seals to the applications and
120 initial them.



121 (5) An approved request for an absentee ballot to be mailed
122 to a student voter shall remain valid until June 30 of each year.
123 No less than thirty (30) days before the expiration of a
124 designation to receive absentee ballots under this section, the
125 Secretary of State shall send an announcement through electronic
126 mail or postal mail to approved student absentee voters explaining
127 that they must submit a new electronic absentee ballot
128 application.

129 (6) The Secretary of State is authorized to promulgate
130 additional rules and regulations as may be necessary to effectuate
131 the intent of Sections 1 and 2 of this act.

132 **SECTION 3.** Section 23-15-627, Mississippi Code of 1972, is
133 amended as follows:

134 23-15-627. The registrar shall be responsible for furnishing
135 an absentee ballot application form to any elector authorized to
136 receive an absentee ballot. Except as otherwise provided in
137 Sections 1 and 2 of this act and Section 23-15-625, absentee
138 ballot applications shall be furnished to a person only upon the
139 oral or written request of the elector who seeks to vote by
140 absentee ballot; however, the parent, child, spouse, sibling,
141 legal guardian, those empowered with a power of attorney for that
142 elector's affairs or agent of the elector, who is designated in
143 writing and witnessed by a resident of this state who shall write
144 his or her physical address on such designation, may orally
145 request an absentee ballot application on behalf of the elector.



146 The written designation shall be valid for one (1) year after the
147 date of the designation. An absentee ballot application must have
148 the seal of the circuit or municipal clerk affixed to it and be
149 initialed by the registrar or his deputy in order to be utilized
150 to obtain an absentee ballot. Except as provided in Sections 1
151 and 2 of this act, a reproduction of an absentee ballot
152 application shall not be valid unless it is a reproduction
153 provided by the office of the registrar of the jurisdiction in
154 which the election is being held and which contains the seal and
155 initials required by this section. Such application shall be
156 substantially in the following form:

157 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

158 I, _____, duly qualified and registered in the ___ Precinct
159 of the County of _____, and State of Mississippi, coming within
160 the purview of the definition 'ABSENT ELECTOR' will be absent from
161 the county of my residence on election day, or unable to vote in
162 person because (check appropriate reason):

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

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



169 () I am a member of the Merchant Marine or the American Red
170 Cross and am a citizen of Mississippi or spouse or dependent of
171 such member.

172 () I am a disabled war veteran who is a patient in any
173 hospital and am a citizen of Mississippi or spouse or dependent of
174 such veteran.

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

179 () I am a citizen of Mississippi temporarily residing
180 outside the territorial limits of the United States and the
181 District of Columbia.

182 () I am a student, teacher or administrator at a college,
183 university, junior or community college, high, junior high,
184 elementary or grade school, whose studies or employment at such
185 institution necessitates my absence from the county of my voting
186 residence or spouse or dependent of such student, teacher or
187 administrator who maintains a common domicile outside the county
188 of my voting residence with such student, teacher or
189 administrator.

190 () I will be outside the county on election day.

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

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



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

198 () I am a member of the congressional delegation, or spouse
199 or dependent of a member of the congressional delegation.

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

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

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

206 I realize that I can be fined up to Five Thousand Dollars
207 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
208 for making a false statement in this application and for selling
209 my vote and violating the Mississippi Absentee Voter Law. (This
210 sentence is to be in bold print.)

211 If you are temporarily or permanently disabled, you are not
212 required to have this application notarized or signed by an
213 official authorized to administer oaths for absentee balloting.
214 You are required to sign this application in the proper place and
215 have a person eighteen (18) years of age or older witness your
216 signature and sign this application in the proper place.



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

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

221 _____
222 (Signature of absent elector)

223 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
224 2____.

225 _____
226 (Official authorized to administer oaths
227 for absentee balloting.)

228 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
229 DISABLED:

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

234 _____
235 (Signature of witness)

236 CERTIFICATE OF DELIVERY

237 I hereby certify that _____ (print name of voter)
238 has requested that I, _____ (print name of person
239 delivering application), deliver to the voter this absentee ballot
240 application.

241 _____



242 (Signature of person delivering application)

243 _____

244 (Address of person delivering application)"

245 **SECTION 4.** Section 23-15-631, Mississippi Code of 1972, is
246 amended as follows:

247 23-15-631. (1) The registrar shall enclose with each ballot
248 provided to an absent elector separate printed instructions
249 furnished by the registrar containing the following:

250 (a) All absentee voters, excepting those with temporary
251 or permanent physical disabilities * * *, those who are sixty-five
252 (65) years of age or older or those who are student absentee
253 voters as defined in Section 1 of this act, who mark their ballots
254 in the county of the residence shall use the registrar of that
255 county as the witness. The absentee voter shall come to the
256 office of the registrar and neither the registrar nor his or her
257 deputy shall be required to go out of the registrar's office to
258 serve as an attesting witness.

259 (b) Upon receipt of the enclosed ballot, you will not
260 mark the ballot except in view or sight of the attesting witness.
261 In the sight or view of the attesting witness, mark the ballot
262 according to instructions.

263 (c) After marking the ballot, fill out and sign the
264 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
265 signature is across the flap of the envelope to ensure the
266 integrity of the ballot. All absent electors shall have the



267 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
268 the flap on the back of the envelope. Place the necessary postage
269 on the envelope and deposit it in the post office or some
270 government receptacle provided for deposit of mail so that the
271 absent elector's ballot, excepting presidential absentee ballots,
272 will reach the registrar in which your precinct is located not
273 later than 5:00 p.m. on the day preceding the date of the
274 election.

275 Any notary public, United States postmaster, assistant United
276 States postmaster, United States postal supervisor, clerk in
277 charge of a contract postal station, or other officer having
278 authority to administer an oath or take an acknowledgment may be
279 an attesting witness; provided, however, that in the case of an
280 absent elector who is temporarily or permanently physically
281 disabled or who is a student absentee voter as defined in Section
282 1 of this act, the attesting witness may be any person eighteen
283 (18) years of age or older and such person is not required to have
284 the authority to administer an oath. If a postmaster, assistant
285 postmaster, postal supervisor, or clerk in charge of a contract
286 postal station acts as an attesting witness, his or her signature
287 on the elector's certificate must be authenticated by the
288 cancellation stamp of their respective post offices. If an
289 officer having authority to administer an oath or take an
290 acknowledgement acts as attesting witness, his or her signature on
291 the elector's certificate, together with his or her title and



292 address, but no seal, shall be required. Any affidavits made by
293 an absent elector who is in the Armed Forces may be executed
294 before a commissioned officer, warrant officer, or noncommissioned
295 officer not lower in grade than sergeant rating or any person
296 authorized to administer oaths.

297 (d) When the application accompanies the ballot it
298 shall not be returned in the same envelope as the ballot but shall
299 be returned in a separate preaddressed envelope provided by the
300 registrar.

301 (e) A candidate for public office, or the spouse,
302 parent or child of a candidate for public office, may not be an
303 attesting witness for any absentee ballot upon which the
304 candidate's name appears, unless the voter is related within the
305 first degree to the candidate or the spouse, parent or child of
306 the candidate.

307 (f) Any voter casting an absentee ballot who declares
308 that he or she requires assistance to vote by reason of blindness,
309 temporary or permanent physical disability or inability to read or
310 write, shall be entitled to receive assistance in the marking of
311 his or her absentee ballot and in completing the affidavit on the
312 absentee ballot envelope. The voter may be given assistance by
313 anyone of the voter's choice other than a candidate whose name
314 appears on the absentee ballot being marked, the spouse, parent or
315 child of a candidate whose name appears on the absentee ballot
316 being marked or the voter's employer, an agent of that employer or



317 a union representative; however, a candidate whose name is on the
318 ballot or the spouse, parent or child of such candidate may
319 provide assistance upon request to any voter who is related within
320 the first degree. In order to ensure the integrity of the ballot,
321 any person who provides assistance to an absentee voter shall be
322 required to sign and complete the "Certificate of Person Providing
323 Voter Assistance" on the absentee ballot envelope.

324 (2) The foregoing instructions required to be provided by
325 the registrar to the elector shall also constitute the substantive
326 law pertaining to the handling of absentee ballots by the elector
327 and registrar.

328 (3) The Secretary of State shall prepare instructions on how
329 absent voters may comply with the identification requirements of
330 Section 23-15-563.

331 **SECTION 5.** Section 23-15-715, Mississippi Code of 1972, is
332 amended as follows:

333 23-15-715. Any elector desiring an absentee ballot as
334 provided in this subarticle may secure same if:

335 (a) Not more than forty-five (45) days nor later than
336 12:00 noon on the Saturday immediately preceding elections held on
337 Tuesday, the Thursday immediately preceding elections held on
338 Saturday, or the second day immediately preceding the date of
339 elections held on other days, he shall appear in person before the
340 registrar of the county in which he resides, or for municipal
341 elections he shall appear in person before the city clerk of the



342 municipality in which he resides and, when the elector so appears,
343 he shall execute and file an application as provided in Section
344 23-15-627 and vote by absentee ballot, except that if the ballot
345 has not been printed by forty-five (45) days preceding the
346 election, the elector may appear and file an application anytime
347 before the election. Then the absentee ballot shall be mailed by
348 the circuit clerk to the elector as soon as the ballot has been
349 printed.

350 (b) Within forty-five (45) days next prior to any
351 election, any elector who cannot comply with paragraph (a) of this
352 section by reason of temporarily residing outside the county, or
353 any person who has a temporary or permanent physical disability,
354 persons who are sixty-five (65) years of age or older, or any
355 person who is the parent, spouse or dependent of a temporarily or
356 permanently physically disabled person who is hospitalized outside
357 of his county of residence or more than fifty (50) miles away from
358 his residence and such parent, spouse or dependent will be with
359 such person on election day, may make application for an absentee
360 ballot by mailing the appropriate application to the registrar.
361 Only persons temporarily residing out of the county of their
362 residence, persons having a temporary or permanent physical
363 disability, persons who are sixty-five (65) years of age or older,
364 or any person who is the parent, spouse or dependent of a
365 temporarily or permanently physically disabled person who is
366 hospitalized outside of his county of residence or more than fifty



367 (50) miles away from his residence, and such parent, spouse or
368 dependent will be with such person on election day, may obtain
369 absentee ballots by mail under the provisions of this * * *
370 paragraph and as provided by Section 23-15-713. Applications of
371 persons temporarily residing outside the county shall be sworn to
372 and subscribed before an official who is authorized to administer
373 oaths or other official authorized to witness absentee balloting
374 as provided in this chapter, said application to be accompanied by
375 such verifying affidavits as required by this chapter. The
376 applications of persons having a temporary or permanent physical
377 disability shall not be required to be accompanied by an affidavit
378 but shall be witnessed and signed by a person eighteen (18) years
379 of age or older. The registrar shall send to such absent voter a
380 proper absentee voter ballot within twenty-four (24) hours, or as
381 soon thereafter as the ballots are available, containing the names
382 of all candidates who qualify or the proposition to be voted on in
383 such election, and with such ballot there shall be sent an
384 official envelope containing upon it in printed form the recitals
385 and data hereinafter required.

386 (c) Within fourteen (14) days next prior to any
387 election, any student absentee voter, as defined in Section 1 of
388 this act, may make application for an absentee ballot by
389 submitting the appropriate electronic application to the Secretary
390 of State. Applications of student absentee voters shall be sworn
391 to and subscribed before the registrar or deputy registrar of the



392 institution of higher education in which the student is enrolled.
393 The application shall be accompanied by the verifying documents as
394 required by Sections 1 and 2 of this act. Only student absentee
395 voters, as defined in Section 1 of this act, may obtain absentee
396 ballots by mail under the provisions of this paragraph. The
397 registrar shall send to the student absentee voter a proper
398 absentee voter ballot within twenty-four (24) hours, or as soon
399 thereafter as the ballots are available, containing the names of
400 all candidates who qualify or the proposition to be voted on in
401 such election, and with such ballot there shall be sent an
402 official envelope containing upon it in printed form the recitals
403 and data hereinafter required.

404 **SECTION 6.** Section 23-15-721, Mississippi Code of 1972, is
405 amended as follows:

406 23-15-721. (1) Electors temporarily residing outside the
407 county and obtaining an absentee ballot under the provisions of
408 paragraph (b) of Section 23-15-715 shall appear before any
409 official authorized to administer oaths or other official
410 authorized to witness absentee balloting as provided in this
411 chapter. The elector shall exhibit to such official his absentee
412 ballot unmarked and thereupon proceed in secret to fill in his
413 ballot. After the elector has properly marked the ballot and
414 properly folded it, he shall deposit it in the envelope furnished
415 him. After he has sealed the envelope he shall deliver it to the
416 official before whom he is appearing and shall subscribe and swear



417 to the elector's certificate provided for in Section 23-15-635,
418 which affidavit shall be printed on the back of the envelope as
419 provided for in Section 23-15-635.

420 (2) Electors who are temporarily or permanently physically
421 disabled or who are student absentee electors receiving a ballot
422 under Section 23-15-715(c) shall sign the elector's certificate
423 and the certificate of attesting witness shall be signed by any
424 person eighteen (18) years of age or older.

425 (3) After the completion of the requirements of this
426 section, the elector shall mail the envelope containing the ballot
427 to the registrar in the county wherein said elector is qualified
428 to vote. Except as otherwise provided by Section 23-15-699 and
429 excluding presidential ballots as provided for in Sections
430 23-15-731 and 23-15-733, the ballots must be received by the
431 registrar prior to 5:00 p.m. on the day preceding the election to
432 be counted.

433 **SECTION 7.** This act shall take effect and be in force from
434 and after July 1, 2018.

