

By: Harden

To: Elections

SENATE BILL NO. 2187

1 AN ACT TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI  
2 CODE OF 1972, TO ALLOW QUALIFIED ELECTORS TO VOTE BY ABSENTEE  
3 BALLOT FOR ANY REASON; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 23-15-627, Mississippi Code of 1972, is  
6 amended as follows:[WAN1]

7 23-15-627. The registrar shall be responsible for furnishing  
8 an absentee ballot application form to any elector authorized to  
9 receive an absentee ballot. Absentee ballot applications shall be  
10 furnished to a person only upon the oral or written request of the  
11 elector who seeks to vote by absentee ballot; however, the parent,  
12 child, spouse, sibling, legal guardian, those empowered with a  
13 power of attorney for that elector's affairs or agent of the  
14 elector may orally request an absentee ballot application on  
15 behalf of the elector. An absentee ballot application must have  
16 the seal of the circuit or municipal clerk affixed to it and be  
17 initialed by the registrar or his deputy in order to be utilized  
18 to obtain an absentee ballot. A reproduction of an absentee  
19 ballot application shall not be valid unless it is a reproduction  
20 provided by the office of the registrar of the jurisdiction in  
21 which the election is being held and which contains the seal and

22 initials required by this section. Such application shall be  
23 substantially in the following form:

24 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

25 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
26 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
27 the purview of the definition 'ABSENT ELECTOR' will be absent from  
28 the county of my residence on election day, or unable to vote in  
29 person because (check appropriate reason):

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

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

36 ( ) I am a member of the Merchant Marine or the American Red  
37 Cross and am a citizen of Mississippi or spouse or dependent of  
38 such member.

39 ( ) I am a disabled war veteran who is a patient in any  
40 hospital and am a citizen of Mississippi or spouse or dependent of  
41 such veteran.

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

46 ( ) I am a citizen of Mississippi temporarily residing  
47 outside the territorial limits of the United States and the  
48 District of Columbia.

49 ( ) I am a student, teacher or administrator at a college,  
50 university, junior or community college, high, junior high,  
51 elementary or grade school, whose studies or employment at such  
52 institution necessitates my absence from the county of my voting

53 residence or spouse or dependent of such student, teacher or  
54 administrator who maintains a common domicile outside the county  
55 of my voting residence with such student, teacher or  
56 administrator.

57 ( ) I desire to vote by absentee ballot at this election.

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

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

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

65 ( ) I am a member of the congressional delegation, or spouse  
66 or dependent of a member of the congressional delegation.

67 \* \* \*

68 I hereby make application for an official ballot, or ballots,  
69 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

70 Send 'Absent Elector's Ballot' to me at the following address  
71 \_\_\_\_\_.

72 I realize that I can be fined up to Five Thousand Dollars  
73 (\$5,000.00) and sentenced up to five (5) years in the penitentiary  
74 for making a false statement in this application and for selling  
75 my vote and violating the Mississippi Absentee Voter Law. (This  
76 sentence is to be in bold print.)

77 If you are temporarily or permanently disabled, you are not  
78 required to have this application notarized or signed by an  
79 official authorized to administer oaths for absentee balloting.

80 You are required to sign this application in the proper place and

81 have a person eighteen (18) years of age or older witness your  
82 signature and sign this application in the proper place.

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

85 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
86 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

87 \_\_\_\_\_

88 (Signature of absent elector)

89 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
90 2\_\_\_\_.

91 \_\_\_\_\_

92 (Official authorized to administer oaths for absentee  
93 balloting or witness in the case of an elector temporarily or  
94 permanently disabled.)

95 CERTIFICATE OF DELIVERY

96 I hereby certify that \_\_\_\_\_ (print name of voter)  
97 has requested that I, \_\_\_\_\_ (print name of person  
98 delivering application), deliver to the voter this absentee ballot  
99 application.

100 \_\_\_\_\_

101 Signature of person delivering application

102 \_\_\_\_\_

103 Address of person delivering application"

104 SECTION 2. Section 23-15-713, Mississippi Code of 1972, is  
105 amended as follows:

106 23-15-713. For the purpose of this subarticle, any duly  
107 qualified elector may vote as provided in this subarticle if he be  
108 one who falls within the following categories:

109           (a) Any qualified elector who is a bona fide student,  
110 teacher or administrator at any college, university, junior  
111 college, high, junior high or elementary grade school whose  
112 studies or employment at such institution necessitates his absence  
113 from the county of his voting residence on the date of any  
114 primary, general or special election, or the spouse and dependents  
115 of said student, teacher or administrator if such spouse or  
116 dependent(s) maintain a common domicile, outside of the county of  
117 his voting residence, with such student, teacher or administrator.

118           (b) Any qualified elector who is required to be away  
119 from his place of residence on any election day due to his  
120 employment as an employee of a member of the Mississippi  
121 congressional delegation and the spouse and dependents of such  
122 person if he or she shall be residing with such absentee voter  
123 away from the county of the spouse's voting residence.

124           (c) Any qualified elector who desires to vote by  
125 absentee ballot for any reason.

126           (d) Any person who has a temporary or permanent  
127 physical disability.

128           (e) The parent, spouse or dependent of a person with a  
129 temporary or permanent physical disability who is hospitalized  
130 outside of his county of residence or more than fifty (50) miles  
131 distant from his residence, if the parent, spouse or dependent  
132 will be with such person on election day.

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

135           (g) Any member of the Mississippi congressional  
136 delegation absent from Mississippi on election day, and the spouse

137 and dependents of such member of the congressional delegation.

138 \* \* \*

139 SECTION 3. The Attorney General of the State of Mississippi  
140 shall submit this act, immediately upon approval by the Governor,  
141 or upon approval by the Legislature subsequent to a veto, to the  
142 Attorney General of the United States or to the United States  
143 District Court for the District of Columbia in accordance with the  
144 provisions of the Voting Rights Act of 1965, as amended and  
145 extended.

146 SECTION 4. This act shall take effect and be in force from  
147 and after the date it is effectuated under Section 5 of the Voting  
148 Rights Act of 1965, as amended and extended.