

By: Representative Eaton

To: Apportionment and
Elections

HOUSE BILL NO. 756

1 AN ACT TO REQUIRE A VOTER TO STATE HIS NAME, ADDRESS AND
 2 MONTH AND DAY OF BIRTH PRIOR TO VOTING; TO REQUIRE A VOTER WHOSE
 3 NAME, ADDRESS AND MONTH AND DAY OF BIRTH ARE NOT THE SAME AS THOSE
 4 ON THE PRECINCT LIST TO COMPLETE CHANGE OF INFORMATION FORMS; TO
 5 ALLOW A VOTER OVER THE AGE OF 65 YEARS TO THEN VOTE WITHOUT DELAY;
 6 TO REQUIRE ANY OTHER VOTER WHOSE NAME, ADDRESS OR MONTH AND DAY OF
 7 BIRTH ARE NOT THE SAME AS THOSE ON THE PRECINCT LIST TO PRESENT
 8 ANY ONE OF SIXTEEN DOCUMENTS AND TO THEN VOTE WITHOUT DELAY; IF
 9 UNABLE TO DO SO, TO ALLOW SUCH VOTER TO VOTE IF HE IS RECOGNIZED
 10 BY ELECTION OFFICIALS AS THE VOTER WHOSE NAME IS ON THE PRECINCT
 11 LIST; TO OTHERWISE REQUIRE A VOTER TO SIGN A SWORN STATEMENT UNDER
 12 OATH THAT HE IS THE PERSON WHOSE NAME IS ON THE PRECINCT VOTER
 13 LIST AND THEN ALLOW HIM TO VOTE WITHOUT DELAY; TO CREATE THE
 14 OFFENSE OF VOTER INTIMIDATION PUNISHABLE AS A MISDEMEANOR; TO
 15 AMEND SECTION 23-15-713, MISSISSIPPI CODE OF 1972, TO ALLOW A
 16 VOTER TO VOTE BY ABSENTEE BALLOT EARLY IN THE VOTER REGISTRAR'S
 17 OFFICE BEGINNING TWO SATURDAYS PRECEDING THE ELECTION THROUGH THE
 18 SATURDAY IMMEDIATELY PRECEDING THE ELECTION, EXCLUDING SUNDAY AND
 19 LEGAL HOLIDAYS; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF
 20 1972, TO ALLOW A VOTER TO APPLY FOR AN ABSENTEE BALLOT TO VOTE
 21 EARLY IN THE OFFICE OF THE VOTER REGISTRAR BEGINNING TWO SATURDAYS
 22 IMMEDIATELY PRECEDING THE ELECTION THROUGH THE SATURDAY
 23 IMMEDIATELY PRECEDING THE ELECTION, EXCLUDING SUNDAY AND LEGAL
 24 HOLIDAYS; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972, TO
 25 PROVIDE THAT THE REGISTRARS' OFFICES ARE OPEN FROM 8:00 A.M. UNTIL
 26 5:00 P.M. ON THE TWO SATURDAYS IMMEDIATELY PRECEDING THE ELECTION;
 27 TO AMEND SECTION 23-15-11, MISSISSIPPI CODE OF 1972, TO REQUIRE
 28 COMPLIANCE WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION
 29 23-15-541, MISSISSIPPI CODE OF 1972, TO REQUIRE A PERSON TO BE
 30 QUALIFIED TO VOTE IF THEY COMPLY WITH THE PROVISIONS OF THIS ACT;
 31 TO AMEND SECTION 23-15-719, MISSISSIPPI CODE OF 1972, TO REQUIRE
 32 COMPLIANCE WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION
 33 23-15-715, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
 34 RELATED PURPOSES.

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

36 **SECTION 1.** The provisions of Sections 1 through 10, of this
 37 act shall be known and cited as the "Voter Security Act of 2003."

38 **SECTION 2.** Before a person is permitted to vote, the
 39 election manager, or the voter registrar in the case of absentee
 40 voting in the office of the registrar, shall:

41 (a) Require the voter to state or communicate his name
 42 in order to verify the existence of his name on the precinct voter
 43 registration list;



44 (b) Require the voter to state or communicate his
45 address and month and day of birth;

46 (c) Determine that the voter's month and day of birth
47 and address are the same as those on the precinct voter
48 registration list;

49 (d) If the voter's name, month and day of birth and
50 address are the same as those on the precinct voter registration
51 list, require the voter to sign his name, including his given
52 name, his middle name or initial, if any, and his last name in the
53 space provided in the precinct receipt book. If the voter is
54 unable to sign his signature or make his mark or cross, the
55 appropriate election official shall enter his initials and the
56 voter's date of birth in the space provided for the voter's
57 signature on the precinct receipt book or other sign in book
58 maintained in the registrar's office, in the case of absentee
59 voting in that office. Any voter who falsely represents his
60 identity by signing another person's name on the precinct receipt
61 book shall be guilty of a felony and, upon conviction, shall be
62 fined not more than Five Thousand Dollars (\$5,000.00), imprisoned
63 not less than one (1) year, but not more than five (5) years, or
64 both;

65 (e) Allow a voter whose name, address and month and day
66 of birth are the same as those on the precinct voter registration
67 list and who has signed his name on the precinct receipt book in
68 compliance with paragraph (d) of this section to vote without
69 undue delay;

70 (f) (i) If the address given by the voter is not the
71 same as that on the precinct voter registration list, but the
72 voter believes his address is within the precinct, require the
73 voter to complete a voter registration application or change of
74 address form for the purpose of updating county and municipal
75 voter registration records;



76 (ii) If the address given by the voter is not
77 within the precinct or county, direct the voter to the proper
78 precinct or county, if known by the election official, or instruct
79 the voter to contact the voter registrar to determine his proper
80 voting place;

81 (g) If the voter's name is not the same as that on the
82 precinct voter registration list, require the voter to complete a
83 voter registration application for the purpose of updating the
84 county and municipal voter registration records;

85 (h) Allow to vote without undue delay a voter who is 65
86 years of age or older on the date on which he is voting after he
87 has completed any voter registration application or change of
88 address form required under paragraphs (f)(i) or (g) of this
89 section, if any;

90 (i) From a voter whose name, address or month and day
91 of birth are not the same as those on the precinct voter
92 registration list, require presentation of one of the following:

93 (i) A valid Mississippi driver's license;

94 (ii) A valid identification card issued by a
95 branch, department, agency or entity of the State of Mississippi;

96 (iii) A valid United States passport;

97 (iv) A valid employee identification card
98 containing a photograph of the voter and issued by any branch,
99 department, agency or entity of the United States government, the
100 State of Mississippi, or any county, municipality, board,
101 authority or other entity of this state;

102 (v) A valid employee identification card
103 containing a photograph of the voter and issued by an employer of
104 the voter in the ordinary course of the employer's business;

105 (vi) A valid student identification card
106 containing a photograph of the voter from any public or private
107 college, university or post-graduate, technical or professional
108 school located within the State of Mississippi;



109 (vii) A valid Mississippi license to carry a
110 pistol or revolver;

111 (viii) A valid pilot's license issued by the
112 Federal Aviation Administration or other authorized agency of the
113 United States;

114 (ix) A valid United States military identification
115 card;

116 (x) A certified copy of the voter's birth
117 certificate;

118 (xi) A valid social security card;

119 (xii) Certified naturalization documentation;

120 (xiii) An official voter registration card;

121 (xiv) A health record;

122 (xv) A tax receipt; or

123 (xvi) Any other generally recognized form of
124 identification;

125 (j) Allow to vote without undue delay any voter whose
126 address, name or month and day of birth are not the same as those
127 on the precinct voter registration list and who do not present
128 documentation as provided under paragraph (i) of this section,
129 after signing the precinct receipt book, if such voter is
130 personally recognized by the appropriate election official as the
131 person on the precinct voter registration list;

132 (k) For a voter whose name, address or month and day of
133 birth are not the same as those on the precinct voter registration
134 list and who does not present documentation as provided under
135 paragraph (i) of this section and are not personally recognized by
136 the appropriate election official as the person on the precinct
137 voter registration list, after signing the precinct receipt book,
138 allow him to sign a statement under oath, in a form prescribed by
139 the Secretary of State, swearing or affirming that he is the
140 person on the precinct voter registration list and eligible to
141 vote in that election. One (1) of the election managers, or the



142 voter registrar in the case of absentee voting in the office of
143 the registrar, shall sign a statement as a witness to the oath
144 taken by the elector. The voter shall then be allowed to vote
145 without undue delay. Any voter who falsely swears or affirms the
146 statement prescribed in this subsection shall be guilty of a
147 felony and, upon conviction, shall be fined not more than Five
148 Thousand Dollars (\$5,000.00), imprisoned not less than one (1)
149 year, but not more than five (5) years, or both.

150 **SECTION 3.** There is hereby created the criminal offense of
151 voter intimidation, which shall occur when any person willfully
152 and deliberately utilizes any tactic, commits any act, engages in
153 any conduct or conspires with another to interfere with the free,
154 unimpeded and unfettered exercise of a person's constitutional
155 right to vote. Such offense shall be a misdemeanor and be
156 punishable by a fine not to exceed Three Thousand Dollars
157 (\$3,000.00) or imprisonment of not more than six (6) months, or
158 both.

159 **SECTION 4.** Section 23-15-713, Mississippi Code of 1972, is
160 amended as follows:

161 23-15-713. For the purpose of this subarticle, any duly
162 qualified elector may vote as provided in this subarticle if
163 he * * * falls within the following categories:

164 (a) Any qualified elector who is a bona fide student,
165 teacher or administrator at any college, university, junior
166 college, high, junior high, or elementary grade school whose
167 studies or employment at such institution necessitates his absence
168 from the county of his voting residence on the date of any
169 primary, general or special election, or the spouse and dependents
170 of said student, teacher or administrator if such spouse or
171 dependent(s) maintain a common domicile, outside of the county of
172 his voting residence, with such student, teacher or administrator.

173 (b) Any qualified elector who is required to be away
174 from his place of residence on any election day due to his



175 employment as an employee of a member of the Mississippi
176 congressional delegation and the spouse and dependents of such
177 person if he or she shall be residing with such absentee voter
178 away from the county of the spouse's voting residence.

179 (c) Any qualified elector who is away from his county
180 of residence on election day for any reason.

181 (d) Any person who has a temporary or permanent
182 physical disability and who, because of such disability, is unable
183 to vote in person without substantial hardship to himself or
184 others, or whose attendance at the voting place could reasonably
185 cause danger to himself or others.

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

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

193 (g) Any member of the Mississippi congressional
194 delegation absent from Mississippi on election day, and the spouse
195 and dependents of such member of the congressional delegation.

196 (h) Any qualified elector who will be unable to vote in
197 person because he is required to be at work on election day during
198 the times at which the polls will be open.

199 (i) Any qualified elector who desires to vote early for
200 any reason in the office of the voter registrar beginning on the
201 second Saturday preceding the election and extending through the
202 Saturday immediately preceding the election, excluding Sunday and
203 all legal holidays.

204 **SECTION 5.** Section 23-15-627, Mississippi Code of 1972, is
205 amended as follows:

206 23-15-627. The registrar shall be responsible for furnishing
207 an absentee ballot application form to any elector authorized to



208 receive an absentee ballot. Absentee ballot applications shall be
209 furnished to a person only upon the oral or written request of the
210 elector who seeks to vote by absentee ballot; however, the parent,
211 child, spouse, sibling, legal guardian, those empowered with a
212 power of attorney for that elector's affairs or agent of the
213 elector may orally request an absentee ballot application on
214 behalf of the elector. An absentee ballot application must have
215 the seal of the circuit or municipal clerk affixed to it and be
216 initialed by the registrar or his deputy in order to be utilized
217 to obtain an absentee ballot. A reproduction of an absentee
218 ballot application shall not be valid unless it is a reproduction
219 provided by the office of the registrar of the jurisdiction in
220 which the election is being held and which contains the seal and
221 initials required by this section. Such application shall be
222 substantially in the following form:

223 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

224 I, _____, duly qualified and registered in the ____ Precinct
225 of the County of _____, and State of Mississippi, coming within
226 the purview of the definition 'ABSENT ELECTOR' will be absent from
227 the county of my residence on election day, or unable to vote in
228 person because (check appropriate reason):

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

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

235 () I am a member of the Merchant Marine or the American Red
236 Cross and am a citizen of Mississippi or spouse or dependent of
237 such member.

238 () I am a disabled war veteran who is a patient in any
239 hospital and am a citizen of Mississippi or spouse or dependent of
240 such veteran.



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

245 () I am a citizen of Mississippi temporarily residing
246 outside the territorial limits of the United States and the
247 District of Columbia.

248 () I am a student, teacher or administrator at a college,
249 university, junior or community college, high, junior high,
250 elementary or grade school, whose studies or employment at such
251 institution necessitates my absence from the county of my voting
252 residence or spouse or dependent of such student, teacher or
253 administrator who maintains a common domicile outside the county
254 of my voting residence with such student, teacher or
255 administrator.

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

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

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

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

264 () I am a member of the congressional delegation, or spouse
265 or dependent of a member of the congressional delegation.

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

268 () I desire to vote early in the office of the voter
269 registrar in this election on any day beginning on the second
270 Saturday preceding the election and extending through the Saturday
271 immediately preceding the election, excluding Sunday and all legal
272 holidays.



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

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

277 I realize that I can be fined up to Five Thousand Dollars
278 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
279 for making a false statement in this application and for selling
280 my vote and violating the Mississippi Absentee Voter Law. (This
281 sentence is to be in bold print.)

282 If you are temporarily or permanently disabled, you are not
283 required to have this application notarized or signed by an
284 official authorized to administer oaths for absentee balloting.
285 You are required to sign this application in the proper place and
286 have a person eighteen (18) years of age or older witness your
287 signature and sign this application in the proper place.

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

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

292 _____
293 (Signature of absent elector)

294 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
295 2____.

296 _____
297 (Official authorized to administer oaths
298 for absentee balloting.)

299 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
300 DISABLED:

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

305 _____



306 (Signature of witness)

307 CERTIFICATE OF DELIVERY

308 I hereby certify that _____ (print name of voter)
309 has requested that I, _____ (print name of person
310 delivering application), deliver to the voter this absentee ballot
311 application.

312 _____
313 (Signature of person delivering application)

314 _____
315 (Address of person delivering application)"

316 **SECTION 6.** Section 23-15-653, Mississippi Code of 1972, is
317 amended as follows:

318 23-15-653. All registrars' offices shall remain open from
319 8:00 a.m. until 5:00 p.m. on the two (2) Saturdays immediately
320 before each election.

321 **SECTION 7.** Section 23-15-11, Mississippi Code of 1972, is
322 amended as follows:

323 23-15-11. Every inhabitant of this state, except idiots and
324 insane persons, who is a citizen of the United States of America,
325 eighteen (18) years old and upwards, who has resided in this state
326 for thirty (30) days and for thirty (30) days in the county in
327 which he offers to vote, and for thirty (30) days in the
328 incorporated city or town in which he offers to vote, and who
329 shall have been duly registered as an elector pursuant to Section
330 23-15-33, and who has never been convicted of any crime listed in
331 Section 241, Mississippi Constitution of 1890, shall be a
332 qualified elector in and for the county, municipality and voting
333 precinct of his residence, and shall be entitled to vote at any
334 election upon compliance with Section 2 of House Bill No. _____,
335 2003 Regular Session. Any person who will be eighteen (18) years
336 of age or older on or before the date of the general election and
337 who is duly registered to vote not less than thirty (30) days
338 prior to the primary election associated with such general



339 election, may vote in such primary election even though such
340 person has not reached his or her eighteenth birthday at the time
341 such person offers to vote at such primary election. No others
342 than those above included shall be entitled, or shall be allowed,
343 to vote at any election.

344 **SECTION 8.** Section 23-15-541, Mississippi Code of 1972, is
345 amended as follows:

346 **[Until Laws of 1993, Chapter 528, is effectuated under**
347 **Section 5 of the Voting Rights Act of 1965, this section reads as**
348 **follows:]**

349 23-15-541. At all elections, the polls shall be opened at
350 seven o'clock in the morning and be kept open until seven o'clock
351 in the evening and no longer. Upon the opening of the polls, and
352 not before, the managers of the election shall designate two (2)
353 of their number, other than the manager theretofore designated to
354 receive the blank ballots, who shall thereupon be known
355 respectively as the initialing manager and the alternate
356 initialing manager. The alternate initialing manager, in the
357 absence of the initialing manager, shall perform all of the duties
358 and undertake all of the responsibilities of the initialing
359 manager. When any person entitled to vote shall appear to vote,
360 the managers shall require him to comply with Section 2 of House
361 Bill No. _____, 2003 Regular Session. And then such person
362 shall * * * sign his name in a receipt book or booklet provided
363 for that purpose and to be used at that election only and said
364 receipt book or booklet shall be used in lieu of the list of
365 voters who have voted formerly made by the managers or clerks;
366 whereupon and not before, the initialing manager or, in his
367 absence, the alternate initialing manager shall indorse his
368 initials on the back of an official blank ballot, prepared in
369 accordance with law, and at such place on the back of the ballot
370 that the initials may be seen after the ballot has been marked and
371 folded, and when so indorsed he shall deliver it to the voter,



372 which ballot the voter shall mark in the manner provided by law,
373 which when done the voter shall deliver the same to the initialing
374 manager or, in his absence, to the alternate initialing manager,
375 in the presence of the others, and the manager shall see that the
376 ballot so delivered bears on the back thereof the genuine initials
377 of the initialing manager, or alternate initialing manager, and if
378 so, but not otherwise, the ballot shall be put into the ballot
379 box; and when so done one (1) of the managers or a duly appointed
380 clerk shall make the proper entry on the pollbook. If the voter
381 is unable to write his name on the receipt book, a manager or
382 clerk shall note on the back of the ballot that it was receipted
383 for by his assistance.

384 **[From and after such time as Laws of 1993, Chapter 528, is**
385 **effectuated under Section 5 of the Voting Rights Act of 1965, this**
386 **section reads as follows:]**

387 23-15-541. At all elections, the polls shall be opened at
388 seven o'clock in the morning and be kept open until seven o'clock
389 in the evening and no longer. Upon the opening of the polls, and
390 not before, the managers of the election shall designate two (2)
391 of their number, other than the manager theretofore designated to
392 receive the blank ballots, who shall thereupon be known
393 respectively as the initialing manager and the alternate
394 initialing manager. The alternate initialing manager, in the
395 absence of the initialing manager, shall perform all of the duties
396 and undertake all of the responsibilities of the initialing
397 manager. When any person entitled to vote shall appear to vote,
398 the managers shall require him to comply with Section 2 of House
399 Bill No. _____, 2003 Regular Session. And then such person shall
400 identify the voter, in the presence and view of the bystanders, by
401 requiring the voter to submit a valid Mississippi driver's
402 license, identification card issued by the Department of Public
403 Safety, voter registration card, Medicaid or Medicare card, health
404 insurance card, tax receipt or other identification card or by



405 comparison with the descriptive information on the pollbook or
406 have a person from the precinct vouch for such person's
407 identification; and then such person shall sign his name in a
408 receipt book or booklet provided for that purpose and to be used
409 at that election only and said receipt book or booklet shall be
410 used in lieu of the list of voters who have voted formerly made by
411 the managers or clerks; whereupon and not before, the initialing
412 manager or, in his absence, the alternate initialing manager shall
413 indorse his initials on the back of an official blank ballot,
414 prepared in accordance with law, and at such place on the back of
415 the ballot that the initials may be seen after the ballot has been
416 marked and folded, and when so indorsed he shall deliver it to the
417 voter, which ballot the voter shall mark in the manner provided by
418 law, which when done the voter shall deliver the same to the
419 initialing manager or, in his absence, to the alternate initialing
420 manager, in the presence of the others, and the manager shall see
421 that the ballot so delivered bears on the back thereof the genuine
422 initials of the initialing manager, or alternate initialing
423 manager, and if so, but not otherwise, the ballot shall be put
424 into the ballot box; and when so done one (1) of the managers or a
425 duly appointed clerk shall make the proper entry on the pollbook.
426 If the voter is unable to write his name on the receipt book, a
427 manager or clerk shall note on the back of the ballot that it was
428 receipted for by his assistance.

429 **SECTION 9.** Section 23-15-715, Mississippi Code of 1972, is
430 amended as follows:

431 23-15-715. (1) Any elector desiring an absentee ballot as
432 provided in this subarticle may secure same if:

433 (a) Not more than forty-five (45) days nor later than
434 12:00 noon on the Saturday immediately preceding elections held on
435 Tuesday, the Thursday immediately preceding elections held on
436 Saturday, or the second day immediately preceding the date of
437 elections held on other days, he shall appear in person before the



438 registrar of the county in which he resides, or for municipal
439 elections he shall appear in person before the city clerk of the
440 municipality in which he resides and, when the elector so appears,
441 he shall execute and file an application as provided in Section
442 23-15-627 and vote by absentee ballot, except that if the ballot
443 has not been printed by forty-five (45) days preceding the
444 election, the elector may appear and file an application anytime
445 before the election. Then the absentee ballot shall be mailed by
446 the circuit clerk to the elector as soon as the ballot has been
447 printed.

448 (b) Within forty-five (45) days next prior to any
449 election, any elector who cannot comply with paragraph (a) of this
450 section by reason of temporarily residing outside the county, or
451 any person who has a temporary or permanent physical disability,
452 persons who are sixty-five (65) years of age or older, or any
453 person who is the parent, spouse or dependent of a temporarily or
454 permanently physically disabled person who is hospitalized outside
455 of his county of residence or more than fifty (50) miles away from
456 his residence and such parent, spouse or dependent will be with
457 such person on election day, may make application for an absentee
458 ballot by mailing the appropriate application to the registrar.
459 Only persons temporarily residing out of the county of their
460 residence, persons having a temporary or permanent physical
461 disability, persons who are sixty-five (65) years of age or older,
462 or any person who is the parent, spouse or dependent of a
463 temporarily or permanently physically disabled person who is
464 hospitalized outside of his county of residence or more than fifty
465 (50) miles away from his residence, and such parent, spouse or
466 dependent will be with such person on election day, may obtain
467 absentee ballots by mail under the provisions of this subsection
468 and as provided by Section 23-15-713. Applications of persons
469 temporarily residing outside the county shall be sworn to and
470 subscribed before an official who is authorized to administer



471 oaths or other official authorized to witness absentee balloting
472 as provided in this chapter, said application to be accompanied by
473 such verifying affidavits as required by this chapter. The
474 applications of persons having a temporary or permanent physical
475 disability shall not be required to be accompanied by an affidavit
476 but shall be witnessed and signed by a person eighteen (18) years
477 of age or older. The registrar shall send to such absent voter a
478 proper absentee voter ballot within twenty-four (24) hours, or as
479 soon thereafter as the ballots are available, containing the names
480 of all candidates who qualify or the proposition to be voted on in
481 such election, and with such ballot there shall be sent an
482 official envelope containing upon it in printed form the recitals
483 and data hereinafter required.

484 (2) Any qualified elector who may vote early for any reason
485 in the office of the voter registrar beginning on the second
486 Saturday preceding the election and extending through the Saturday
487 immediately preceding the election, excluding Sunday and all legal
488 holidays.

489 **SECTION 10.** Section 23-15-719, Mississippi Code of 1972, is
490 amended as follows:

491 23-15-719. (1) Immediately upon completion of an
492 application filed pursuant to the provisions of paragraph (a) of
493 Section 23-15-715, the registrar shall deliver the necessary
494 ballots to the applicant. The registrar shall require the
495 applicant to comply with the provisions of House Bill No. _____,
496 2003 Regular Session, and shall then only deliver the ballots to
497 the applicant by mail or to the applicant in the registrar's
498 office. The registrar shall not personally hand deliver ballots
499 to voters, unless he delivers the ballots in the office of the
500 registrar. The elector shall fill in his ballot in secret. After
501 the applicant has properly marked the ballot and properly folded
502 it, he shall deposit it in the envelope furnished him by the
503 registrar.



504 After he has sealed the envelope, he shall subscribe and
505 swear to an affidavit in the following form, which shall be
506 printed on the back of the envelope containing the applicant's
507 ballot:

508 "STATE OF MISSISSIPPI
509 COUNTY OF _____

510 I, _____, do solemnly swear that this envelope contains
511 the ballot marked by me indicating my choice of the candidates or
512 propositions to be submitted at the election to be held on the ____
513 day of _____, 2____, and I hereby authorize the registrar to
514 place this envelope in the ballot box on my behalf, and I further
515 authorize the election managers to open this envelope and place my
516 ballot among the other ballots cast before such ballots are
517 counted, and record my name on the poll list as if I were present
518 in person and voted.

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

520 _____
521 (Signature of voter)

522 SWORN TO AND SUBSCRIBED before me, _____, this the ____
523 day of _____, 2____.

524 (Registrar) _____
525 (Registrar) "

526 After the completion of the requirements of this section, the
527 elector shall deliver the envelope containing the ballot to the
528 registrar.

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

533 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

534 (To be completed only if the voter has received assistance in
535 marking the enclosed ballot.) I hereby certify that the
536 above-named voter declared to me that he or she is blind,



537 temporarily or permanently physically disabled, or cannot read or
538 write, and that the voter requested that I assist the voter in
539 marking the enclosed absentee ballot. I hereby certify that the
540 ballot preferences on the enclosed ballot are those communicated
541 by the voter to me, and that I have marked the enclosed ballot in
542 accordance with the voter's instructions.

543 _____
544 Signature of person providing assistance

545 _____
546 Printed name of person providing assistance

547 _____
548 Address of person providing assistance

549 _____
550 Date and time assistance provided

551 _____
552 Family relationship to voter (if any)"

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

555 **SECTION 11.** The Attorney General of the State of Mississippi
556 shall submit this act, immediately upon approval by the Governor,
557 or upon approval by the Legislature subsequent to a veto, to the
558 Attorney General of the United States or to the United States
559 District Court for the District of Columbia in accordance with the
560 provisions of the Voting Rights Act of 1965, as amended and
561 extended.

562 **SECTION 12.** This act shall take effect and be in force from
563 and after the date it is effectuated under Section 5 of the Voting
564 Rights Act of 1965, as amended and extended.

