

By: Senator(s) Jackson

To: Elections

SENATE BILL NO. 2031

1 AN ACT TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI
2 CODE OF 1972, TO ALLOW QUALIFIED ELECTORS TO VOTE PRIOR TO
3 ELECTION DAY AT THE OFFICE OF THE REGISTRAR OR CERTAIN DESIGNATED
4 PRECINCTS; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972,
5 TO REQUIRE ALL REGISTRARS' OFFICES TO REMAIN OPEN FROM 7 A.M. TO 7
6 P.M. ON THE TWO SATURDAYS PRIOR TO THE ELECTION TO PERFORM DUTIES
7 RELATED TO ABSENTEE AND EARLY VOTING; TO REQUIRE THE REGISTRAR TO
8 KEEP OPEN THE PRECINCT POLLING PLACES OF ALL PRECINCTS THAT
9 CONTAIN 500 OR MORE QUALIFIED ELECTORS FROM 7 A.M. TO 7 P.M. ON
10 THE TWO SATURDAYS PRIOR TO EACH ELECTION IN ORDER TO ALLOW PERSONS
11 TO VOTE EARLY; TO AMEND SECTIONS 23-15-449, 23-15-463, 23-15-511,
12 23-15-621, 23-15-623, 23-15-631, 23-15-637, 23-15-639, 23-15-641,
13 23-15-643, 23-15-645, 23-15-649, 23-15-651, 23-15-711, 23-15-715,
14 23-15-717, 23-15-719, 23-15-721 AND 23-15-753, MISSISSIPPI CODE OF
15 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 23-15-627, Mississippi Code of 1972, is
18 amended as follows:

19 23-15-627. The registrar shall be responsible for furnishing
20 an absentee ballot and early voting application form to any
21 elector authorized to receive an absentee ballot or any person
22 desiring to vote early. Absentee ballot and early voting
23 applications shall be furnished to a person only upon the oral or
24 written request of the elector who seeks to vote by absentee
25 ballot or upon the request of an elector who desires to vote
26 early; however, the parent, child, spouse, sibling, legal
27 guardian, those empowered with a power of attorney for that
28 elector's affairs or agent of the elector may orally request an
29 absentee ballot application on behalf of the elector. An absentee
30 ballot or early voting application must have the seal of the
31 circuit or municipal clerk affixed to it and be initialed by the
32 registrar or his deputy in order to be utilized to obtain an
33 absentee ballot or an early voting ballot. A reproduction of an



34 absentee ballot or early voting application shall not be valid
35 unless it is a reproduction provided by the office of the
36 registrar of the jurisdiction in which the election is being held
37 and which contains the seal and initials required by this section.
38 Such application shall be substantially in the following form:

39 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

40 OR EARLY VOTING BALLOT

41 I, _____, duly qualified and registered in the ____ Precinct
42 of the County of _____, and State of Mississippi, * * * will be
43 absent from the county of my residence on election day, or I
44 desire to vote early (check appropriate reason):

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

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

51 () I am a member of the Merchant Marine or the American Red
52 Cross and am a citizen of Mississippi or spouse or dependent of
53 such member.

54 () I am a disabled war veteran who is a patient in any
55 hospital and am a citizen of Mississippi or spouse or dependent of
56 such veteran.

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

61 () I am a citizen of Mississippi temporarily residing
62 outside the territorial limits of the United States and the
63 District of Columbia.

64 () I am a student, teacher or administrator at a college,
65 university, junior or community college, high, junior high,
66 elementary or grade school, whose studies or employment at such



67 institution necessitates my absence from the county of my voting
68 residence or spouse or dependent of such student, teacher or
69 administrator who maintains a common domicile outside the county
70 of my voting residence with such student, teacher or
71 administrator.

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

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

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

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

80 () I am a member of the congressional delegation, or spouse
81 or dependent of a member of the congressional delegation.

82 () I desire to vote early.

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

85 Mail the Ballot to me at the following address _____
86 (if eligible to vote by mail).

87 I realize that I can be fined up to Five Thousand Dollars
88 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
89 for making a false statement in this application and for selling
90 my vote and violating the Mississippi Absentee and Early Voter
91 Law. (This sentence is to be in bold print.)

92 If you are temporarily or permanently disabled, you are not
93 required to have this application notarized or signed by an
94 official authorized to administer oaths for absentee balloting.
95 You are required to sign this application in the proper place and
96 have a person eighteen (18) years of age or older witness your
97 signature and sign this application in the proper place.

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



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

102 _____
103 (Signature of absent elector)

104 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
105 2____.

106 _____
107 (Official authorized to administer oaths
108 for absentee balloting.)

109 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
110 DISABLED:

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

115 _____
116 (Signature of witness)

117 CERTIFICATE OF DELIVERY

118 I hereby certify that _____ (print name of voter)
119 has requested that I, _____ (print name of person
120 delivering application), deliver to the voter this absentee ballot
121 application.

122 _____
123 (Signature of person delivering application)

124 _____
125 (Address of person delivering application)"

126 **SECTION 2.** Section 23-15-713, Mississippi Code of 1972, is
127 amended as follows:

128 23-15-713. For the purpose of this subarticle, any duly
129 qualified elector may vote as provided in this subarticle if he be
130 one who falls within the following categories:

131 (a) Any qualified elector who is a bona fide student,
132 teacher or administrator at any college, university, junior



133 college, high, junior high, or elementary grade school whose
134 studies or employment at such institution necessitates his absence
135 from the county of his voting residence on the date of any
136 primary, general or special election, or the spouse and dependents
137 of said student, teacher or administrator if such spouse or
138 dependent(s) maintain a common domicile, outside of the county of
139 his voting residence, with such student, teacher or administrator.

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

146 * * *

147 (c) Any person who has a temporary or permanent
148 physical disability and who, because of such disability, is unable
149 to vote in person without substantial hardship to himself or
150 others, or whose attendance at the voting place could reasonably
151 cause danger to himself or others.

152 (d) The parent, spouse or dependent of a person with a
153 temporary or permanent physical disability who is hospitalized
154 outside of his county of residence or more than fifty (50) miles
155 distant from his residence, if the parent, spouse or dependent
156 will be with such person on election day.

157 (e) Any person who is sixty-five (65) years of age or
158 older.

159 (f) Any member of the Mississippi congressional
160 delegation absent from Mississippi on election day, and the spouse
161 and dependents of such member of the congressional delegation.

162 (g) Any qualified elector who desires to cast his vote
163 early.

164 **SECTION 3.** Section 23-15-653, Mississippi Code of 1972, is
165 amended as follows:



166 23-15-653. (1) All registrars' offices shall remain open
167 from 7 a.m. until 7 p.m. on the two (2) Saturdays prior to each
168 election to perform duties related to absentee or early voting.

169 (2) The registrar shall keep open the precinct polling place
170 of all precincts that contain five hundred (500) or more qualified
171 electors from 7 a.m. to 7 p.m. on the two (2) Saturdays prior to
172 each election in order to allow electors who desire to do so to
173 vote early as authorized by law. The registrar shall staff each
174 such precinct polling place with the number of deputies that he
175 considers necessary to perform the duties related to early voting
176 at such polling places.

177 **SECTION 4.** Section 23-15-449, Mississippi Code of 1972, is
178 amended as follows:

179 23-15-449. All laws relating to elections now in force in
180 this state shall apply to all elections under this chapter so far
181 as the same may be applicable thereto, and so far as such
182 provisions are not inconsistent with the provisions of this
183 chapter. Absentee ballots and early voting ballots shall be voted
184 as now provided by law.

185 **SECTION 5.** Section 23-15-463, Mississippi Code of 1972, is
186 amended as follows:

187 23-15-463. The board of supervisors of any county in the
188 State of Mississippi and the governing authorities of any
189 municipality in the State of Mississippi are hereby authorized and
190 empowered, in their discretion, to purchase or rent voting devices
191 and automatic tabulating equipment used in an electronic voting
192 system which meets the requirements of Section 23-15-465, and may
193 use such system in all or a part of the precincts within its
194 boundaries, or in combination with paper ballots in any election
195 or primary. It may enlarge, consolidate or alter the boundaries
196 of precincts where an electronic voting system is used. The
197 provisions of Sections 23-15-461 through 23-15-485 shall be
198 controlling with respect to elections where an electronic voting



199 system is used, and shall be liberally construed so as to carry
200 out the purpose of this chapter. The provisions of the election
201 law relating to the conduct of elections with paper ballots,
202 insofar as they are applicable and not inconsistent with the
203 efficient conduct of elections with electronic voting systems,
204 shall apply. Absentee ballots and early voting ballots shall be
205 voted as now provided by law.

206 **SECTION 6.** Section 23-15-511, Mississippi Code of 1972, is
207 amended as follows:

208 23-15-511. The ballots shall, as far as practicable, to be
209 in the same order of arrangement as provided for paper ballots
210 that are to be counted manually, except that such information may
211 be printed in vertical or horizontal rows. Nothing in this
212 chapter shall be construed as prohibiting the information being
213 presented to the voters from being printed on both sides of a
214 single ballot. In those years when a special election shall occur
215 on the same day as the general election, the names of candidates
216 in any special election and the general election shall be placed
217 on the same ballot by the commissioners of elections or officials
218 in charge of the election, but the general election candidates
219 shall be clearly distinguished from the special election
220 candidates. At any time a special election is held on the same
221 day as a party primary election, the names of the candidates in
222 the special election may be placed on the same ballot, but shall
223 be clearly distinguished as special election candidates or primary
224 election candidates.

225 Ballots shall be printed in plain clear type in black ink and
226 upon clear white materials of such size and arrangement as to be
227 compatible with the OMR tabulating equipment. Absentee ballots
228 and early voting ballots shall be prepared and printed in the same
229 form and shall be on the same size and texture as the regular
230 official ballots, except that they shall be printed on tinted
231 paper; or the ink used to print the ballots shall be of a color



232 different from that of the ink used to print the regular official
233 ballots. Arrows may be printed on the ballot to indicate the
234 place to mark the ballot, which may be to the right or left of the
235 names of candidates and propositions. The titles of offices may
236 be arranged in vertical columns on the ballot and shall be printed
237 above or at the side of the names of candidates so as to indicate
238 clearly the candidates for each office and the number to be
239 elected. In case there are more candidates for an office then can
240 be printed in one (1) column, the ballot shall be clearly marked
241 that the list of candidates is continued on the following column.
242 The names of candidates for each office shall be printed in
243 vertical columns, grouped by the offices which they seek. In
244 partisan elections, the party designation of each candidate, which
245 may be abbreviated, shall be printed following his name.

246 Two (2) sample ballots, which shall be facsimile ballots of
247 the official ballot and instructions to the voters, shall be
248 provided for each precinct and shall be posted in each polling
249 place on election day.

250 A separate ballot security envelope or suitable equivalent in
251 which the voter can place his ballot after voting, shall be
252 provided to conceal the choices the voter has made. Absentee
253 voters and early voters will receive a similar ballot security
254 envelope provided by the county in which the absentee voter or
255 early voter will insert their voted ballot, which then can be
256 inserted into a return envelope to be mailed back to the election
257 official. Absentee ballots and early voting ballots will not be
258 required to be folded when a ballot security envelope is provided.

259 **SECTION 7.** Section 23-15-621, Mississippi Code of 1972, is
260 amended as follows:

261 23-15-621. The title of Sections 23-15-621 through 23-15-653
262 of this chapter shall be the Absentee Balloting and Early Voting
263 Balloting Procedures Law.



264 **SECTION 8.** Section 23-15-623, Mississippi Code of 1972, is
265 amended as follows:

266 23-15-623. All absentee ballots and early voting ballots as
267 authorized in Sections 23-15-671 through 23-15-697, in Sections
268 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,
269 shall be handled as provided in Sections 23-15-621 through
270 23-15-653.

271 **SECTION 9.** Section 23-15-631, Mississippi Code of 1972, is
272 amended as follows:

273 23-15-631. (1) The registrar shall enclose with each ballot
274 provided to an absent elector separate printed instructions
275 furnished by him containing the following:

276 (a) All electors who utilize the provisions of this act
277 to vote, except those with temporary or permanent physical
278 disabilities or those who are sixty-five (65) years of age or
279 older, and who mark their ballots in the county of the residence
280 shall use the registrar of that county or one (1) of his deputies
281 as the witness. Such voters shall come to the office of the
282 registrar or a voting precinct designated to be open for early
283 voting. The registrar or his deputy shall not be required to go
284 out of the registrar's office or the designated precinct to serve
285 as an attesting witness.

286 (b) Upon receipt of the enclosed ballot, you will not
287 mark same except in view or sight of the attesting witness. In
288 the sight or view of the attesting witness, mark the ballot
289 according to instructions.

290 (c) After marking the ballot, fill out and sign the
291 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
292 signature shall be across the flap of the envelope so as to insure
293 the integrity of the ballot. All absent electors or electors who
294 vote early shall have the attesting witness sign the "ATTESTING
295 WITNESS CERTIFICATE" across the flap on back of the envelope.



296 (d) If you are authorized to cast your ballot by mail,
297 place necessary postage on the envelope and deposit it in the post
298 office or some government receptacle provided for deposit of mail
299 so that the absent elector's ballot, excepting presidential
300 absentee ballots, will reach the registrar in which your precinct
301 is located not later than 5:00 p.m. on the day preceding the date
302 of the election, or by personally delivering such ballot to the
303 registrar's office not later than 12:00 noon on the Saturday
304 immediately preceding elections held on Tuesday, the Thursday
305 immediately preceding elections held on Saturday, and the second
306 day immediately preceding elections held on other days.

307 (e) For absentee voters, any notary public, United
308 States postmaster, assistant United States postmaster, United
309 States postal supervisor, clerk in charge of a contract postal
310 station, or any officer having authority to administer an oath or
311 take an acknowledgment may be an attesting witness; provided,
312 however, that in the case of an absent elector who is temporarily
313 or permanently physically disabled, the attesting witness may be
314 any person eighteen (18) years of age or older and such person is
315 not required to have the authority to administer an oath. If a
316 postmaster, assistant postmaster, postal supervisor, or clerk in
317 charge of a contract postal station acts as an attesting witness,
318 his signature on the elector's certificate must be authenticated
319 by the cancellation stamp of their respective post offices. If
320 one or the other officers herein named acts as attesting witness,
321 his signature on the elector's certificate, together with his
322 title and address, but no seal, shall be required. Any affidavits
323 made by an absent elector who is in the Armed Forces may be
324 executed before a commissioned officer, warrant officer, or
325 noncommissioned officer not lower in grade than sergeant rating or
326 any person authorized to administer oaths.

327 (f) When the application accompanies the absentee
328 ballot it shall not be returned in the same envelope as the ballot



329 but shall be returned in a separate preaddressed envelope provided
330 by the registrar.

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

334 (h) Any voter casting an absentee ballot or an early
335 voting ballot who declares that he requires assistance to vote by
336 reason of blindness, temporary or permanent physical disability or
337 inability to read or write, shall be entitled to receive
338 assistance in the marking of his absentee ballot and in completing
339 the affidavit on the absentee ballot envelope. The voter may be
340 given assistance by anyone of the voter's choice other than a
341 candidate whose name appears on the absentee ballot being marked,
342 or the voter's employer, or agent of that employer. In order to
343 ensure the integrity of the ballot, any person who provides
344 assistance to an absentee voter shall be required to sign and
345 complete the "Certificate of Person Providing Voter Assistance" on
346 the absentee ballot envelope.

347 (2) The foregoing instructions required to be provided by
348 the registrar to the elector shall also constitute the substantive
349 law pertaining to the handling of absentee ballots by the elector
350 and registrar.

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

353 23-15-637. Absentee ballots received by mail, excluding
354 presidential ballots as provided for in Sections 23-15-731 and
355 23-15-733, must be received by the registrar by 5:00 p.m. on the
356 date preceding the election; any received after such time shall be
357 handled as provided in Section 23-15-647 and shall not be counted.
358 All early voting ballots shall be cast by the * * * elector * * *
359 in the office of the registrar or designated precinct by * * * not
360 later than 12:00 noon on the Saturday immediately preceding
361 elections held on Tuesday, the Thursday immediately preceding



362 elections held on Saturday, or the second day immediately
363 preceding the date of elections held on other days. The registrar
364 shall deposit all absentee ballots and early voting ballot which
365 have been timely cast in the ballot boxes upon receipt.

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

368 23-15-639. At the close of the regular balloting and at the
369 close of the polls, the election managers of each voting precinct
370 shall first take the envelopes containing the absentee and early
371 voting ballots of such electors from the box, and the name,
372 address and precinct inscribed on each such envelope shall be
373 announced by the election managers. The signature on the
374 application shall then be compared with the signature on the back
375 of the envelope. If it corresponds and the affidavit, if one is
376 required, is sufficient and the election managers find that the
377 applicant is a registered and qualified voter or otherwise
378 qualified to vote, and that he has not appeared in person and
379 voted at such election, the envelope shall then be opened and the
380 ballot removed from the envelope, without its being unfolded, or
381 permitted to be unfolded or examined. Having observed and found
382 the ballot to be regular as far as can be observed from its
383 official endorsement, the election managers shall deposit it in
384 the ballot box with the other ballots before counting any ballots
385 and enter the voter's name in the receipt book provided for that
386 purpose and mark "VOTED" in the pollbook or poll list as if he had
387 been present and voted on the day of the election. If voting
388 machines are used, all absentee and early voting ballots shall be
389 placed in the ballot box before any ballots are counted, and the
390 election managers in each precinct shall immediately count such
391 absentee and early voter ballots and add them to the votes cast in
392 the voting machine or device.

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



395 23-15-641. (1) If an affidavit or the certificate of the
396 officer before whom the affidavit is taken is required and such
397 affidavit or certificate is found to be insufficient, or if it is
398 found that the signatures do not correspond, or that the applicant
399 is not a duly qualified elector in the precinct, or otherwise
400 qualified to vote, or that the ballot envelope is open or has been
401 opened and resealed, or the voter is not eligible to vote absentee
402 or that the voter who voted by absentee or early voting ballot is
403 present and has voted within the precinct where he represents
404 himself to be a qualified elector, or otherwise qualified to vote,
405 on the date of the election at such precinct, the previously cast
406 vote shall not be allowed. Without opening the voter's envelope
407 the commissioners of election, designated executive committee
408 members or election managers, as appropriate, shall mark across
409 its face "REJECTED," with the reason therefor.

410 (2) If the ballot envelope contains more than one (1) ballot
411 of any kind, the ballot shall not be counted but shall be marked
412 "REJECTED," with the reason therefor. The voter's envelopes and
413 affidavits, and the voter's envelope with its contents unopened,
414 when such vote is rejected, shall be retained and preserved in the
415 same manner as other ballots at the election. Such votes may be
416 challenged in the same manner and for the same reasons that any
417 other vote cast in such election may be challenged.

418 (3) If an affidavit is required and the officials find that
419 the affidavit is insufficient, or if the officials find that
420 the * * * voter is otherwise disqualified to vote, the envelope
421 shall not be opened and a commissioner or executive committee
422 member shall write across the face of the envelope "REJECTED"
423 giving the reason therefor, and the registrar shall promptly
424 notify the voter of such rejection.

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



427 23-15-643. If an affidavit is required, the appropriate
428 election officials shall examine the affidavit of each absentee
429 ballot envelope. If the officials are satisfied that any such
430 affidavit is sufficient and that the absentee or early voter is
431 otherwise qualified to vote, an official shall announce the name
432 of the voter and shall give any person present an opportunity to
433 challenge in like manner and for the same cause as the voter could
434 have been challenged had he presented himself personally in such
435 precinct to vote. The ineligibility of the voter to vote by
436 absentee ballot shall be a ground for a challenge. Also, the
437 officials shall consider any absentee or early voter challenged
438 when a person has previously filed a written challenge of such
439 voter's right to vote. The election officials shall handle any
440 such challenge in the same manner as other challenged ballots are
441 handled.

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

444 23-15-645. After the votes have been counted the officials
445 shall preserve all applications, envelopes and the list of absent
446 or early voters along with the ballots and other election
447 materials and return the same to the registrar.

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

450 23-15-649. For all elections, there shall be prepared and
451 printed by the officials charged with this duty with respect to
452 the election, as soon as the deadline for the qualification of
453 candidates has passed or forty-five (45) days of the election,
454 whichever is later, official ballots for each voting precinct to
455 be known as absentee and early voter ballots, which ballots shall
456 be prepared and printed in the same form and shall be of the same
457 size and texture as the regular official ballot except that they
458 shall be printed on tinted paper of a tint different from that of
459 the regular official ballot.



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

462 23-15-651. The results of the vote by absentee and early
463 voter balloting shall be announced simultaneously with the vote
464 cast on election day.

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

467 23-15-711. The title of Sections 23-15-711 through 23-15-721
468 shall be the Mississippi Absentee and Early Voter Law.

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

471 23-15-715. (1) Any elector desiring to vote early as
472 provided in this subarticle may secure an early voting ballot
473 if * * * not more than forty-five (45) days nor later than 12:00
474 noon on the Saturday immediately preceding elections held on
475 Tuesday, the Thursday immediately preceding elections held on
476 Saturday, or the second day immediately preceding the date of
477 elections held on other days, he shall appear in person before the
478 registrar of the county in which he resides, or such registrar's
479 deputies, or for municipal elections he shall appear in person
480 before the city clerk of the municipality in which he resides, or
481 such clerk's deputies, and * * * execute and file an application
482 as provided in Section 23-15-627. Such elector may vote by early
483 ballot at the office of such registrar or clerk or at the
484 precincts designated for early voting. * * *

485 (2) Within forty-five (45) days next prior to any election,
486 any elector who cannot vote early as provided in subsection (1) of
487 this section by reason of temporarily residing outside the county,
488 or any person who has a temporary or permanent physical
489 disability, persons who are sixty-five (65) years of age or older,
490 or any person who is the parent, spouse or dependent of a
491 temporarily or permanently physically disabled person who is
492 hospitalized outside of his county of residence or more than fifty



493 (50) miles away from his residence and such parent, spouse or
494 dependent will be with such person on election day, may make
495 application for an absentee ballot by mailing the appropriate
496 application to the registrar. Only persons temporarily residing
497 out of the county of their residence, persons having a temporary
498 or permanent physical disability, persons who are sixty-five (65)
499 years of age or older, or any person who is the parent, spouse or
500 dependent of a temporarily or permanently physically disabled
501 person who is hospitalized outside of his county of residence or
502 more than fifty (50) miles away from his residence, and such
503 parent, spouse or dependent will be with such person on election
504 day, may obtain absentee ballots by mail under the provisions of
505 this subsection and as provided by Section 23-15-713.
506 Applications of persons temporarily residing outside the county
507 shall be sworn to and subscribed before an official who is
508 authorized to administer oaths or other official authorized to
509 witness absentee balloting as provided in this chapter, said
510 application to be accompanied by such verifying affidavits as
511 required by this chapter. The applications of persons having a
512 temporary or permanent physical disability shall not be required
513 to be accompanied by an affidavit but shall be witnessed and
514 signed by a person eighteen (18) years of age or older. The
515 registrar shall send to such absent voter a proper absentee voter
516 ballot within twenty-four (24) hours, or as soon thereafter as the
517 ballots are available, containing the names of all candidates who
518 qualify or the proposition to be voted on in such election, and
519 with such ballot there shall be sent an official envelope
520 containing upon it in printed form the recitals and data
521 hereinafter required.

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

524 23-15-717. Any elector enumerated in Section 23-15-713
525 applying for an absentee or early voting ballot shall complete an



526 application form as provided in Section 23-15-627, and said
527 elector shall fill in the application as is appropriate for his
528 particular situation.

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

531 23-15-719. (1) Immediately upon completion of an
532 application filed pursuant to the provisions of * * * Section
533 23-15-715(1), the registrar or his deputies shall deliver the
534 necessary early voting ballots to the applicant. The registrar
535 shall only deliver the ballots to the applicant * * * in the
536 registrar's office or the precincts designated for early voting.
537 The registrar shall not personally hand deliver ballots to voters,
538 unless he delivers the ballots in the office of the registrar.
539 The elector voting by early voting ballot shall fill in his ballot
540 in secret. After the applicant has properly marked the ballot and
541 properly folded it, he shall deposit it in the envelope furnished
542 him by the registrar.

543 After he has sealed the envelope, he shall subscribe and
544 swear to an affidavit in the following form, which shall be
545 printed on the back of the envelope containing the applicant's
546 ballot:

547 "STATE OF MISSISSIPPI
548 COUNTY OF _____

549 I, _____, do solemnly swear that this envelope contains
550 the ballot marked by me indicating my choice of the candidates or
551 propositions to be submitted at the election to be held on the ____
552 day of _____, 2____, and I hereby authorize the registrar to
553 place this envelope in the ballot box on my behalf, and I further
554 authorize the election managers to open this envelope and place my
555 ballot among the other ballots cast before such ballots are
556 counted, and record my name on the poll list as if I were present
557 in person and voted.

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



559 _____
560 (Signature of voter)
561 SWORN TO AND SUBSCRIBED before me, _____, this the ____
562 day of _____, 2____.
563 (Registrar) _____
564 (Registrar) "

565 After the completion of the requirements of this section, the
566 elector shall deliver the envelope containing the ballot to the
567 registrar.

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

572 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

573 (To be completed only if the voter has received assistance in
574 marking the enclosed ballot.) I hereby certify that the
575 above-named voter declared to me that he or she is blind,
576 temporarily or permanently physically disabled, or cannot read or
577 write, and that the voter requested that I assist the voter in
578 marking the enclosed * * * ballot. I hereby certify that the
579 ballot preferences on the enclosed ballot are those communicated
580 by the voter to me, and that I have marked the enclosed ballot in
581 accordance with the voter's instructions.

582 _____
583 Signature of person providing assistance
584 _____
585 Printed name of person providing assistance
586 _____
587 Address of person providing assistance
588 _____
589 Date and time assistance provided
590 _____
591 Family relationship to voter (if any) "



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

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

596 23-15-721. (1) Electors temporarily residing outside the
597 county and obtaining an absentee ballot under the provisions
598 of * * * Section 23-15-715(2) shall appear before any official
599 authorized to administer oaths or other official authorized to
600 witness absentee balloting as provided in this chapter. The
601 elector shall exhibit to such official his absentee ballot
602 unmarked and thereupon proceed in secret to fill in his ballot.
603 After the elector has properly marked the ballot and properly
604 folded it, he shall deposit it in the envelope furnished him.
605 After he has sealed the envelope he shall deliver it to the
606 official before whom he is appearing and shall subscribe and swear
607 to the elector's certificate provided for in Section 23-15-635,
608 which affidavit shall be printed on the back of the envelope as
609 provided for in Section 23-15-635.

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

614 (3) After the completion of the requirements of this
615 section, the elector shall mail the envelope containing the ballot
616 to the registrar in the county wherein said elector is qualified
617 to vote. Said ballots must be received by the registrar prior to
618 5:00 p.m. on the day preceding the election to be counted.

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

621 23-15-753. (1) Any person who willfully, unlawfully and
622 feloniously procures, seeks to procure, or seeks to influence the
623 vote of any person voting by absentee or early ballot, by the
624 payment of money, the promise of payment of money, or by the



625 delivery of any other item of value or promise to give the voter
626 any item of value, or by promising or giving the voter any favor
627 or reward in an effort to influence his vote, or any person who
628 aids, abets, assists, encourages, helps, or causes any person
629 voting an absentee or early ballot to violate any provision of law
630 pertaining to absentee or early voting, or any person who sells
631 his vote for money, favor, or reward, has been paid or promised
632 money, a reward, a favor or favors, or any other item of value, or
633 any person who shall willfully swear falsely to any affidavit
634 provided for in Sections 23-15-621 through 23-15-735, shall be
635 guilty of the crime of "vote fraud" and, upon conviction, shall be
636 sentenced to pay a fine of not less than Five Hundred Dollars
637 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
638 imprisonment in the county jail for no more than one (1) year, or
639 by both fine and imprisonment, or by being sentenced to the State
640 Penitentiary for not less than one (1) year nor more than five (5)
641 years.

642 (2) It shall be unlawful for any person who pays or
643 compensates another person for assisting voters in marking their
644 absentee or early ballots to base the pay or compensation on the
645 number of * * * voters assisted or the number of * * * ballots
646 cast by persons who have received the assistance. Any person who
647 violates this section, upon conviction shall, be fined not less
648 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
649 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
650 than one (1) year nor more than five (5) years, or both.

651 **SECTION 23.** The Attorney General of the State of Mississippi
652 shall submit this act, immediately upon approval by the Governor,
653 or upon approval by the Legislature subsequent to a veto, to the
654 Attorney General of the United States or to the United States
655 District Court for the District of Columbia in accordance with the
656 provisions of the Voting Rights Act of 1965, as amended and
657 extended.



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

