

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2821

By Senator(s) Bryan

1 **AMEND** by inserting the following after line 669 and renumber
2 subsequent section(s) accordingly:

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

5 23-15-631. (1) The registrar shall enclose with each ballot
6 provided to an absent elector separate printed instructions
7 furnished by him containing the following:

8 (a) All absentee voters, excepting those with temporary
9 or permanent physical disabilities or those who are sixty-five
10 (65) years of age or older, who mark their ballots in the county
11 of the residence shall use the registrar of that county as the
12 witness. Said absentee voter shall come to the office of the
13 registrar and neither the registrar nor his deputy shall be
14 required to go out of the registrar's office to serve as an
15 attesting witness.

16 (b) Upon receipt of the enclosed ballot, you will not
17 mark same except in view or sight of the attesting witness. In
18 the sight or view of the attesting witness, mark the ballot
19 according to instructions.

20 (c) After marking the ballot, fill out and sign the
21 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
22 signature shall be across the flap of the envelope so as to insure
23 the integrity of the ballot. All absent electors shall have the

24 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
25 the flap on back of the envelope. Place necessary postage on the
26 envelope and deposit it in the post office or some government
27 receptacle provided for deposit of mail so that the absent
28 elector's ballot, excepting presidential absentee ballots, will
29 reach the registrar in which your precinct is located not later
30 than 5:00 p.m. on the day preceding the date of the election, or
31 by personally delivering such ballot to the registrar's office not
32 later than 12:00 noon on the Saturday immediately preceding
33 elections held on Tuesday, the Thursday immediately preceding
34 elections held on Saturday, and the second day immediately
35 preceding elections held on other days.

36 Any notary public, United States postmaster, assistant United
37 States postmaster, United States postal supervisor, clerk in
38 charge of a contract postal station, or any officer having
39 authority to administer an oath or take an acknowledgment may be
40 an attesting witness; provided, however, that in the case of an
41 absent elector who is temporarily or permanently physically
42 disabled, the attesting witness may be any person eighteen (18)
43 years of age or older and such person is not required to have the
44 authority to administer an oath. If a postmaster, assistant
45 postmaster, postal supervisor, or clerk in charge of a contract
46 postal station acts as an attesting witness, his signature on the
47 elector's certificate must be authenticated by the cancellation
48 stamp of their respective post offices. If one or the other
49 officers herein named acts as attesting witness, his signature on
50 the elector's certificate, together with his title and address,
51 but no seal, shall be required. Any affidavits made by an absent
52 elector who is in the Armed Forces may be executed before a
53 commissioned officer, warrant officer, or noncommissioned officer
54 not lower in grade than sergeant rating or any person authorized
55 to administer oaths.

56 (d) When the application accompanies the ballot it
57 shall not be returned in the same envelope as the ballot but shall
58 be returned in a separate preaddressed envelope provided by the

59 registrar.

60 (e) A person who is a candidate for public office may
61 not be an attesting witness for any absentee ballot upon which the
62 person's name appears.

63 (f) Any voter casting an absentee ballot who declares
64 that he requires assistance to vote by reason of blindness,
65 temporary or permanent physical disability or inability to read or
66 write, shall be entitled to receive assistance in the marking of
67 his absentee ballot and in completing the affidavit on the
68 absentee ballot envelope. The voter may be given assistance by
69 anyone of the voter's choice other than a candidate whose name
70 appears on the absentee ballot being marked, or the voter's
71 employer, or agent of that employer. In order to ensure the
72 integrity of the ballot, any person who provides assistance to an
73 absentee voter shall be required to sign and complete the
74 "Certificate of Person Providing Voter Assistance" on the absentee
75 ballot envelope.

76 (2) The Secretary of State shall prepare instructions on how
77 absent voters may comply with the Help America Vote Act of 2002
78 which shall be provided to the registrar and enclosed with each
79 absent ballot.

80 (3) The foregoing instructions required to be provided by
81 the registrar to the elector shall also constitute the substantive
82 law pertaining to the handling of absentee ballots by the elector
83 and registrar.

84 **SECTION *.** Section 23-15-639, Mississippi Code of 1972, is
85 amended as follows:

86 23-15-639. (1) At the close of the regular balloting and at
87 the close of the polls, the election managers of each voting
88 precinct shall first take the envelopes containing the absentee
89 ballots of such electors from the box, and the name, address and
90 precinct inscribed on each such envelope shall be announced by the
91 election managers. The signature on the application shall then be
92 compared with the signature on the back of the envelope. If it
93 corresponds and the affidavit, if one is required, is sufficient

94 and the election managers find that the applicant is a registered
95 and qualified voter or otherwise qualified to vote, and that he
96 has not appeared in person and voted at such election, the
97 envelope shall then be opened and the ballot removed from the
98 envelope, without its being unfolded, or permitted to be unfolded
99 or examined. Having observed and found the ballot to be regular
100 as far as can be observed from its official endorsement, the
101 election managers shall deposit it in the ballot box with the
102 other ballots before counting any ballots and enter the voter's
103 name in the receipt book provided for that purpose and mark
104 "VOTED" in the pollbook or poll list as if he had been present and
105 voted in person. If voting machines are used, all absentee
106 ballots shall be placed in the ballot box before any ballots are
107 counted, and the election managers in each precinct shall
108 immediately count such absentee ballots and add them to the votes
109 cast in the voting machine or device.

110 (2) The election managers shall also take such action as may
111 be prescribed by the Secretary of State to ensure compliance with
112 the provisions of the Help America Vote Act of 2002.

113 **SECTION *.** Section 23-15-719, Mississippi Code of 1972, is
114 amended as follows:

115 23-15-719. (1) Immediately upon completion of an
116 application filed pursuant to the provisions of paragraph (a) of
117 Section 23-15-715, the registrar shall deliver the necessary
118 ballots to the applicant. The registrar shall only deliver the
119 ballots to the applicant by mail or to the applicant in the
120 registrar's office. The registrar shall not personally hand
121 deliver ballots to voters, unless he delivers the ballots in the
122 office of the registrar. The elector shall fill in his ballot in
123 secret. After the applicant has properly marked the ballot and
124 properly folded it, he shall deposit it in the envelope furnished
125 him by the registrar. The registrar shall take such action as may
126 be prescribed by the Secretary of State to ensure compliance with
127 the provisions of the Help America Vote Act of 2002.

128 After he has sealed the envelope, he shall subscribe and

129 swear to an affidavit in the following form, which shall be
130 printed on the back of the envelope containing the applicant's
131 ballot:

132 "STATE OF MISSISSIPPI

133 COUNTY OF _____

134 I, _____, do solemnly swear that this envelope contains
135 the ballot marked by me indicating my choice of the candidates or
136 propositions to be submitted at the election to be held on the ___
137 day of _____, 2___, and I hereby authorize the registrar to
138 place this envelope in the ballot box on my behalf, and I further
139 authorize the election managers to open this envelope and place my
140 ballot among the other ballots cast before such ballots are
141 counted, and record my name on the poll list as if I were present
142 in person and voted.

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

144 _____
145 (Signature of voter)

146 SWORN TO AND SUBSCRIBED before me, _____, this the ___
147 day of _____, 2___.

148 (Registrar) _____
149 (Registrar)"

150 After the completion of the requirements of this section, the
151 elector shall deliver the envelope containing the ballot to the
152 registrar.

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

157 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

158 (To be completed only if the voter has received assistance in
159 marking the enclosed ballot.) I hereby certify that the
160 above-named voter declared to me that he or she is blind,
161 temporarily or permanently physically disabled, or cannot read or
162 write, and that the voter requested that I assist the voter in
163 marking the enclosed absentee ballot. I hereby certify that the

164 ballot preferences on the enclosed ballot are those communicated
165 by the voter to me, and that I have marked the enclosed ballot in
166 accordance with the voter's instructions.

167 _____
168 Signature of person providing assistance

169 _____
170 Printed name of person providing assistance

171 _____
172 Address of person providing assistance

173 _____
174 Date and time assistance provided

175 _____
176 Family relationship to voter (if any)"

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

179 **FURTHER, AMEND line 32 of the title by inserting the**
180 **following after "23-15-541,":**
181 23-15-631, 23-15-639 AND 23-15-719,