

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 2 PROPOSED TO**

**Senate Bill NO. 2821**

**By Senator(s) Ross**

1           **Amend by inserting the following after line 632 and renumber**

2 **subsequent sections accordingly:**

3           **SECTION \*.** (1) Each elector shall present valid  
4 identification to an election manager, or the circuit clerk or  
5 deputy circuit clerk in the case of absentee voting, before he  
6 shall be allowed to vote. Valid identification shall consist of  
7 any one (1) of the following:  
8           (a) A valid Mississippi driver's license;  
9           (b) A valid identification card issued by a branch,  
10 department, agency or entity of the State of Mississippi;  
11           (c) A valid United States passport;  
12           (d) A valid employee identification card containing a  
13 photograph of the elector and issued by any branch, department,  
14 agency or entity of the United States government, the State of  
15 Mississippi, or any county, municipality, board, authority or  
16 other entity of this state;  
17           (e) A valid employee identification card containing a  
18 photograph of the elector and issued by any employer of the  
19 elector in the ordinary course of the employer's business;  
20           (f) A valid student identification card containing a  
21 photograph of the elector from any public or private college,  
22 university, or postgraduate, technical or professional school  
23 located within the State of Mississippi;  
24           (g) A valid Mississippi license to carry a pistol or  
25 revolver;  
26           (h) A valid pilot's license issued by the Federal  
27 Aviation Administration or other authorized agency of the United  
28 States;  
29           (i) A valid United States military identification card;  
30           (j) A certified copy of the elector's birth  
31 certificate;  
32           (k) A valid social security card;  
33           (l) Certified naturalization documentation;  
34           (m) Official voter registration card; or  
35           (n) Any other generally recognized form of photographic  
36 identification.

37           (2) If an elector is unable to produce any of the items of  
38 identification listed in subsection (1) of this section, he or she  
39 shall sign a statement under oath in a form approved by the State  
40 Board of Election Commissioners, swearing or affirming that he or  
41 she is the person identified on the pollbooks. One (1) of the

42 election managers, or the circuit clerk or deputy circuit clerk in  
43 the case of absentee voting, shall sign the statement as a witness  
44 to the oath taken by the elector. The person shall be allowed to  
45 vote without undue delay. Any elector who falsely swears or  
46 affirms the statement prescribed in this subsection shall be  
47 guilty of a felony and, upon conviction, shall be fined not more  
48 than Five Thousand Dollars (\$5,000.00) or imprisoned not less than  
49 one (1) year, but not more than five (5) years, or both

50 **Amend by striking the underlined language lines 646, 647 and**  
51 **648 and insert in lieu thereof the following:**

52 the managers shall first identify the voter by requiring the voter  
53 to present valid identification as provided in Section \*, Senate  
54 Bill No. 2821, 2003 Regular Session, and then the person

55 **Amend by inserting the following after line 669:**

56 **SECTION \*.** Section 23-15-631, Mississippi Code of 1972, is  
57 amended as follows:

58 23-15-631. (1) The registrar shall enclose with each ballot  
59 provided to an absent elector separate printed instructions  
60 furnished by him containing the following:

61 (a) All absentee voters, excepting those with temporary  
62 or permanent physical disabilities or those who are sixty-five  
63 (65) years of age or older, who mark their ballots in the county  
64 of the residence shall use the registrar of that county as the  
65 witness. Said absentee voter shall come to the office of the  
66 registrar and neither the registrar nor his deputy shall be  
67 required to go out of the registrar's office to serve as an  
68 attesting witness.

69 (b) Upon receipt of the enclosed ballot, you will not  
70 mark same except in view or sight of the attesting witness. In  
71 the sight or view of the attesting witness, mark the ballot  
72 according to instructions.

73 (c) After marking the ballot, fill out and sign the  
74 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
75 signature shall be across the flap of the envelope so as to insure  
76 the integrity of the ballot. All absent electors shall have the  
77 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
78 the flap on back of the envelope. Place necessary postage on the  
79 envelope and deposit it in the post office or some government  
80 receptacle provided for deposit of mail so that the absent  
81 elector's ballot, excepting presidential absentee ballots, will  
82 reach the registrar in which your precinct is located not later  
83 than 5:00 p.m. on the day preceding the date of the election, or  
84 by personally delivering such ballot to the registrar's office not  
85 later than 12:00 noon on the Saturday immediately preceding  
86 elections held on Tuesday, the Thursday immediately preceding  
87 elections held on Saturday, and the second day immediately  
88 preceding elections held on other days.

89 Any notary public, United States postmaster, assistant United  
90 States postmaster, United States postal supervisor, clerk in  
91 charge of a contract postal station, or any officer having  
92 authority to administer an oath or take an acknowledgment may be  
93 an attesting witness; provided, however, that in the case of an  
94 absent elector who is temporarily or permanently physically  
95 disabled, the attesting witness may be any person eighteen (18)  
96 years of age or older and such person is not required to have the  
97 authority to administer an oath. If a postmaster, assistant  
98 postmaster, postal supervisor, or clerk in charge of a contract  
99 postal station acts as an attesting witness, his signature on the  
100 elector's certificate must be authenticated by the cancellation  
101 stamp of their respective post offices. If one or the other  
102 officers herein named acts as attesting witness, his signature on  
103 the elector's certificate, together with his title and address,

104 but no seal, shall be required. Any affidavits made by an absent  
105 elector who is in the Armed Forces may be executed before a  
106 commissioned officer, warrant officer, or noncommissioned officer  
107 not lower in grade than sergeant rating or any person authorized  
108 to administer oaths.

109 (d) When the application accompanies the ballot it  
110 shall not be returned in the same envelope as the ballot but shall  
111 be returned in a separate preaddressed envelope provided by the  
112 registrar.

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

116 (f) Any voter casting an absentee ballot who declares  
117 that he requires assistance to vote by reason of blindness,  
118 temporary or permanent physical disability or inability to read or  
119 write, shall be entitled to receive assistance in the marking of  
120 his absentee ballot and in completing the affidavit on the  
121 absentee ballot envelope. The voter may be given assistance by  
122 anyone of the voter's choice other than a candidate whose name  
123 appears on the absentee ballot being marked, or the voter's  
124 employer, or agent of that employer. In order to ensure the  
125 integrity of the ballot, any person who provides assistance to an  
126 absentee voter shall be required to sign and complete the  
127 "Certificate of Person Providing Voter Assistance" on the absentee  
128 ballot envelope.

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

133 (3) The foregoing instructions required to be provided by  
134 the registrar to the elector shall also constitute the substantive  
135 law pertaining to the handling of absentee ballots by the elector  
136 and registrar.

137 **SECTION \*.** Section 23-15-639, Mississippi Code of 1972, is  
138 amended as follows:

139 23-15-639. (1) At the close of the regular balloting and at  
140 the close of the polls, the election managers of each voting  
141 precinct shall first take the envelopes containing the absentee  
142 ballots of such electors from the box, and the name, address and  
143 precinct inscribed on each such envelope shall be announced by the  
144 election managers. The signature on the application shall then be  
145 compared with the signature on the back of the envelope. If it  
146 corresponds and the affidavit, if one is required, is sufficient  
147 and the election managers find that the applicant is a registered  
148 and qualified voter or otherwise qualified to vote, and that he  
149 has not appeared in person and voted at such election, the  
150 envelope shall then be opened and the ballot removed from the  
151 envelope, without its being unfolded, or permitted to be unfolded  
152 or examined. Having observed and found the ballot to be regular  
153 as far as can be observed from its official endorsement, the  
154 election managers shall deposit it in the ballot box with the  
155 other ballots before counting any ballots and enter the voter's  
156 name in the receipt book provided for that purpose and mark  
157 "VOTED" in the pollbook or poll list as if he had been present and  
158 voted in person. If voting machines are used, all absentee  
159 ballots shall be placed in the ballot box before any ballots are  
160 counted, and the election managers in each precinct shall  
161 immediately count such absentee ballots and add them to the votes  
162 cast in the voting machine or device.

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

166 **SECTION \*.** Section 23-15-719, Mississippi Code of 1972, is  
167 amended as follows:

168 23-15-719. (1) Immediately upon completion of an  
169 application filed pursuant to the provisions of paragraph (a) of  
170 Section 23-15-715, the registrar shall deliver the necessary  
171 ballots to the applicant. The registrar shall only deliver the  
172 ballots to the applicant by mail or to the applicant in the

173 registrar's office. The registrar shall not personally hand  
174 deliver ballots to voters, unless he delivers the ballots in the  
175 office of the registrar. The elector shall fill in his ballot in  
176 secret. After the applicant has properly marked the ballot and  
177 properly folded it, he shall deposit it in the envelope furnished  
178 him by the registrar. The registrar shall take such action as may  
179 be prescribed by the Secretary of State to ensure compliance with  
180 the provisions of the Help America Vote Act of 2002.

181 After he has sealed the envelope, he shall subscribe and  
182 swear to an affidavit in the following form, which shall be  
183 printed on the back of the envelope containing the applicant's  
184 ballot:

185 "STATE OF MISSISSIPPI  
186 COUNTY OF \_\_\_\_\_

187 I, \_\_\_\_\_, do solemnly swear that this envelope contains  
188 the ballot marked by me indicating my choice of the candidates or  
189 propositions to be submitted at the election to be held on the \_\_\_\_  
190 day of \_\_\_\_\_, 2\_\_\_\_, and I hereby authorize the registrar to  
191 place this envelope in the ballot box on my behalf, and I further  
192 authorize the election managers to open this envelope and place my  
193 ballot among the other ballots cast before such ballots are  
194 counted, and record my name on the poll list as if I were present  
195 in person and voted.

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

197 \_\_\_\_\_  
198 (Signature of voter)

199 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_\_  
200 day of \_\_\_\_\_, 2\_\_\_\_.

201 \_\_\_\_\_  
202 (Registrar) \_\_\_\_\_  
203 (Registrar)"

204 After the completion of the requirements of this section, the  
205 elector shall deliver the envelope containing the ballot to the  
206 registrar.

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

211 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

212 (To be completed only if the voter has received assistance in  
213 marking the enclosed ballot.) I hereby certify that the  
214 above-named voter declared to me that he or she is blind,  
215 temporarily or permanently physically disabled, or cannot read or  
216 write, and that the voter requested that I assist the voter in  
217 marking the enclosed absentee ballot. I hereby certify that the  
218 ballot preferences on the enclosed ballot are those communicated  
219 by the voter to me, and that I have marked the enclosed ballot in  
220 accordance with the voter's instructions.

221 \_\_\_\_\_  
222 Signature of person providing assistance

223 \_\_\_\_\_  
224 Printed name of person providing assistance

225 \_\_\_\_\_  
226 Address of person providing assistance

227 \_\_\_\_\_  
228 Date and time assistance provided

229 \_\_\_\_\_  
230 Family relationship to voter (if any)"

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

233 **Further amend line 31 of the title by inserting the following**  
234 **after the semicolon:**

235 TO REQUIRE PERSONS PRESENTING THEMSELVES TO VOTE TO PRESENT  
236 CERTAIN IDENTIFICATION PRIOR TO BEING ALLOWED TO VOTE;

237 **Further amend line 32 of the title by inserting the following**  
238 **after "23-15-541,":**

239 23-15-631, 23-15-639 and 23-15-719