

*****Not Germane***
AMENDMENT No. 3 PROPOSED TO**

Senate Bill NO. 2821

By Senator(s) Jackson

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

3 **SECTION *.** Section 23-15-627, Mississippi Code of 1972, is
4 amended as follows:

5 23-15-627. The registrar shall be responsible for furnishing
6 an absentee ballot and early voting application form to any
7 elector authorized to receive an absentee ballot or any person
8 desiring to vote early. Absentee ballot and early voting
9 applications shall be furnished to a person only upon the oral or
10 written request of the elector who seeks to vote by absentee
11 ballot or upon the request of an elector who desires to vote
12 early; however, the parent, child, spouse, sibling, legal
13 guardian, those empowered with a power of attorney for that
14 elector's affairs or agent of the elector may orally request an
15 absentee ballot application on behalf of the elector. An absentee
16 ballot or early voting application must have the seal of the
17 circuit or municipal clerk affixed to it and be initialed by the
18 registrar or his deputy in order to be utilized to obtain an
19 absentee ballot or an early voting ballot. A reproduction of an
20 absentee ballot or early voting application shall not be valid
21 unless it is a reproduction provided by the office of the
22 registrar of the jurisdiction in which the election is being held
23 and which contains the seal and initials required by this section.

24 Such application shall be substantially in the following form:

25 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

26 OR EARLY VOTING BALLOT

27 I, _____, duly qualified and registered in the ___ Precinct
28 of the County of _____, and State of Mississippi, * * * will be
29 absent from the county of my residence on election day, or I
30 desire to vote early (check appropriate reason):

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

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

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

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

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

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

50 () I am a student, teacher or administrator at a college,
51 university, junior or community college, high, junior high,
52 elementary or grade school, whose studies or employment at such
53 institution necessitates my absence from the county of my voting
54 residence or spouse or dependent of such student, teacher or
55 administrator who maintains a common domicile outside the county
56 of my voting residence with such student, teacher or
57 administrator.

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

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

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

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

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

68 () I desire to vote early.

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

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

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

78 If you are temporarily or permanently disabled, you are not
79 required to have this application notarized or signed by an
80 official authorized to administer oaths for absentee balloting.
81 You are required to sign this application in the proper place and
82 have a person eighteen (18) years of age or older witness your
83 signature and sign this application in the proper place.

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

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

88 _____
89 (Signature of absent elector)

90 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
91 2____.

92 _____
93 (Official authorized to administer oaths

94 for absentee balloting.)

95 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
96 DISABLED:

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

101 _____
102 (Signature of witness)

103 CERTIFICATE OF DELIVERY

104 I hereby certify that _____ (print name of voter)
105 has requested that I, _____ (print name of person
106 delivering application), deliver to the voter this absentee ballot
107 application.

108 _____
109 (Signature of person delivering application)
110 _____
111 (Address of person delivering application)"

112 **SECTION *.** Section 23-15-713, Mississippi Code of 1972, is
113 amended as follows:

114 23-15-713. For the purpose of this subarticle, any duly
115 qualified elector may vote as provided in this subarticle if he be
116 one who falls within the following categories:

117 (a) Any qualified elector who is a bona fide student,
118 teacher or administrator at any college, university, junior
119 college, high, junior high, or elementary grade school whose
120 studies or employment at such institution necessitates his absence
121 from the county of his voting residence on the date of any
122 primary, general or special election, or the spouse and dependents
123 of said student, teacher or administrator if such spouse or
124 dependent(s) maintain a common domicile, outside of the county of
125 his voting residence, with such student, teacher or administrator.

126 (b) Any qualified elector who is required to be away
127 from his place of residence on any election day due to his
128 employment as an employee of a member of the Mississippi

129 congressional delegation and the spouse and dependents of such
130 person if he or she shall be residing with such absentee voter
131 away from the county of the spouse's voting residence.

132 * * *

133 (c) Any person who has a temporary or permanent
134 physical disability and who, because of such disability, is unable
135 to vote in person without substantial hardship to himself or
136 others, or whose attendance at the voting place could reasonably
137 cause danger to himself or others.

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

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

145 (f) Any member of the Mississippi congressional
146 delegation absent from Mississippi on election day, and the spouse
147 and dependents of such member of the congressional delegation.

148 (g) Any qualified elector who desires to cast his vote
149 early.

150 **SECTION *.** Section 23-15-653, Mississippi Code of 1972, is
151 amended as follows:

152 23-15-653. (1) All registrars' offices shall remain open
153 from 7 a.m. until 7 p.m. on the two (2) Saturdays prior to each
154 election to perform duties related to absentee or early voting.

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

163 **SECTION *.** Section 23-15-449, Mississippi Code of 1972, is

164 amended as follows:

165 23-15-449. All laws relating to elections now in force in
166 this state shall apply to all elections under this chapter so far
167 as the same may be applicable thereto, and so far as such
168 provisions are not inconsistent with the provisions of this
169 chapter. Absentee ballots and early voting ballots shall be voted
170 as now provided by law.

171 **SECTION *.** Section 23-15-463, Mississippi Code of 1972, is
172 amended as follows:

173 23-15-463. The board of supervisors of any county in the
174 State of Mississippi and the governing authorities of any
175 municipality in the State of Mississippi are hereby authorized and
176 empowered, in their discretion, to purchase or rent voting devices
177 and automatic tabulating equipment used in an electronic voting
178 system which meets the requirements of Section 23-15-465, and may
179 use such system in all or a part of the precincts within its
180 boundaries, or in combination with paper ballots in any election
181 or primary. It may enlarge, consolidate or alter the boundaries
182 of precincts where an electronic voting system is used. The
183 provisions of Sections 23-15-461 through 23-15-485 shall be
184 controlling with respect to elections where an electronic voting
185 system is used, and shall be liberally construed so as to carry
186 out the purpose of this chapter. The provisions of the election
187 law relating to the conduct of elections with paper ballots,
188 insofar as they are applicable and not inconsistent with the
189 efficient conduct of elections with electronic voting systems,
190 shall apply. Absentee ballots and early voting ballots shall be
191 voted as now provided by law.

192 **SECTION *.** Section 23-15-511, Mississippi Code of 1972, is
193 amended as follows:

194 23-15-511. The ballots shall, as far as practicable, to be
195 in the same order of arrangement as provided for paper ballots
196 that are to be counted manually, except that such information may
197 be printed in vertical or horizontal rows. Nothing in this
198 chapter shall be construed as prohibiting the information being

199 presented to the voters from being printed on both sides of a
200 single ballot. In those years when a special election shall occur
201 on the same day as the general election, the names of candidates
202 in any special election and the general election shall be placed
203 on the same ballot by the commissioners of elections or officials
204 in charge of the election, but the general election candidates
205 shall be clearly distinguished from the special election
206 candidates. At any time a special election is held on the same
207 day as a party primary election, the names of the candidates in
208 the special election may be placed on the same ballot, but shall
209 be clearly distinguished as special election candidates or primary
210 election candidates.

211 Ballots shall be printed in plain clear type in black ink and
212 upon clear white materials of such size and arrangement as to be
213 compatible with the OMR tabulating equipment. Absentee ballots
214 and early voting ballots shall be prepared and printed in the same
215 form and shall be on the same size and texture as the regular
216 official ballots, except that they shall be printed on tinted
217 paper; or the ink used to print the ballots shall be of a color
218 different from that of the ink used to print the regular official
219 ballots. Arrows may be printed on the ballot to indicate the
220 place to mark the ballot, which may be to the right or left of the
221 names of candidates and propositions. The titles of offices may
222 be arranged in vertical columns on the ballot and shall be printed
223 above or at the side of the names of candidates so as to indicate
224 clearly the candidates for each office and the number to be
225 elected. In case there are more candidates for an office than can
226 be printed in one (1) column, the ballot shall be clearly marked
227 that the list of candidates is continued on the following column.

228 The names of candidates for each office shall be printed in
229 vertical columns, grouped by the offices which they seek. In
230 partisan elections, the party designation of each candidate, which
231 may be abbreviated, shall be printed following his name.

232 Two (2) sample ballots, which shall be facsimile ballots of
233 the official ballot and instructions to the voters, shall be

234 provided for each precinct and shall be posted in each polling
235 place on election day.

236 A separate ballot security envelope or suitable equivalent in
237 which the voter can place his ballot after voting, shall be
238 provided to conceal the choices the voter has made. Absentee
239 voters and early voters will receive a similar ballot security
240 envelope provided by the county in which the absentee voter or
241 early voter will insert their voted ballot, which then can be
242 inserted into a return envelope to be mailed back to the election
243 official. Absentee ballots and early voting ballots will not be
244 required to be folded when a ballot security envelope is provided.

245 **SECTION *.** Section 23-15-621, Mississippi Code of 1972, is
246 amended as follows:

247 23-15-621. The title of Sections 23-15-621 through 23-15-653
248 of this chapter shall be the Absentee Balloting and Early Voting
249 Balloting Procedures Law.

250 **SECTION *.** Section 23-15-623, Mississippi Code of 1972, is
251 amended as follows:

252 23-15-623. All absentee ballots and early voting ballots as
253 authorized in Sections 23-15-671 through 23-15-697, in Sections
254 23-15-711 through 23-15-721, and Sections 23-15-731 and 23-15-733,
255 shall be handled as provided in Sections 23-15-621 through
256 23-15-653.

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

259 23-15-631. (1) The registrar shall enclose with each ballot
260 provided to an absent elector separate printed instructions
261 furnished by him containing the following:

262 (a) All electors who utilize the provisions of this act
263 to vote, except those with temporary or permanent physical
264 disabilities or those who are sixty-five (65) years of age or
265 older, and who mark their ballots in the county of the residence
266 shall use the registrar of that county or one (1) of his deputies
267 as the witness. Such voters shall come to the office of the
268 registrar or a voting precinct designated to be open for early

269 voting. The registrar or his deputy shall not be required to go
270 out of the registrar's office or the designated precinct to serve
271 as an attesting witness.

272 (b) Upon receipt of the enclosed ballot, you will not
273 mark same except in view or sight of the attesting witness. In
274 the sight or view of the attesting witness, mark the ballot
275 according to instructions.

276 (c) After marking the ballot, fill out and sign the
277 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
278 signature shall be across the flap of the envelope so as to insure
279 the integrity of the ballot. All absent electors or electors who
280 vote early shall have the attesting witness sign the "ATTESTING
281 WITNESS CERTIFICATE" across the flap on back of the envelope.

282 (d) If you are authorized to cast your ballot by mail,
283 place necessary postage on the envelope and deposit it in the post
284 office or some government receptacle provided for deposit of mail
285 so that the absent elector's ballot, excepting presidential
286 absentee ballots, will reach the registrar in which your precinct
287 is located not later than 5:00 p.m. on the day preceding the date
288 of the election, or by personally delivering such ballot to the
289 registrar's office not later than 12:00 noon on the Saturday
290 immediately preceding elections held on Tuesday, the Thursday
291 immediately preceding elections held on Saturday, and the second
292 day immediately preceding elections held on other days.

293 (e) For absentee voters, any notary public, United
294 States postmaster, assistant United States postmaster, United
295 States postal supervisor, clerk in charge of a contract postal
296 station, or any officer having authority to administer an oath or
297 take an acknowledgment may be an attesting witness; provided,
298 however, that in the case of an absent elector who is temporarily
299 or permanently physically disabled, the attesting witness may be
300 any person eighteen (18) years of age or older and such person is
301 not required to have the authority to administer an oath. If a
302 postmaster, assistant postmaster, postal supervisor, or clerk in
303 charge of a contract postal station acts as an attesting witness,

304 his signature on the elector's certificate must be authenticated
305 by the cancellation stamp of their respective post offices. If
306 one or the other officers herein named acts as attesting witness,
307 his signature on the elector's certificate, together with his
308 title and address, but no seal, shall be required. Any affidavits
309 made by an absent elector who is in the Armed Forces may be
310 executed before a commissioned officer, warrant officer, or
311 noncommissioned officer not lower in grade than sergeant rating or
312 any person authorized to administer oaths.

313 (f) When the application accompanies the absentee
314 ballot it shall not be returned in the same envelope as the ballot
315 but shall be returned in a separate preaddressed envelope provided
316 by the registrar.

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

320 (h) Any voter casting an absentee ballot or an early
321 voting ballot who declares that he requires assistance to vote by
322 reason of blindness, temporary or permanent physical disability or
323 inability to read or write, shall be entitled to receive
324 assistance in the marking of his absentee ballot and in completing
325 the affidavit on the absentee ballot envelope. The voter may be
326 given assistance by anyone of the voter's choice other than a
327 candidate whose name appears on the absentee ballot being marked,
328 or the voter's employer, or agent of that employer. In order to
329 ensure the integrity of the ballot, any person who provides
330 assistance to an absentee voter shall be required to sign and
331 complete the "Certificate of Person Providing Voter Assistance" on
332 the absentee ballot envelope.

333 (2) The foregoing instructions required to be provided by
334 the registrar to the elector shall also constitute the substantive
335 law pertaining to the handling of absentee ballots by the elector
336 and registrar.

337 **SECTION *.** Section 23-15-637, Mississippi Code of 1972, is
338 amended as follows:

339 23-15-637. Absentee ballots received by mail, excluding
340 presidential ballots as provided for in Sections 23-15-731 and
341 23-15-733, must be received by the registrar by 5:00 p.m. on the
342 date preceding the election; any received after such time shall be
343 handled as provided in Section 23-15-647 and shall not be counted.
344 All early voting ballots shall be cast by the * * * elector * * *
345 in the office of the registrar or designated precinct by * * * not
346 later than 12:00 noon on the Saturday immediately preceding
347 elections held on Tuesday, the Thursday immediately preceding
348 elections held on Saturday, or the second day immediately
349 preceding the date of elections held on other days. The registrar
350 shall deposit all absentee ballots and early voting ballot which
351 have been timely cast in the ballot boxes upon receipt.

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

354 23-15-639. At the close of the regular balloting and at the
355 close of the polls, the election managers of each voting precinct
356 shall first take the envelopes containing the absentee and early
357 voting ballots of such electors from the box, and the name,
358 address and precinct inscribed on each such envelope shall be
359 announced by the election managers. The signature on the
360 application shall then be compared with the signature on the back
361 of the envelope. If it corresponds and the affidavit, if one is
362 required, is sufficient and the election managers find that the
363 applicant is a registered and qualified voter or otherwise
364 qualified to vote, and that he has not appeared in person and
365 voted at such election, the envelope shall then be opened and the
366 ballot removed from the envelope, without its being unfolded, or
367 permitted to be unfolded or examined. Having observed and found
368 the ballot to be regular as far as can be observed from its
369 official endorsement, the election managers shall deposit it in
370 the ballot box with the other ballots before counting any ballots
371 and enter the voter's name in the receipt book provided for that
372 purpose and mark "VOTED" in the pollbook or poll list as if he had
373 been present and voted on the day of the election. If voting

374 machines are used, all absentee and early voting ballots shall be
375 placed in the ballot box before any ballots are counted, and the
376 election managers in each precinct shall immediately count such
377 absentee and early voter ballots and add them to the votes cast in
378 the voting machine or device.

379 **SECTION *.** Section 23-15-641, Mississippi Code of 1972, is
380 amended as follows:

381 23-15-641. (1) If an affidavit or the certificate of the
382 officer before whom the affidavit is taken is required and such
383 affidavit or certificate is found to be insufficient, or if it is
384 found that the signatures do not correspond, or that the applicant
385 is not a duly qualified elector in the precinct, or otherwise
386 qualified to vote, or that the ballot envelope is open or has been
387 opened and resealed, or the voter is not eligible to vote absentee
388 or that the voter who voted by absentee or early voting ballot is
389 present and has voted within the precinct where he represents
390 himself to be a qualified elector, or otherwise qualified to vote,
391 on the date of the election at such precinct, the previously cast
392 vote shall not be allowed. Without opening the voter's envelope
393 the commissioners of election, designated executive committee
394 members or election managers, as appropriate, shall mark across
395 its face "REJECTED," with the reason therefor.

396 (2) If the ballot envelope contains more than one (1) ballot
397 of any kind, the ballot shall not be counted but shall be marked
398 "REJECTED," with the reason therefor. The voter's envelopes and
399 affidavits, and the voter's envelope with its contents unopened,
400 when such vote is rejected, shall be retained and preserved in the
401 same manner as other ballots at the election. Such votes may be
402 challenged in the same manner and for the same reasons that any
403 other vote cast in such election may be challenged.

404 (3) If an affidavit is required and the officials find that
405 the affidavit is insufficient, or if the officials find that
406 the * * * voter is otherwise disqualified to vote, the envelope
407 shall not be opened and a commissioner or executive committee
408 member shall write across the face of the envelope "REJECTED"

409 giving the reason therefor, and the registrar shall promptly
410 notify the voter of such rejection.

411 **SECTION *.** Section 23-15-643, Mississippi Code of 1972, is
412 amended as follows:

413 23-15-643. If an affidavit is required, the appropriate
414 election officials shall examine the affidavit of each absentee
415 ballot envelope. If the officials are satisfied that any such
416 affidavit is sufficient and that the absentee or early voter is
417 otherwise qualified to vote, an official shall announce the name
418 of the voter and shall give any person present an opportunity to
419 challenge in like manner and for the same cause as the voter could
420 have been challenged had he presented himself personally in such
421 precinct to vote. The ineligibility of the voter to vote by
422 absentee ballot shall be a ground for a challenge. Also, the
423 officials shall consider any absentee or early voter challenged
424 when a person has previously filed a written challenge of such
425 voter's right to vote. The election officials shall handle any
426 such challenge in the same manner as other challenged ballots are
427 handled.

428 **SECTION *.** Section 23-15-645, Mississippi Code of 1972, is
429 amended as follows:

430 23-15-645. After the votes have been counted the officials
431 shall preserve all applications, envelopes and the list of absent
432 or early voters along with the ballots and other election
433 materials and return the same to the registrar.

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

436 23-15-649. For all elections, there shall be prepared and
437 printed by the officials charged with this duty with respect to
438 the election, as soon as the deadline for the qualification of
439 candidates has passed or forty-five (45) days of the election,
440 whichever is later, official ballots for each voting precinct to
441 be known as absentee and early voter ballots, which ballots shall
442 be prepared and printed in the same form and shall be of the same
443 size and texture as the regular official ballot except that they

444 shall be printed on tinted paper of a tint different from that of
445 the regular official ballot.

446 **SECTION *.** Section 23-15-651, Mississippi Code of 1972, is
447 amended as follows:

448 23-15-651. The results of the vote by absentee and early
449 voter balloting shall be announced simultaneously with the vote
450 cast on election day.

451 **SECTION *.** Section 23-15-711, Mississippi Code of 1972, is
452 amended as follows:

453 23-15-711. The title of Sections 23-15-711 through 23-15-721
454 shall be the Mississippi Absentee and Early Voter Law.

455 **SECTION *.** Section 23-15-715, Mississippi Code of 1972, is
456 amended as follows:

457 23-15-715. (1) Any elector desiring to vote early as
458 provided in this subarticle may secure an early voting ballot
459 if * * * not more than forty-five (45) days nor later than 12:00
460 noon on the Saturday immediately preceding elections held on
461 Tuesday, the Thursday immediately preceding elections held on
462 Saturday, or the second day immediately preceding the date of
463 elections held on other days, he shall appear in person before the
464 registrar of the county in which he resides, or such registrar's
465 deputies, or for municipal elections he shall appear in person
466 before the city clerk of the municipality in which he resides, or
467 such clerk's deputies, and * * * execute and file an application
468 as provided in Section 23-15-627. Such elector may vote by early
469 ballot at the office of such registrar or clerk or at the
470 precincts designated for early voting. * * *

471 (2) Within forty-five (45) days next prior to any election,
472 any elector who cannot vote early as provided in subsection (1) of
473 this section by reason of temporarily residing outside the county,
474 or any person who has a temporary or permanent physical
475 disability, persons who are sixty-five (65) years of age or older,
476 or any person who is the parent, spouse or dependent of a
477 temporarily or permanently physically disabled person who is
478 hospitalized outside of his county of residence or more than fifty

479 (50) miles away from his residence and such parent, spouse or
480 dependent will be with such person on election day, may make
481 application for an absentee ballot by mailing the appropriate
482 application to the registrar. Only persons temporarily residing
483 out of the county of their residence, persons having a temporary
484 or permanent physical disability, persons who are sixty-five (65)
485 years of age or older, or any person who is the parent, spouse or
486 dependent of a temporarily or permanently physically disabled
487 person who is hospitalized outside of his county of residence or
488 more than fifty (50) miles away from his residence, and such
489 parent, spouse or dependent will be with such person on election
490 day, may obtain absentee ballots by mail under the provisions of
491 this subsection and as provided by Section 23-15-713.

492 Applications of persons temporarily residing outside the county
493 shall be sworn to and subscribed before an official who is
494 authorized to administer oaths or other official authorized to
495 witness absentee balloting as provided in this chapter, said
496 application to be accompanied by such verifying affidavits as
497 required by this chapter. The applications of persons having a
498 temporary or permanent physical disability shall not be required
499 to be accompanied by an affidavit but shall be witnessed and
500 signed by a person eighteen (18) years of age or older. The
501 registrar shall send to such absent voter a proper absentee voter
502 ballot within twenty-four (24) hours, or as soon thereafter as the
503 ballots are available, containing the names of all candidates who
504 qualify or the proposition to be voted on in such election, and
505 with such ballot there shall be sent an official envelope
506 containing upon it in printed form the recitals and data
507 hereinafter required.

508 **SECTION *.** Section 23-15-717, Mississippi Code of 1972, is
509 amended as follows:

510 23-15-717. Any elector enumerated in Section 23-15-713
511 applying for an absentee or early voting ballot shall complete an
512 application form as provided in Section 23-15-627, and said
513 elector shall fill in the application as is appropriate for his

514 particular situation.

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

517 23-15-719. (1) Immediately upon completion of an
518 application filed pursuant to the provisions of * * * Section
519 23-15-715(1), the registrar or his deputies shall deliver the
520 necessary early voting ballots to the applicant. The registrar
521 shall only deliver the ballots to the applicant * * * in the
522 registrar's office or the precincts designated for early voting.
523 The registrar shall not personally hand deliver ballots to voters,
524 unless he delivers the ballots in the office of the registrar.
525 The elector voting by early voting ballot shall fill in his ballot
526 in secret. After the applicant has properly marked the ballot and
527 properly folded it, he shall deposit it in the envelope furnished
528 him by the registrar.

529 After he has sealed the envelope, he shall subscribe and
530 swear to an affidavit in the following form, which shall be
531 printed on the back of the envelope containing the applicant's
532 ballot:

533 "STATE OF MISSISSIPPI

534 COUNTY OF _____

535 I, _____, do solemnly swear that this envelope contains
536 the ballot marked by me indicating my choice of the candidates or
537 propositions to be submitted at the election to be held on the ___
538 day of _____, 2___, and I hereby authorize the registrar to
539 place this envelope in the ballot box on my behalf, and I further
540 authorize the election managers to open this envelope and place my
541 ballot among the other ballots cast before such ballots are
542 counted, and record my name on the poll list as if I were present
543 in person and voted.

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

545 _____
546 (Signature of voter)

547 SWORN TO AND SUBSCRIBED before me, _____, this the ___
548 day of _____, 2___.

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(Registrar) _____

(Registrar) "

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

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

"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance

Date and time assistance provided

Family relationship to voter (if any)"

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

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

23-15-721. (1) Electors temporarily residing outside the county and obtaining an absentee ballot under the provisions

584 of * * * Section 23-15-715(2) shall appear before any official
585 authorized to administer oaths or other official authorized to
586 witness absentee balloting as provided in this chapter. The
587 elector shall exhibit to such official his absentee ballot
588 unmarked and thereupon proceed in secret to fill in his ballot.
589 After the elector has properly marked the ballot and properly
590 folded it, he shall deposit it in the envelope furnished him.
591 After he has sealed the envelope he shall deliver it to the
592 official before whom he is appearing and shall subscribe and swear
593 to the elector's certificate provided for in Section 23-15-635,
594 which affidavit shall be printed on the back of the envelope as
595 provided for in Section 23-15-635.

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

600 (3) After the completion of the requirements of this
601 section, the elector shall mail the envelope containing the ballot
602 to the registrar in the county wherein said elector is qualified
603 to vote. Said ballots must be received by the registrar prior to
604 5:00 p.m. on the day preceding the election to be counted.

605 **SECTION *.** Section 23-15-753, Mississippi Code of 1972, is
606 amended as follows:

607 23-15-753. (1) Any person who willfully, unlawfully and
608 feloniously procures, seeks to procure, or seeks to influence the
609 vote of any person voting by absentee or early ballot, by the
610 payment of money, the promise of payment of money, or by the
611 delivery of any other item of value or promise to give the voter
612 any item of value, or by promising or giving the voter any favor
613 or reward in an effort to influence his vote, or any person who
614 aids, abets, assists, encourages, helps, or causes any person
615 voting an absentee or early ballot to violate any provision of law
616 pertaining to absentee or early voting, or any person who sells
617 his vote for money, favor, or reward, has been paid or promised
618 money, a reward, a favor or favors, or any other item of value, or

619 any person who shall willfully swear falsely to any affidavit
620 provided for in Sections 23-15-621 through 23-15-735, shall be
621 guilty of the crime of "vote fraud" and, upon conviction, shall be
622 sentenced to pay a fine of not less than Five Hundred Dollars
623 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by
624 imprisonment in the county jail for no more than one (1) year, or
625 by both fine and imprisonment, or by being sentenced to the State
626 Penitentiary for not less than one (1) year nor more than five (5)
627 years.

628 (2) It shall be unlawful for any person who pays or
629 compensates another person for assisting voters in marking their
630 absentee or early ballots to base the pay or compensation on the
631 number of * * * voters assisted or the number of * * * ballots
632 cast by persons who have received the assistance. Any person who
633 violates this section, upon conviction shall, be fined not less
634 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand
635 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
636 than one (1) year nor more than five (5) years, or both.

637 **FURTHER, AMEND the title to conform.**