

By: Senator(s) Jackson (32nd)

To: Elections

SENATE BILL NO. 2116

1 AN ACT TO AMEND SECTIONS 23-15-631, 23-15-715 AND 23-15-721,  
2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE ALL PERSONS WHO ARE  
3 ELIGIBLE TO VOTE BY ABSENTEE BALLOT TO DO SO BY MAIL; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 23-15-631, Mississippi Code of 1972, is  
7 amended as follows:

8 23-15-631. (1) The registrar shall enclose with each ballot  
9 provided to an absent elector separate printed instructions  
10 furnished by him containing the following:

11 (a) All absentee voters \* \* \* who mark their ballots in  
12 the office of the registrar of their \* \* \* county of the residence  
13 shall use the registrar of that county as the witness. \* \* \*  
14 Neither the registrar nor his deputy shall be required to go out  
15 of the registrar's office to serve as an 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 foregoing instructions required to be provided by  
77 the registrar to the elector shall also constitute the substantive  
78 law pertaining to the handling of absentee ballots by the elector  
79 and registrar.

80 **SECTION 2.** Section 23-15-715, Mississippi Code of 1972, is  
81 amended as follows:

82 23-15-715. Any elector desiring an absentee ballot as  
83 provided in this subarticle may secure same if:

84 (a) Not more than forty-five (45) days nor later than  
85 12:00 noon on the Saturday immediately preceding elections held on  
86 Tuesday, the Thursday immediately preceding elections held on  
87 Saturday, or the second day immediately preceding the date of  
88 elections held on other days, he may appear in person before the  
89 registrar of the county in which he resides, or for municipal  
90 elections he shall appear in person before the city clerk of the  
91 municipality in which he resides and, when the elector so appears,  
92 he shall execute and file an application as provided in Section

93 23-15-627 and vote by absentee ballot, except that if the ballot  
94 has not been printed by forty-five (45) days preceding the  
95 election, the elector may appear and file an application anytime  
96 before the election. Then the absentee ballot shall be mailed by  
97 the circuit clerk to the elector as soon as the ballot has been  
98 printed.

99 (b) Within forty-five (45) days next prior to any  
100 election, any elector who does not desire to vote in the office of  
101 the registrar as provided for in paragraph (a) of this  
102 section \* \* \* may make application for an absentee ballot by  
103 mailing the appropriate application to the registrar. \* \* \* Such  
104 person may obtain absentee ballots by mail under the provisions of  
105 this paragraph and as provided by Section 23-15-713.

106 Applications \* \* \* shall be sworn to and subscribed before an  
107 official who is authorized to administer oaths or other official  
108 authorized to witness absentee balloting as provided in this  
109 chapter, said application to be accompanied by such verifying  
110 affidavits as required by this chapter. The applications of  
111 persons having a temporary or permanent physical disability shall  
112 not be required to be accompanied by an affidavit but shall be  
113 witnessed and signed by a person eighteen (18) years of age or  
114 older. The registrar shall send to such absent voter a proper  
115 absentee voter ballot within twenty-four (24) hours, or as soon  
116 thereafter as the ballots are available, containing the names of  
117 all candidates who qualify or the proposition to be voted on in  
118 such election, and with such ballot there shall be sent an  
119 official envelope containing upon it in printed form the recitals  
120 and data hereinafter required.

121 **SECTION 3.** Section 23-15-721, Mississippi Code of 1972, is  
122 amended as follows:

123 23-15-721. (1) Electors \* \* \* obtaining an absentee ballot  
124 under the provisions of paragraph (b) of Section 23-15-715 shall  
125 appear before any official authorized to administer oaths or other

126 official authorized to witness absentee balloting as provided in  
127 this chapter. The elector shall exhibit to such official his  
128 absentee ballot unmarked and thereupon proceed in secret to fill  
129 in his ballot. After the elector has properly marked the ballot  
130 and properly folded it, he shall deposit it in the envelope  
131 furnished him. After he has sealed the envelope he shall deliver  
132 it to the official before whom he is appearing and shall subscribe  
133 and swear to the elector's certificate provided for in Section  
134 23-15-635, which affidavit shall be printed on the back of the  
135 envelope as provided for in Section 23-15-635.

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

140 (3) After the completion of the requirements of this  
141 section, the elector shall mail the envelope containing the ballot  
142 to the registrar in the county wherein said elector is qualified  
143 to vote. Said ballots must be received by the registrar prior to  
144 5:00 p.m. on the day preceding the election to be counted.

145 **SECTION 4.** The Attorney General of the State of Mississippi  
146 shall submit this act, immediately upon approval by the Governor,  
147 or upon approval by the Legislature subsequent to a veto, to the  
148 Attorney General of the United States or to the United States  
149 District Court for the District of Columbia in accordance with the  
150 provisions of the Voting Rights Act of 1965, as amended and  
151 extended.

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