

By: Senator(s) White

To: Elections

SENATE BILL NO. 2073

1 AN ACT TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI
2 CODE OF 1972, TO ALLOW QUALIFIED ELECTORS TO VOTE BY ABSENTEE
3 BALLOT FOR ANY REASON; AND FOR RELATED PURPOSES.

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

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

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

24 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

25 I, _____, duly qualified and registered in the ____ Precinct
26 of the County of _____, and State of Mississippi, coming within
27 the purview of the definition 'ABSENT ELECTOR' will be absent from

28 the county of my residence on election day, or desire to vote by
29 absentee ballot because (check appropriate reason):

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

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

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

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

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

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

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

57 () I desire to vote by absentee ballot at this election.

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

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

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

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

67 * * *

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

70 Mail 'Absent Elector's Ballot' to me at the following address
71 _____ (if eligible to vote by mail).

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

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

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

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

87 _____

88 (Signature of absent elector)

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

91 _____

92 (Official authorized to administer oaths

93 for absentee balloting.)

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

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

100 _____

101 (Signature of witness)

102 CERTIFICATE OF DELIVERY

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

107 _____

108 (Signature of person delivering application)

109 _____

110 (Address of person delivering application)"

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

113 23-15-713. For the purpose of this subarticle, any duly
114 qualified elector may vote as provided in this subarticle if he be
115 one who falls within the following categories:

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

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

131 (c) Any qualified elector who desires to vote by
132 absentee ballot for any reason.

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

145 (g) 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 * * *

149 **SECTION 3.** The Attorney General of the State of Mississippi
150 shall submit this act, immediately upon approval by the Governor,
151 or upon approval by the Legislature subsequent to a veto, to the
152 Attorney General of the United States or to the United States
153 District Court for the District of Columbia in accordance with the
154 provisions of the Voting Rights Act of 1965, as amended and
155 extended.

156 **SECTION 4.** This act shall take effect and be in force from
157 and after the date it is effectuated under Section 5 of the Voting
158 Rights Act of 1965, as amended and extended.