

By: Representative Cummings

To: Apportionment and
Elections; County Affairs

HOUSE BILL NO. 1309

1 AN ACT TO AMEND SECTIONS 23-15-635 AND 23-15-719, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE FORM OF ABSENTEE BALLOTS; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 23-15-635, Mississippi Code of 1972, is
6 amended as follows:

7 23-15-635. (1) The form of the elector's certificate,
8 attesting witness certification and certificate of person
9 providing voter assistance on the back of the envelope used by
10 voters who do not use the registrar of their county of residence
11 as an attesting witness shall be as follows:

12 **ABSENTEE BALLOT FOR VOTERS NOT APPEARING**

13 **BEFORE THE CIRCUIT CLERK**

14 "ELECTOR'S CERTIFICATE"

15 STATE OF _____

16 COUNTY OR PARISH OF _____

17 I, _____, do solemnly swear that this envelope contains
18 the ballot marked by me indicating my choice of the candidates or
19 propositions to be submitted at the election to be held on the
20 _____ day of _____, 2____, and I hereby authorize the
21 registrar to place this envelope in the ballot box on my behalf,
22 and I further authorize the election managers to open this
23 envelope and place my ballot among the other ballots cast before
24 such ballots are counted, and record my name on the poll list as
25 if I were present in person and voted.

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

27 _____

(Signature of voter)

CERTIFICATE OF ATTESTING WITNESS

If you have obtained the enclosed ballot by reason of a temporary or permanent physical disability, you are not required to have the following certificate of attesting witness notarized, but it must be signed by a person eighteen (18) years of age or older.

NOTICE TO ATTESTING WITNESS:

READ CAREFULLY BEFORE COMPLETING.

Complete and sign either (A) or (B), BUT NOT BOTH. (A) should be completed only if the voter has not received assistance in marking the enclosed ballot. (B) should be completed only if the voter has received assistance in marking the enclosed ballot.

CERTIFICATE OF ATTESTING WITNESS NOT

PROVIDING VOTER ASSISTANCE

(A) (To be completed only if the voter has not received assistance in marking the enclosed ballot.) Personally appeared before me, on this the _____ day of _____, 20____, the above-named voter, known by me to be the person named, who after being duly sworn or having affirmed, subscribed the foregoing oath or affirmation. The said voter exhibited to me his blank ballot; that said ballot was not marked or voted before the said voter exhibited the ballot to me; that said voter then retired out of my presence, but within my sight, and voted his ballot so that I could not see how he voted; that no one was present with said voter as he marked his ballot; that the said voter was not solicited or advised by me to vote for any candidate, question or issue, and that the voter, after marking his ballot, placed it in the envelope, closed and sealed the envelope in my presence, and signed and swore or affirmed the above certificate.

Signature of attesting witness

Printed name of attesting witness

61 _____
62 Address of attesting witness Official Title (if any)
63 _____
64 City and State

65 **CERTIFICATE OF ATTESTING WITNESS**

66 **ALSO PROVIDING VOTER ASSISTANCE**

67 **(B) (To be completed only if the voter has received assistance in**
68 **marking the enclosed ballot.)** Personally appeared before me, on
69 this the _____ day of _____, 20____, the
70 above-named voter, known by me to be the person named, who after
71 being duly sworn or having affirmed, subscribed the foregoing oath
72 or affirmation. I hereby certify that the above-named voter
73 declared to me that he or she is blind, temporarily or permanently
74 physically disabled, or cannot read or write, and that the voter
75 requested that I assist the voter in marking the enclosed absentee
76 ballot. The said voter was not solicited or advised by me to vote
77 for any candidate, question or issue. I hereby certify that the
78 ballot preferences on the enclosed ballot are those communicated
79 by the voter to me, and that I have marked the enclosed ballot in
80 accordance with the voter's instructions. After the ballot was
81 marked, it was placed in the envelope, closed and sealed and
82 signed and sworn or affirmed in my presence.

83 _____
84 Signature of attesting witness Printed name of attesting witness
85 _____
86 Address of attesting witness Official Title (if any)
87 _____
88 City and State Date and time assistance provided

89 **Notice to Absent Elector:** Ballots personally cast in the
90 registrar's office must be cast not later than 12:00 noon on the
91 Saturday immediately preceding election held on Tuesday, the
92 Thursday immediately preceding elections held on Saturday, or the
93 second day immediately preceding the date of elections held on

94 other days. If mailed, the envelope and ballot must be received by
95 5:00 p.m. on the date preceding the election and immediately
96 placed in the proper ballot box.

97 **ABSENTEE BALLOT FOR PERSON HAVING**

98 **TEMPORARY OR PERMANENT PHYSICAL DISABILITIES**

99 **"ELECTOR'S CERTIFICATE"**

100 STATE OF MISSISSIPPI

101 COUNTY OR PARISH OF _____

102 I, _____ do solemnly swear
103 that this envelope contains the ballot marked by me indicating my
104 choice of the candidates or propositions to be submitted at the
105 election to be held on the _____ day of _____,
106 20____, and I hereby authorize the registrar to place this
107 envelope in the ballot box on my behalf, and I further authorize
108 the election managers to open this envelope and place my ballot
109 among the other ballots cast before such ballots are counted, and
110 record my name on the poll list as if I were present in person and
111 voted.

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

113 _____
114 (Signature of Voter)

115 **CERTIFICATE OF ATTESTING WITNESS**

116 If you have obtained the enclosed ballot by reason of a
117 temporary or permanent physical disability, you are not required
118 to have the following certificate of attesting witness notarized,
119 but it must be signed by a person eighteen (18) years of age or
120 older.

121 **Notice to Attesting Witness: READ CAREFULLY BEFORE COMPLETING.**

122 Complete and sign either (A) or (B), BUT NOT BOTH. (A) should be
123 completed only if the voter has not received assistance in marking
124 the enclosed ballot. (B) should be completed only if the voter
125 has received assistance in marking the enclosed ballot.

126 **CERTIFICATE OF ATTESTING WITNESS NOT**

127 PROVIDING VOTER ASSISTANCE

128 (A) (To be completed only if the voter has not received
129 assistance in marking the enclosed ballot.) Personally appeared
130 before me, on this the _____ day of _____,
131 20____, the above-named voter, known by me to be the person named,
132 who after being duly sworn or having affirmed, subscribed the
133 foregoing oath or affirmation. The said voter exhibited to me his
134 blank ballot; that said ballot was not marked or voted before the
135 said voter exhibited the ballot to me; that said voter then
136 retired out of my presence, but within my sight, and voted his
137 ballot so that I could not see how he voted; that no one was
138 present with said voter as he marked his ballot; that the said
139 voter was not solicited or advised by me to vote for any
140 candidate, question or issue, and that the voter, after marking
141 his ballot, placed it in the envelope, closed and sealed the
142 envelope in my presence, and signed and swore or affirmed the
143 above certificate.

144 _____
145 Signature of attesting witness Printed name of attesting witness
146 _____
147 Address of attesting witness Official Title (if any)
148 _____
149 City and State

150 CERTIFICATE OF ATTESTING WITNESS

151 ALSO PROVIDING VOTER ASSISTANCE

152 (B) (To be completed only if the voter has received assistance in
153 marking the enclosed ballot.) Personally appeared before me, on
154 this the _____ day of _____, 20____, the
155 above-named voter, known by me to be the person named, who after
156 being duly sworn or having affirmed, subscribed the foregoing oath
157 or affirmation. I hereby certify that the above-named voter
158 declared to me that he or she is blind, temporarily or permanently
159 physically disabled, or cannot read or write, and that the voter

193 office of the registrar. The elector shall fill in his ballot in
194 secret. After the applicant has properly marked the ballot and
195 properly folded it, he shall deposit it in the envelope furnished
196 him by the registrar.

197 After he has sealed the envelope, he shall subscribe and
198 swear to an affidavit in the following form, which shall be
199 printed on the back of the envelope containing the applicant's
200 ballot:

201 **ABSENTEE BALLOT FOR VOTERS APPEARING**

202 **BEFORE THE CIRCUIT CLERK**

203 **"VOTER'S AFFIDAVIT"**

204 STATE OF MISSISSIPPI

205 COUNTY OF _____

206 I, _____ do solemnly swear
207 that this envelope contains the ballot marked by me indicating my
208 choice of the candidates or propositions to be submitted at the
209 election to be held on the _____ day of _____,
210 20____, and I hereby authorize the registrar to place this
211 envelope in the ballot box on my behalf, and I further authorize
212 the election managers to open this envelope and place my ballot
213 among the other ballots cast before such ballots are counted, and
214 record my name on the poll list as if I were present in person and
215 voted.

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

217 _____

218 (Signature of Voter)

219 SWORN TO AND SUBSCRIBED before me,

220 this the _____ day of _____, 20____.

221 _____

222 (Registrar)

223 **CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE**

224 (To be completed only if the voter has received assistance in
225 marking the enclosed ballot). I hereby certify that the

226 above-named voter declared to me that he or she is blind,
227 temporarily or permanently physically disabled, or cannot read or
228 write, and that the voter requested that I assist the voter in
229 marking the enclosed absentee ballot. I hereby certify that the
230 ballot preferences on the enclosed ballot are those communicated
231 by the voter to me, and that I have marked the enclosed ballot in
232 accordance with the voter's instructions.

233 _____
234 Signature of person providing assistance

235 _____
236 Printed name of person providing assistance

237 _____
238 Address of person providing assistance

239 _____
240 Date and time assistance provided

241 _____
242 Family relationship to voter (if any)

243 **Notice to Absent Elector:** Ballots personally cast in the
244 registrar's office must be cast not later than 12:00 noon on the
245 Saturday immediately preceding elections held on Tuesday, the
246 Thursday immediately preceding elections held on Saturday, or the
247 second day immediately preceding the date of elections held on
248 other days.

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

251 **SECTION 3.** The Attorney General of the State of Mississippi
252 shall submit this act, immediately upon approval by the Governor,
253 or upon approval by the Legislature subsequent to a veto, to the
254 Attorney General of the United States or to the United States
255 District Court for the District of Columbia in accordance with the
256 provisions of the Voting Rights Act of 1965, as amended and
257 extended.

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