

By: Senator(s) Jackson (32nd)

To: Elections

SENATE BILL NO. 2383

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 county of the residence shall use the registrar of that county
13 as the witness. * * * Neither the registrar nor his deputy shall
14 be required to go out of the registrar's office to serve as an
15 attesting witness.

16 (b) Upon receipt of the enclosed ballot, you will not
17 mark the ballot except in view or sight of the attesting witness.
18 In 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.

31 Any notary public, United States postmaster, assistant United
32 States postmaster, United States postal supervisor, clerk in
33 charge of a contract postal station, or any officer having
34 authority to administer an oath or take an acknowledgment may be
35 an attesting witness; provided, however, that in the case of an
36 absent elector who is temporarily or permanently physically
37 disabled, the attesting witness may be any person eighteen (18)
38 years of age or older and such person is not required to have the
39 authority to administer an oath. If a postmaster, assistant
40 postmaster, postal supervisor, or clerk in charge of a contract
41 postal station acts as an attesting witness, his signature on the
42 elector's certificate must be authenticated by the cancellation
43 stamp of their respective post offices. If one or the other
44 officers herein named acts as attesting witness, his signature on
45 the elector's certificate, together with his title and address,
46 but no seal, shall be required. Any affidavits made by an absent
47 elector who is in the Armed Forces may be executed before a
48 commissioned officer, warrant officer, or noncommissioned officer
49 not lower in grade than sergeant rating or any person authorized
50 to administer oaths.

51 (d) When the application accompanies the ballot it
52 shall not be returned in the same envelope as the ballot but shall
53 be returned in a separate preaddressed envelope provided by the
54 registrar.

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

58 (f) Any voter casting an absentee ballot who declares
59 that he requires assistance to vote by reason of blindness,
60 temporary or permanent physical disability or inability to read or
61 write, shall be entitled to receive assistance in the marking of

62 his absentee ballot and in completing the affidavit on the
63 absentee ballot envelope. The voter may be given assistance by
64 anyone of the voter's choice other than a candidate whose name
65 appears on the absentee ballot being marked, or the voter's
66 employer, or agent of that employer. In order to ensure the
67 integrity of the ballot, any person who provides assistance to an
68 absentee voter shall be required to sign and complete the
69 "Certificate of Person Providing Voter Assistance" on the absentee
70 ballot envelope.

71 (2) The foregoing instructions required to be provided by
72 the registrar to the elector shall also constitute the substantive
73 law pertaining to the handling of absentee ballots by the elector
74 and registrar.

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

77 23-15-715. Any elector desiring an absentee ballot as
78 provided in this subarticle may secure same if:

79 (a) Not more than forty-five (45) days nor later than
80 12:00 noon on the Saturday immediately preceding elections held on
81 Tuesday, the Thursday immediately preceding elections held on
82 Saturday, or the second day immediately preceding the date of
83 elections held on other days, he may appear in person before the
84 registrar of the county in which he resides, or for municipal
85 elections he may appear in person before the city clerk of the
86 municipality in which he resides and, when the elector so appears,
87 he shall execute and file an application as provided in Section
88 23-15-627 and vote by absentee ballot, except that if the ballot
89 has not been printed by forty-five (45) days preceding the
90 election, the elector may appear and file an application anytime
91 before the election. Then the absentee ballot shall be mailed by
92 the circuit clerk to the elector as soon as the ballot has been
93 printed.

94 (b) Within forty-five (45) days next prior to any
95 election, any elector who does not desire to vote in the office of
96 the registrar as provided for in paragraph (a) of this
97 section * * * may make application for an absentee ballot by
98 mailing the appropriate application to the registrar. Such
99 person * * * may obtain absentee ballots by mail under the
100 provisions of this paragraph and as provided by Section 23-15-713.
101 Applications * * * shall be sworn to and subscribed before an
102 official who is authorized to administer oaths or other official
103 authorized to witness absentee balloting as provided in this
104 chapter, said application to be accompanied by such verifying
105 affidavits as required by this chapter. The applications of
106 persons having a temporary or permanent physical disability shall
107 not be required to be accompanied by an affidavit but shall be
108 witnessed and signed by a person eighteen (18) years of age or
109 older. The registrar shall send to such absent voter a proper
110 absentee voter ballot within twenty-four (24) hours, or as soon
111 thereafter as the ballots are available, containing the names of
112 all candidates who qualify or the proposition to be voted on in
113 such election, and with such ballot there shall be sent an
114 official envelope containing upon it in printed form the recitals
115 and data hereinafter required.

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

118 23-15-721. (1) Electors * * * obtaining an absentee ballot
119 under the provisions of paragraph (b) of Section 23-15-715 shall
120 appear before any official authorized to administer oaths or other
121 official authorized to witness absentee balloting as provided in
122 this chapter. The elector shall exhibit to such official his
123 absentee ballot unmarked and thereupon proceed in secret to fill
124 in his ballot. After the elector has properly marked the ballot
125 and properly folded it, he shall deposit it in the envelope
126 furnished him. After he has sealed the envelope he shall deliver

127 it to the official before whom he is appearing and shall subscribe
128 and swear to the elector's certificate provided for in Section
129 23-15-635, which affidavit shall be printed on the back of the
130 envelope as provided for in Section 23-15-635.

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

135 (3) After the completion of the requirements of this
136 section, the elector shall mail the envelope containing the ballot
137 to the registrar in the county wherein said elector is qualified
138 to vote. Said ballots must be received by the registrar prior to
139 5:00 p.m. on the day preceding the election to be counted.

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

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