MISSISSIPPI LEGISLATURE REGULAR SESSION 2014

By: Senator(s) Parker

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2821

AN ACT TO AMEND SECTION 23-15-549, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MANAGERS OF AN ELECTION SHALL REQUIRE ANY PERSON PROVIDING ASSISTANCE TO A VOTER SIGN A DECLARATION TO PROVIDE VOTER ASSISTANCE; TO PROVIDE THAT NO PERSON, OTHER THAN AN ELECTION OFFICIAL, MAY ASSIST MORE THAN 10 VOTERS IN A FEDERAL ELECTION OR A STATE ELECTION THAT IS HELD CONCURRENTLY WITH A FEDERAL ELECTION; TO PROVIDE THAT NO CANDIDATE IN SUCH AN ELECTION, OR A FAMILY MEMBER OF SUCH CANDIDATE OR POLL WATCHER OF SUCH CANDIDATE, MAY ASSIST A VOTER UNLESS THE VOTER IS A MEMBER OF THE CANDIDATE'S FAMILY; TO AMEND SECTION 23-15-719, MISSISSIPPI CODE OF 1972, TO PROVIDE A PENALTY FOR VOTE FRAUD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-549, Mississippi Code of 1972, is amended as follows:

23-15-549. (1) (a) In a federal election or a state election that is held concurrently with a federal election, any voter who declares to the managers of the election that he or she requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by a person of the voter's choice other than the voter's employer, or agent of that employer, or officer or agent of the voter's union.

(b) If a voter at a federal election or a state election that is held concurrently with a federal election requests a person to provide assistance pursuant to the requirements of this subsection, the managers of the election shall require the person providing assistance to swear to and subscribe to the following:

"DECLARATION TO PROVIDE ASSISTANCE

STATE OF MISSISSIPPI

COUNTY OF _____

PRECINCT _____

I , _____ , have been requested by (here print the name of the voter requesting assistance) to provide him or her assistance to vote because the voter is blind, physically disabled or cannot read or write. I understand that I cannot lawfully provide assistance to any voter unless he requires assistance to vote by reason of blindness, physical disability or inability to read or write. I do solemnly swear that I am not the voter's employer, or agent of that employer, or officer or agent of the voter's union. I swear that the voter has been offered the use of an accessible voting device mandated by the Help America Vote Act of 2002, and that the voter has declined to use such device. I swear that the ballot preferences that I will mark for this voter will be the preferences communicated to me by the voter and that I will faithfully mark such preferences without attempting to persuade or influence the voter to make any other choices.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00)(Section 23-15-753, Mississippi Code of 1972)

_____

Signature of person providing assistance

_____

Address of person providing assistance

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

_____

Signature of election official administering oath"

(2) (a) In an election other than a federal election or a state election that is being held concurrently with a federal election, any voter who declares to the managers of the election that he or she requires assistance to vote by reason of blindness, disability or inability to read or write may be given assistance by the following:

(i) Not less than two (2) election officials;

(ii) A parent, sibling, spouse or child of the voter; or

(iii) Any person of the voter's choice who is a registered voter, but who is not the voter's employer or agent of that employer, or officer or agent of the voter's union.

(b) If a voter requiring assistance at any election, other than a federal election or a state election that is being held concurrently with a federal election, requests a person, other than an election official, to assist him pursuant to this section, the managers of the election shall require the person providing assistance to swear to and subscribe to the following:

"DECLARATION TO PROVIDE ASSISTANCE

STATE OF MISSISSIPPI

COUNTY OF _____

PRECINCT _____

I , _____ , have been requested by (here print the name of the voter requesting assistance) to provide him or her assistance to vote because the voter is blind, physically disabled or cannot read or write. I understand that I cannot lawfully provide assistance to any voter unless he requires assistance to vote by reason of blindness, physical disability or inability to read or write. I do solemnly swear that I am a registered voter, that I am not the voter's employer, an agent of the voter's employer or officer or agent of the voter's union, that I am not a candidate in this election, a family member of a candidate in this election or a poll watcher for a candidate in this election. I have not provided assistance to more than ten (10) voters at this election including absentee ballots cast prior to the date of this election. I swear that the voter has been offered the use of an accessible voting device mandated by the Help America Vote Act of

2002 and that the voter has declined to use such device. I swear that the ballot preferences that I will mark for this voter will be the preferences communicated to me by the voter and that I will faithfully mark such preferences without attempting to persuade or influence the voter to make any other choices.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00)(Section 23-15-753, Mississippi Code of 1972)

_____

Signature of person providing assistance

_____

Address of person providing assistance

SWORN TO AND SUBSCRIBED before me, this the day of , 2 .

_____

Signature of election official administering oath"

(c) If a voter requiring assistance at any election other than a federal election or a state election that is being held concurrently with a federal election requests an election official to provide assistance to him pursuant to this subsection, such person shall be assisted by not less than two (2) election officials. The managers of the election shall require each

election official providing assistance to swear to and subscribe to the following:

"DECLARATION TO PROVIDE ASSISTANCE

STATE OF MISSISSIPPI

COUNTY OF _____

PRECINCT _____

I , _____ , have been requested by (here print the name of the voter requesting assistance) to provide him or her assistance to vote because the voter is blind, physically disabled or cannot read or write. I understand that I cannot lawfully provide assistance to any voter unless he requires assistance to vote by reason of blindness, physical disability or inability to read or write. I swear that the voter has been offered the use of an accessible voting device mandated by the Help America Vote Act of 2002 and that the voter has declined the use of such device. I swear that the ballot preferences that I will mark for this voter will be the preferences communicated to me by the voter and that I will faithfully mark such preferences without attempting to persuade or influence the voter to make any other choices.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00)(Section 23-15-753, Mississippi Code of 1972)

_____

Signature of person providing assistance

_____

Address of person providing assistance

SWORN TO AND SUBSCRIBED before me, this the day of , 2 .

_____

Signature of election official administering oath"

(3) No person, other than an election official, may assist more than ten (10) voters in any election other than a federal election.

(4) No candidate in the election or a family member of such candidate or poll watcher of such candidate may assist a voter, but a candidate may assist a family member of the candidate.

(5) The officials in charge of the election shall deliver a sufficient number of the declarations required by this section to each precinct.

(6) Declarations required to be completed pursuant to this section shall be kept safely by the poll managers, returned with the pollbooks and shall be available for public inspection in the same manner as the pollbooks.

SECTION 2. Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. (1) Immediately upon completion of an application filed pursuant to the provisions of paragraph (a) of Section 23-15-715, the registrar shall deliver the *** * *** ballots

to the applicant by mail or hand deliver the ballots to the applicant in the * * * registrar's office after identifying the applicant by requiring him to present identification as required by Section 23-15-563 * * *. The registrar shall not personally hand deliver ballots to voters, unless he delivers the ballots in the office of the registrar. The elector shall fill in his ballot in secret. After the applicant has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him by the registrar.

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

"STATE OF MISSISSIPPI

COUNTY OF _____

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

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

_____

(Signature of voter)

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

(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 absentee 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.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars

($5,000.00). (Section 23-15-753, Mississippi Code of 1972)

_____

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 and shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

SECTION 3. This act shall take effect and be in force from and after July 1, 2014.

ST: Voter assistance; must be given only by certain persons & require those persons to complete a form after providing such assistance.