

By: Senator(s) Burton

To: Elections

## SENATE BILL NO. 2809

1 AN ACT TO AMEND SECTIONS 23-15-33, 23-15-35, 23-15-37,  
2 23-15-39, 23-15-41, 23-15-47, 23-15-113, 23-15-121, 23-15-123,  
3 23-15-125, 23-15-127, 23-15-129, 23-15-137, 23-15-165, 23-15-625,  
4 23-15-627, 23-15-629, 23-15-631, 23-15-637, 23-15-639 AND  
5 23-15-641, MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN TECHNICAL  
6 REVISIONS TO MISSISSIPPI'S ELECTION LAWS; TO CHANGE THE NAME OF  
7 THE STATEWIDE CENTRALIZED VOTER SYSTEM TO THE STATEWIDE ELECTIONS  
8 MANAGEMENT SYSTEM; TO FULLY INCORPORATE THE SYSTEM INTO THE  
9 PROCESS OF REGISTERING VOTERS; TO DELAY THE IMPLEMENTATION OF THE  
10 SYSTEM IN MUNICIPALITIES; TO REMOVE THE AUTHORIZATION FOR THE  
11 REGISTRAR TO PERSONALLY VISIT PERSONS WHO ARE PHYSICALLY DISABLED  
12 AND REGISTER THEM TO VOTE; TO PROVIDE THAT PHYSICALLY DISABLED  
13 PERSONS SHALL, UPON REQUEST, BE PROVIDED WITH A MAIL-IN VOTER  
14 APPLICATION; TO REMOVE THE REQUIREMENT THAT THE VOTER REGISTRATION  
15 NUMBER OF A VOTER MUST BE THE VOTER'S DRIVER'S LICENSE NUMBER OR  
16 THE LAST FOUR DIGITS OF THEIR SOCIAL SECURITY NUMBER; TO PROVIDE  
17 THAT ALL RECORDS PERTAINING TO VOTER REGISTRATION SHALL BE STORED  
18 IN AN ELECTRONIC FORMAT IN THE STATEWIDE ELECTIONS MANAGEMENT  
19 SYSTEM; TO PROVIDE THAT VOTER APPLICATIONS SCANNED INTO THE  
20 STATEWIDE ELECTIONS MANAGEMENT SYSTEM SHALL BE A LEGAL DOCUMENT OF  
21 VOTER REGISTRATION; TO PROVIDE THAT UPON THE WRITTEN REQUEST OF A  
22 MUNICIPAL ELECTION COMMISSION, THE COMMISSIONERS OF ELECTION SHALL  
23 REVISE THE PRIMARY ELECTION POLLBOOKS OF THE MUNICIPALITY; TO  
24 REMOVE THE REQUIREMENT THAT SUBPRECINCT POLLBOOKS BE PREPARED; TO  
25 EXTEND THE REPEAL DATE ON THE PROVISION OF LAW THAT AUTHORIZES  
26 MUNICIPALITIES TO CONTRACT WITH THE COUNTY ELECTION COMMISSIONERS  
27 FOR PREPARATION OF MUNICIPAL REGISTRATION BOOKS AND POLLBOOKS; TO  
28 REMOVE THE REQUIREMENT THAT ABSENTEE BALLOT APPLICATIONS BE  
29 PRINTED WITH SEQUENTIAL NUMBERS APPEARING ON THE APPLICATION AND  
30 THE CORRESPONDING PERFORATED STUB; TO REMOVE THE REQUIREMENT THAT  
31 THE REGISTRAR FILE AN AFFIDAVIT STATING THE NUMBER OF ABSENTEE  
32 BALLOT APPLICATIONS WHICH HE RECEIVED FROM THE PRINTER; TO REMOVE  
33 THE REQUIREMENT THAT THE REGISTRAR KEEP A PERMANENT LEDGER FOR THE  
34 PURPOSE OF SHOWING THE NUMBER OF ABSENTEE BALLOT APPLICATIONS AND  
35 THE PERSONS TO WHOM THE APPLICATIONS WERE GIVEN; TO REQUIRE THAT  
36 THOSE EMPOWERED WITH A POWER OF ATTORNEY FOR AN ELECTOR'S AFFAIRS  
37 OR AN AGENT OF THE ELECTOR WHO REQUEST AN ABSENTEE BALLOT FOR AN  
38 ELECTOR SHALL DO SO IN WRITING AND THE REQUEST MUST BE ACCOMPANIED  
39 BY PROOF OF THE POWER OF ATTORNEY OR THE AUTHORITY TO ACT AS AN  
40 AGENT; TO PROVIDE THAT AN APPLICATION FOR AN ABSENTEE BALLOT BY A  
41 PERSON WHO IS PERMANENTLY PHYSICALLY DISABLED MUST BE ACCOMPANIED  
42 BY A STATEMENT FROM A PHYSICIAN OR NURSE PRACTITIONER STATING THAT  
43 THE PERSON IS PERMANENTLY PHYSICALLY DISABLED; TO PROVIDE THAT  
44 ABSENTEE BALLOTS CAST IN PERSON IN THE OFFICE OF THE REGISTRAR  
45 MUST BE CAST NOT LATER THAN 5:00 P.M. ON THE THURSDAY IMMEDIATELY  
46 PRECEDING ELECTIONS HELD ON TUESDAY, THE TUESDAY IMMEDIATELY  
47 PRECEDING ELECTIONS HELD ON SATURDAY, OR THE FOURTH DAY  
48 IMMEDIATELY PRECEDING ELECTIONS HELD ON OTHER DAYS; TO PROVIDE THE  
49 PROCEDURE FOR HANDLING AND COUNTING ABSENTEE BALLOTS IN ELECTIONS  
50 CONDUCTED WITH DIRECT RECORDING ELECTRONIC VOTING SYSTEMS; TO  
51 REPEAL SECTIONS 23-15-114 AND 23-15-131, MISSISSIPPI CODE OF 1972,  
52 WHICH REQUIRE THE ADOPTION OF AN AUTOMATED VOTER REGISTRATION

53 SYSTEM TO BE APPROVED BY THE BOARD OF SUPERVISORS AND THE  
54 REGISTRAR AND PROVIDE A PROCEDURE FOR THE REPLACEMENT OF POLLBOOKS  
55 AND REGISTRATION BOOKS; AND FOR RELATED PURPOSES.

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

57 **SECTION 1.** Section 23-15-33, Mississippi Code of 1972, is  
58 amended as follows:

59 23-15-33. (1) Every person entitled to be registered as an  
60 elector in compliance with the laws of this state and who has  
61 signed his name on and properly completed the application for  
62 registration to vote shall be registered by the registrar in  
63 the \* \* \* voting precinct of the residence of such person through  
64 the Statewide Elections Management System.

65 (2) Every person entitled to be registered as an elector in  
66 compliance with the laws of this state and who registers to vote  
67 pursuant to the National Voter Registration Act of 1993 shall be  
68 registered by the registrar in \* \* \* the voting precinct of the  
69 residence of such person through the Statewide Elections  
70 Management System.

71 \* \* \*

72 **SECTION 2.** Section 23-15-35, Mississippi Code of 1972, is  
73 amended as follows:

74 **[Until January 1, 2008, this section shall read as follows:]**

75 23-15-35. (1) The clerk of the municipality shall be the  
76 registrar of voters of the municipality, and shall take the oath  
77 of office prescribed by Section 268 of the Constitution. The  
78 governing authorities shall provide suitable municipal  
79 registration books, which shall conform as nearly as practicable  
80 to the county registration books. The registrar shall, as nearly  
81 as may be practicable, and where not otherwise provided, comply  
82 with all the provisions of law regarding state and county  
83 elections in keeping and maintaining such registration books and  
84 in registering voters thereon. Applications for registration as  
85 electors of the municipality shall be made upon a triplicate form  
86 provided by and prepared at the expense of the county registrar,

87 which form shall conform as nearly as practicable to the  
88 application for registration form provided for in Section  
89 23-15-39.

90 (2) The municipal clerk shall be authorized to register  
91 applicants as county electors. The municipal clerk shall forward  
92 notice of registration, a copy of the application for  
93 registration, and any changes to the registration when they occur,  
94 either by certified mail to the county registrar or by personal  
95 delivery to the county registrar provided that a numbered receipt  
96 is signed by the registrar in return for the described documents.  
97 Upon receipt of the copy of the application for registration or  
98 changes to the registration, and if a review of the application  
99 indicates that the applicant meets all the criteria necessary to  
100 qualify as a county elector, then the county registrar shall make  
101 a determination of the county voting precinct in which the person  
102 making the application shall be required to vote. The county  
103 registrar shall send this county voting precinct information by  
104 United States first-class mail, postage prepaid, to the person at  
105 the address provided on the application. Any and all mailing  
106 costs incurred by the municipal clerk or the county registrar in  
107 effectuating this subsection shall be paid by the county board of  
108 supervisors. If a review of the copy of the application for  
109 registration or changes to the registration indicates that the  
110 applicant is not qualified to vote in the county, the county  
111 registrar shall challenge the application. The county election  
112 commissioners shall review any challenge or disqualification,  
113 after having notified the applicant by certified mail of the  
114 challenge or disqualification.

115 (3) The municipal clerk shall issue to the person making the  
116 application a copy of the application, and the county registrar  
117 shall process the application in accordance with the law regarding  
118 the handling of voter registration applications.

119 (4) The receipt of a copy of the application for  
120 registration sent pursuant to Section 23-15-39(3) shall be  
121 sufficient to allow the applicant to be registered as an elector  
122 in the municipality, provided that such application is not  
123 challenged as provided for therein.

124 **[From and after January 1, 2008, this section shall read as**  
125 **follows:]**

126 23-15-35. (1) The clerk of the municipality shall be the  
127 registrar of voters of the municipality, and shall take the oath  
128 of office prescribed by Section 268 of the Constitution. The  
129 municipal registration \* \* \* shall conform to the county  
130 registration \* \* \* which shall be a part of the official record of  
131 registered voters as contained in the Statewide Elections  
132 Management System. The municipal clerk shall comply with all the  
133 provisions of law regarding the registration of voters, including  
134 the use of the voter registration applications used by county  
135 registrars and prescribed by the Secretary of State under Sections  
136 23-15-39 and 23-15-47.

137 (2) The municipal clerk shall be authorized to register  
138 applicants as county electors. The municipal clerk shall forward  
139 notice of registration, a copy of the application for  
140 registration, and any changes to the registration when they occur,  
141 either by certified mail to the county registrar or by personal  
142 delivery to the county registrar provided that a numbered receipt  
143 is signed by the registrar in return for the described documents.  
144 Upon receipt of the copy of the application for registration or  
145 changes to the registration, and if a review of the application  
146 indicates that the applicant meets all the criteria necessary to  
147 qualify as a county elector, then the county registrar shall make  
148 a determination of the county voting precinct in which the person  
149 making the application shall be required to vote. The county  
150 registrar shall send this county voting precinct information by  
151 United States first-class mail, postage prepaid, to the person at

152 the address provided on the application. Any and all mailing  
153 costs incurred by the municipal clerk or the county registrar in  
154 effectuating this subsection shall be paid by the county board of  
155 supervisors. If a review of the copy of the application for  
156 registration or changes to the registration indicates that the  
157 applicant is not qualified to vote in the county, the county  
158 registrar shall challenge the application. The county election  
159 commissioners shall review any challenge or disqualification,  
160 after having notified the applicant by certified mail of the  
161 challenge or disqualification.

162 (3) The municipal clerk shall issue to the person making the  
163 application a copy of the application and the county registrar  
164 shall process the application in accordance with the law regarding  
165 the handling of voter registration applications.

166 (4) The receipt of a copy of the application for  
167 registration sent pursuant to Section 23-15-39(3) shall be  
168 sufficient to allow the applicant to be registered as an elector  
169 in the municipality, provided that such application is not  
170 challenged as provided for therein.

171 **SECTION 3.** Section 23-15-37, Mississippi Code of 1972, is  
172 amended as follows:

173 23-15-37. (1) The registrar shall keep his books open at  
174 his office and shall register the electors of his county at any  
175 time during regular office hours.

176 (2) The registrar may keep his office open for registration  
177 of voters from 8:00 a.m. until 7:00 p.m., including the noon hour,  
178 for the five (5) business days immediately preceding the thirtieth  
179 day prior to any regularly scheduled primary or general election.  
180 The registrar may also keep his office open from 8:00 a.m. until  
181 12:00 noon on the Saturday immediately preceding the thirtieth day  
182 prior to any regularly scheduled primary or general election.

183 (3) The registrar, or any deputy registrar duly appointed by  
184 law, may visit and spend such time as he may deem necessary at any

185 location in his county, selected by the registrar not less than  
186 thirty (30) days before an election, for the purpose of  
187 registering voters.

188 (4) A person who is physically disabled and unable to visit  
189 the office of the registrar to register to vote due to such  
190 disability shall, upon request, be provided a mail-in voter  
191 registration application. \* \* \*

192 (5) (a) In the fall and spring of each year the registrar  
193 of each county shall furnish all public schools with mail-in voter  
194 registration applications. Such applications shall be provided in  
195 a reasonable time to enable those students who will be eighteen  
196 (18) years of age before a general election to be able to vote in  
197 the primary and general elections.

198 (b) Each public school district shall permit access to  
199 all public schools of this state for the registrar or his deputy  
200 for the purpose of registration of persons eligible to vote and  
201 for providing voter education.

202 **SECTION 4.** Section 23-15-39, Mississippi Code of 1972, is  
203 amended as follows:

204 23-15-39. (1) Applications for registration as electors of  
205 this state, which are sworn to and subscribed before the registrar  
206 or deputy registrar authorized by law and which are not made by  
207 mail, shall be made upon a form established by rule duly adopted  
208 by the Secretary of State.

209 (2) The boards of supervisors shall make proper allowances  
210 for office supplies reasonably necessitated by the registration of  
211 county electors.

212 (3) If the applicant indicates on the application that he  
213 resides within the city limits of a city or town in the county of  
214 registration, the county registrar shall process the application  
215 for registration or changes to the registration as provided by  
216 law.

217 (4) If the applicant indicates on the application that he  
218 has previously registered to vote in another county of this state  
219 or another state, notice to the voter's previous county of  
220 registration in this state shall be provided by the Statewide  
221 Elections Management System. If the voter's previous place of  
222 registration was in another state, notice shall be provided to the  
223 voter's previous state of residence if the Statewide Elections  
224 Management System has that capability.

225 (5) The county registrar shall provide to the person making  
226 the application a copy of the application upon which has been  
227 written the county voting precinct and municipal voting precinct,  
228 if any, in which the person shall vote. Upon entry of the voter  
229 registration information into the Statewide Elections Management  
230 System, the system shall assign a voter registration number to the  
231 person \* \* \*.

232 (6) Any person desiring an application for registration may  
233 secure an application from the registrar of the county of which he  
234 is a resident and may take the application with him and secure  
235 assistance in completing the application from any person of the  
236 applicant's choice. It shall be the duty of all registrars to  
237 furnish applications for registration to all persons requesting  
238 them, and it shall likewise be his duty to furnish aid and  
239 assistance in the completing of the application when requested by  
240 an applicant. The application for registration shall be sworn to  
241 and subscribed before the registrar or deputy registrar at the  
242 municipal clerk's office, the county registrar's office or any  
243 other location where the applicant is allowed to register to vote.  
244 No fee or cost shall be charged the applicant by the registrar for  
245 accepting the application or administering the oath or for any  
246 other duty imposed by law regarding the registration of electors.

247 (7) If the person making the application is unable to read  
248 or write, for reason of disability or otherwise, he shall not be  
249 required to personally complete the application in writing and

250 execute the oath. In such cases, the registrar or deputy  
251 registrar shall read to the person the application and oath and  
252 the person's answers thereto shall be recorded by the registrar or  
253 his deputy. The person shall be registered as an elector if he  
254 otherwise meets the requirements to be registered as an elector.  
255 The registrar shall record the responses of the person and the  
256 recorded responses shall be retained permanently by the registrar.  
257 The registrar shall enter the voter registration information into  
258 the Statewide Elections Management System and designate the entry  
259 as an assisted filing.

260 (8) The receipt of a copy of the application for  
261 registration sent pursuant to Section 23-15-35(2) shall be  
262 sufficient to allow the applicant to be registered as an elector  
263 of this state, if the application is not challenged.

264 (9) In any case in which a municipality expands its  
265 corporate boundaries by annexation or redistricts all or a part of  
266 the municipality, the municipal clerk shall within ten (10) days  
267 after the effective date of the annexation or after preclearance  
268 of the redistricting plan under Section 5 of the Voting Rights Act  
269 of 1965, provide the county registrar with conforming geographic  
270 data that is compatible with the Statewide Elections Management  
271 System. The data shall be developed by the municipality's use of  
272 a standardized format specified by the Statewide Elections  
273 Management System. The county registrar shall update the  
274 municipal boundary information or redistricting information into  
275 the Statewide Elections Management System. The Statewide  
276 Elections Management System shall update the voter registration  
277 records to include the new municipal electors who have resided  
278 within the annexed area for at least thirty (30) days after  
279 annexation and assign the electors to the municipal voting  
280 precincts. The county registrar shall forward to the municipal  
281 clerk written notification of the additions and changes, and the  
282 municipal clerk shall forward to the new municipal electors



283 written notification of the additions and changes. The Statewide  
284 Elections Management System shall correctly place municipal  
285 electors within districts whose boundaries were altered by any  
286 redistricting conducted within the municipality and assign such  
287 electors to the correct municipal voting precincts.

288 **SECTION 5.** Section 23-15-41, Mississippi Code of 1972, is  
289 amended as follows:

290 23-15-41. (1) When an applicant to register to vote has  
291 completed the application form as prescribed by administrative  
292 rule, the registrar shall enter the Statewide Elections Management  
293 System voter record where the voter status will be marked "ACTIVE"  
294 or "PENDING/REJECTED" and the applicant shall be entitled to  
295 register upon his request for registration made in person to the  
296 registrar, or deputy registrar if a deputy registrar has been  
297 appointed. No person other than the registrar, or a deputy  
298 registrar, shall register any applicant.

299 (2) If an applicant is not qualified to register to vote,  
300 then the registrar shall enter into the Statewide Elections  
301 Management System voter record where the voter's status shall be  
302 marked "PENDING/REJECTED", specify in writing the reason or  
303 reasons therefor, and notify the election commission.

304 **SECTION 6.** Section 23-15-47, Mississippi Code of 1972, is  
305 amended as follows:

306 23-15-47. (1) Any person who is qualified to register to  
307 vote in the State of Mississippi may register to vote by mail-in  
308 application in the manner prescribed in this section.

309 (2) The following procedure shall be used in the \* \* \*  
310 registration of electors by mail:

311 (a) Any qualified elector may register to vote by  
312 mailing or delivering a completed mail-in application to his  
313 county registrar at least thirty (30) days prior to any election.  
314 The postmark date of a mailed application shall be the date of  
315 registration.

316 (b) Upon receipt of a mail-in application, the county  
317 registrar shall stamp the application with the date of receipt,  
318 and shall verify the application by contacting the applicant by  
319 telephone, by personal contact with the applicant, or by any other  
320 method approved by the Secretary of State. Within twenty-five  
321 (25) days of receipt of a mail-in application, the county  
322 registrar shall complete action on the application, including any  
323 attempts to notify the applicant of the status of his application.

324 (c) If the county registrar determines that the  
325 applicant is qualified and his application is legible and  
326 complete, he shall mail the applicant written notification that  
327 the application has been approved, specifying the county voting  
328 precinct, municipal voting precinct, if any, polling place and  
329 supervisor district in which the person shall vote. This written  
330 notification of approval containing the specified information  
331 shall be the voter's registration card. The registration cards  
332 shall be provided by the county registrar. Upon entry of the  
333 voter registration information into the Statewide Elections  
334 Management System, the system shall assign a voter registration  
335 number to the person \* \* \*. The assigned voter registration  
336 number shall be clearly shown on the \* \* \* written notification of  
337 approval. In mailing the written notification, the county  
338 registrar shall note the following on the envelope: "DO NOT  
339 FORWARD". If any registration notification form is returned as  
340 undeliverable, the voter's registration shall be void.

341 (d) A mail-in application shall be rejected for any of  
342 the following reasons:

343 (i) An incomplete portion of the application which  
344 makes it impossible for the registrar to determine the eligibility  
345 of the applicant to register;

346 (ii) A portion of the application which is  
347 illegible in the opinion of the county registrar and makes it

348 impossible to determine the eligibility of the applicant to  
349 register;

350 (iii) The county registrar is unable to determine,  
351 from the address and information stated on the application, the  
352 precinct in which the voter should be assigned or the supervisor  
353 district in which he is entitled to vote;

354 (iv) The applicant is not qualified to register to  
355 vote pursuant to Section 23-15-11;

356 (v) The registrar determines that the applicant is  
357 registered as a qualified elector of the county;

358 (vi) The county registrar is unable to verify the  
359 application pursuant to subsection (2)(b) of this section.

360 (e) If the mail-in application of a person is subject  
361 to rejection for any of the reasons set forth in paragraph (d)(i)  
362 through (iii) of this subsection, and it appears to the registrar  
363 that the defect or omission is of such a minor nature and that any  
364 necessary additional information may be supplied by the applicant  
365 over the telephone or by further correspondence, the registrar may  
366 write or call the applicant at the telephone number provided on  
367 the application. If the registrar is able to contact the  
368 applicant by mail or telephone, he shall attempt to ascertain the  
369 necessary information and if this information is sufficient for  
370 the registrar to complete the application, the applicant shall be  
371 registered. If the necessary information cannot be obtained by  
372 mail or telephone or is not sufficient, the registrar shall give  
373 the applicant written notice of the rejection and provide the  
374 reason for the rejection. The registrar shall further inform the  
375 applicant that he has a right to attempt to register by appearing  
376 in person or by filing another mail-in application.

377 (f) If a mail-in application is subject to rejection  
378 for the reason stated in paragraph (d)(v) of this subsection and  
379 the "present home address" portion of the application is different  
380 from the residence address for the applicant found in the

381 registration book, the mail-in application shall be deemed a  
382 written request to transfer registration pursuant to Section  
383 23-15-13. Subject to the time limits and other provisions of  
384 Section 23-15-13, the registrar or the election commissioners  
385 shall note the new residence address on his records and, if  
386 necessary, transfer the applicant to his new county precinct or  
387 municipal precinct, if any, advise the applicant of his new county  
388 precinct or municipal precinct, if any, polling place and  
389 supervisor district.

390 (3) The instructions and the application form for voter  
391 registration by mail shall be in a form established by rule duly  
392 adopted by the Secretary of State.

393 (4) (a) The Secretary of State shall prepare and furnish  
394 without charge the necessary forms for application for voter  
395 registration by mail to each county registrar, municipal clerk,  
396 all public schools, each private school that requests such  
397 applications, and all public libraries.

398 (b) The Secretary of State shall distribute without  
399 charge sufficient forms for application for voter registration by  
400 mail to the Commissioner of Public Safety, who shall distribute  
401 such forms to each driver's license examining and renewal station  
402 in the state, and shall ensure that the forms are regularly  
403 available to the public at such stations.

404 (c) Bulk quantities of forms for application for voter  
405 registration by mail shall be furnished by the Secretary of State  
406 to any person or organization. The Secretary of State shall  
407 charge a person or organization the actual cost he incurs in  
408 providing bulk quantities of forms for application for voter  
409 registration to such person or organization.

410 (5) The originals of completed mail-in applications shall  
411 remain on file in the office of the county registrar in accordance  
412 with Section 23-15-113. Nothing in this section shall preclude

413 having applications on microfilm, microfiche or as an electronic  
414 image.

415 (6) If the applicant indicates on the application that he  
416 resides within the city limits of a city or town in the county of  
417 registration, the county registrar shall enter the information  
418 into the Statewide Elections Management System. The county  
419 registrar shall send municipal voting precinct information by  
420 United States first-class mail, postage prepaid, to the person at  
421 the address provided on the application. Any and all mailing  
422 costs incurred by the county registrar or the clerk of the  
423 municipality in effectuating this subsection shall be paid by the  
424 governing authority of the municipality. If a review of the  
425 application for registration or changes to the registration  
426 indicates that the applicant is not qualified to vote in the  
427 municipality, the registrar shall notify the applicant of the  
428 correct county precinct.

429 (7) If the applicant indicates on the application that he  
430 has previously registered to vote in another county of this state  
431 or another state, notice to the voter's previous county of  
432 registration in this state shall be provided by the Statewide  
433 Elections Management System. If the voter's previous place of  
434 registration was in another state, notice shall be provided to the  
435 voter's previous state of residence if the Statewide Elections  
436 Management System has that capability.

437 (8) Any person who attempts to register to vote by mail  
438 shall be subject to the penalties for false registration provided  
439 for in Section 23-15-17.

440 **SECTION 7.** Section 23-15-113, Mississippi Code of 1972, is  
441 amended as follows:

442 23-15-113. (1) The registration books are to be in the  
443 following form: The voter registration files shall contain copies  
444 of the applications for registration completed by electors, which  
445 applications shall show the date of registration and signature of

446 elector, and such files shall be known as registration books. The  
447 files described herein may be recorded on microfilm or computer  
448 software for convenience and efficiency in storage.

449 (2) From and after January 1, 2006, all records pertaining  
450 to voter registration shall be stored in an electronic format in  
451 the Statewide Elections Management System. The scanned  
452 applications shall be a legal document of voter registration and  
453 shall be retained in the Statewide Elections Management System.

454 **SECTION 8.** Section 23-15-121, Mississippi Code of 1972, is  
455 amended as follows:

456 23-15-121. Should the registration books or electronic  
457 voting record of any county be lost or destroyed, the board of  
458 supervisors may adjudge the fact, and direct a new registration of  
459 the voters to be made; and the registrar, being so directed, shall  
460 make a new registration, as herein provided, of the qualified  
461 electors of his county on new books to be provided by the board.

462 **SECTION 9.** Section 23-15-123, Mississippi Code of 1972, is  
463 amended as follows:

464 23-15-123. If at any time the registration books of the  
465 county be or become in such confusion that a new registration is  
466 necessary to determine correctly the names of the qualified  
467 electors and the voting precinct of each, the board of supervisors  
468 shall order a new registration of voters to be made in like manner  
469 as provided for in Section 23-15-121.

470 **SECTION 10.** Section 23-15-125, Mississippi Code of 1972, is  
471 amended as follows:

472 23-15-125. The pollbook of each voting precinct shall \* \* \*  
473 designate the voting precinct for which it is to be used, and  
474 shall be ruled in appropriate columns, with printed or written  
475 headings, as follows: date of registration; voter registration  
476 number; name of electors; date of birth; and a number of blank  
477 columns for the dates of elections. All who register within  
478 thirty (30) days before any regular election shall be entered on

479 the pollbooks immediately after such election, and not before, so  
480 that the pollbooks will show only the names of those qualified to  
481 vote at such election. When election commissioners determine that  
482 any elector is disqualified from voting, by reason of removal from  
483 the supervisor's district, or other cause, that fact shall be  
484 noted on the registration book and his name shall be erased from  
485 the pollbook. Nothing in this section shall preclude the use of  
486 electronic pollbooks.

487 **SECTION 11.** Section 23-15-127, Mississippi Code of 1972, is  
488 amended as follows:

489 23-15-127. (1) It shall be the duty of registrar of the  
490 county or municipality to prepare and furnish to the appropriate  
491 election commissioner pollbooks for each voting precinct in which  
492 the election is to be conducted, in which shall be entered the  
493 name, residence, date of birth and date of registration of each  
494 person duly registered in such voting precinct as now provided by  
495 law, and which pollbooks shall be known as "primary election  
496 pollbooks" and shall be used only in holding primary elections.

497 (2) The election commissioners of the county or  
498 municipality shall revise the primary pollbooks at the time and in  
499 the manner and in accordance with the laws now fixed and in force  
500 for revising pollbooks now provided for under the law, except they  
501 shall not remove from the pollbook any person who is  
502 qualified \* \* \* to participate in \* \* \* primary elections;  
503 however, upon the written request of the municipal election  
504 commission, the commissioners of election shall revise the primary  
505 pollbooks of the municipality as provided in this subsection.

506 (3) All laws applicable to the revision of pollbooks now in  
507 use, shall be applicable to the revision of pollbooks for primary  
508 elections \* \* \*, and all rights of voters to be heard and to  
509 appeal to the executive committee of his party from the action of  
510 the election commissioners now provided by law shall be available

511 to the voter in the revisions of the pollbooks for primary  
512 elections \* \* \* provided for in this section.

513         **SECTION 12.** Section 23-15-129, Mississippi Code of 1972, is  
514 amended as follows:

515         23-15-129. The commissioners of election and the registrars  
516 of the respective counties are hereby directed to make an  
517 administrative division of the pollbook for each county  
518 immediately following any reapportionment of the Mississippi  
519 Legislature or any realignment of supervisors districts, if  
520 necessary. Such an administrative division shall form  
521 subprecincts whenever necessary within each voting precinct so  
522 that all persons within a subprecinct shall vote on the same  
523 candidates for each public office. \* \* \* The polling place for  
524 all subprecincts within any given voting precinct shall be the  
525 same as the polling place for the voting precinct. Additional  
526 managers may be appointed for subprecincts in the discretion of  
527 the commissioners of election or, in the case of primary  
528 elections, in the discretion of the proper executive committee.

529         **SECTION 13.** Section 23-15-137, Mississippi Code of 1972, is  
530 amended as follows:

531         23-15-137. (1) If the governing authorities of a  
532 municipality determine that revision of the registration books and  
533 pollbooks can be performed more effectively and efficiently  
534 utilizing the authority granted in this section, then such  
535 governing authorities may contract with the commissioners of  
536 election of the county or counties in which the municipality is  
537 located to provide the municipal registrar of such municipality  
538 with registration books and pollbooks containing only the duly  
539 qualified electors of such municipality. The registration books  
540 and pollbooks provided pursuant to this section may be used to  
541 conduct any municipal election in such municipality. By adopting  
542 the registration books and pollbooks so provided, the municipal  
543 commissioners of election shall be deemed to have met any



544 requirements to revise such books which are imposed upon such  
545 commissioners by Mississippi law.

546 (2) In addition to any meeting otherwise authorized by law,  
547 the county commissioners of election may meet to prepare the  
548 registration and pollbooks of each municipality pursuant to a  
549 contract authorized pursuant to subsection (1) of this section.  
550 Each municipality shall compensate the county commissioners of  
551 election for the actual cost of preparing such registration books  
552 and pollbooks for the municipality and shall pay each county  
553 commissioner of election the per diem provided for in Section  
554 23-15-153(2) for each day or period of not less than five (5)  
555 hours accumulated over two (2) or more days such commissioners are  
556 actually employed in preparing such registration books and  
557 pollbooks for such municipality, not to exceed five (5) days. The  
558 county commissioners of election shall not receive any  
559 compensation for the preparation of registration books and  
560 pollbooks pursuant to subsection (1) other than that provided for  
561 in this subsection.

562 (3) This section shall stand repealed from and after January  
563 1, 2008.

564 **SECTION 14.** Section 23-15-165, Mississippi Code of 1972, is  
565 amended as follows:

566 23-15-165. (1) From and after July 1, 2002, the Office of  
567 the Secretary of State, in cooperation with the local registrars  
568 and election commissioners, shall begin to procure, implement and  
569 maintain an electronic information processing system and programs  
570 capable of maintaining a centralized database of all registered  
571 voters in the state. The system shall encompass software and  
572 hardware, at both the state and county level, software development  
573 training, conversion and support and maintenance for the system.  
574 This system shall be known as the "Statewide Elections Management  
575 System" and shall constitute the official record of registered  
576 voters in every county of the state.

577 (2) The Office of the Secretary of State shall develop and  
578 implement the Statewide Elections Management System so that the  
579 registrar and election commissioners of each county shall:

580 (a) Verify that an applicant that is registering to  
581 vote in such county is not registered to vote in another county;

582 (b) Be notified automatically that a registered voter  
583 in its county has registered to vote in another county;

584 (c) Receive regular reports of death, changes of  
585 address and convictions for disenfranchising crimes that apply to  
586 voters registered in the county; and

587 (d) Retain all present functionality related to, but  
588 not limited to, the use of voter roll data and to implement such  
589 other functionality as the law requires to enhance the maintenance  
590 of accurate county voter records and related jury selection and  
591 redistricting programs.

592 (3) As a part of the procurement and implementation of the  
593 system, the Office of the Secretary of State shall, with the  
594 assistance of the advisory committee, procure services necessary  
595 to convert current voter registration records in the counties into  
596 a standard, industry accepted file format that can be used on the  
597 Statewide Elections Management System. Thereafter, all official  
598 voter information shall be maintained on the Statewide Elections  
599 Management System. The standard industry accepted format of data  
600 shall be reviewed and approved by a majority of the advisory  
601 committee created in subsection (5) of this section after  
602 consultation with the Circuit Clerks Association and the format  
603 may not be changed without majority approval of the advisory  
604 committee and without consulting the Circuit Clerks Association.

605 (4) The Secretary of State may, with the assistance of the  
606 advisory committee, adopt rules and regulations necessary to  
607 administer the Statewide Elections Management System. Such rules  
608 and regulations shall at least:

609           (a) Provide for the establishment and maintenance of a  
610 centralized database for all voter registration information in the  
611 state;

612           (b) Provide procedures for integrating data into the  
613 centralized database;

614           (c) Provide security to insure that only the registrar,  
615 or his designee or other appropriate official, as the law may  
616 require, can add information to, delete information from and  
617 modify information in the system;

618           (d) Provide the registrar or his designee or other  
619 appropriate official, as the law may require, access to the system  
620 at all times, including the ability to download copies of the  
621 industry standard file, for all purposes related to their official  
622 duties, including, but not limited to, exclusive access for the  
623 purpose of printing of all local pollbooks;

624           (e) Provide security and protection of all information  
625 in the system and monitor the system to ensure that unauthorized  
626 access is not allowed;

627           (f) Provide a procedure that will allow the registrar,  
628 or his designee or other appropriate official, as the law may  
629 require, to identify the precinct and subprecinct to which a voter  
630 should be assigned; and

631           (g) Provide a procedure for phasing in or converting  
632 existing manual and computerized voter registration systems in  
633 counties to the Statewide Elections Management System.

634           (5) The Secretary of State shall establish an advisory  
635 committee to assist in developing system specifications,  
636 procurement, implementation and maintenance of the Statewide  
637 Elections Management System. The committee shall include two (2)  
638 representatives from the Circuit Clerks Association, appointed by  
639 the association; two (2) representatives from the Election  
640 Commissioners Association of Mississippi, appointed by the  
641 association; one (1) member of the Mississippi Association of

642 Supervisors, or its staff, appointed by the association; the  
643 Director of the Stennis Institute of Government at Mississippi  
644 State University, or his designee; the Executive Director of the  
645 Department of Information Technology Services, or his designee;  
646 two (2) persons knowledgeable about elections and information  
647 technology appointed by the Secretary of State; and the Secretary  
648 of State, who shall serve as the chairman of the advisory  
649 committee.

650 (6) (a) Social security numbers, telephone numbers and date  
651 of birth and age information in statewide, district, county and  
652 municipal voter registration files shall be exempt from and shall  
653 not be subject to inspection, examination, copying or reproduction  
654 under the Mississippi Public Records Act of 1983.

655 (b) Copies of statewide, district, county or municipal  
656 voter registration files, excluding social security numbers,  
657 telephone numbers and date of birth and age information, shall be  
658 provided to any person in accordance with the Mississippi Public  
659 Records Act of 1983 at a cost not to exceed the actual cost of  
660 production.

661 **SECTION 15.** Section 23-15-625, Mississippi Code of 1972, is  
662 amended as follows:

663 23-15-625. The registrar shall be responsible for providing  
664 applications for absentee voting as provided in this section. At  
665 least sixty (60) days prior to any election in which absentee  
666 voting is provided for by law, the registrar shall provide a  
667 sufficient number of applications. \* \* \* In the event a special  
668 election is called and set at a date which makes it impractical or  
669 impossible to prepare applications for absent elector's ballot  
670 sixty (60) days prior to the election, the registrar shall provide  
671 applications as soon as practicable after the election is  
672 called. \* \* \* The registrar shall fill in the date of the  
673 particular election on the application for which the application  
674 will be used. \* \* \*

675           The registrar shall be authorized to disburse applications  
676 for absentee ballots to any qualified elector within the county  
677 where he serves. \* \* \* Any person who presents to the registrar  
678 an oral or written request for an absentee ballot application for  
679 a voter entitled to vote absentee by mail, other than the elector  
680 who seeks to vote by absentee ballot, shall, in the presence of  
681 the registrar, \* \* \* sign the application and print on the  
682 application his or her name and address and the name of the  
683 elector for whom the application is being requested in the place  
684 provided for on the application for that purpose. However, if for  
685 any reason such person is unable to write the information  
686 required, then the registrar shall write the information on a  
687 printed form which has been prescribed by the Secretary of State.  
688 The form shall provide a place for such person to place his mark  
689 after the form has been filled out by the registrar. \* \* \*

690           The registrar in the county wherein a voter is qualified to  
691 vote upon receiving the envelope containing the absentee ballots  
692 shall keep an accurate list of all persons preparing such ballots,  
693 which list shall be kept in a conspicuous place accessible to the  
694 public near the entrance to his office. The registrar shall also  
695 furnish to each precinct manager a list of the names of all  
696 persons in each respective precinct voting absentee ballots to be  
697 posted in a conspicuous place at the polling place for public  
698 notice. The application on file with the registrar and the  
699 envelopes containing the ballots shall be kept by the registrar  
700 and deposited in the proper precinct ballot boxes before such  
701 boxes are delivered to the election commissioners or managers. At  
702 the time such boxes are delivered to the election commissioners or  
703 managers, the registrar shall also turn over a list of all such  
704 persons who have voted and whose ballots are in the box.

705           The registrar shall also be authorized to mail one (1)  
706 application to any qualified elector of the county for use in a  
707 particular election.

708           **SECTION 16.** Section 23-15-627, Mississippi Code of 1972, is  
709 amended as follows:

710           23-15-627. The registrar shall be responsible for furnishing  
711 an absentee ballot application form to any elector authorized to  
712 receive an absentee ballot. Absentee ballot applications shall be  
713 furnished to a person only upon the oral or written request of the  
714 elector who seeks to vote by absentee ballot; however, the parent,  
715 child, spouse, sibling or legal guardian \* \* \* may orally request  
716 an absentee ballot application on behalf of the elector. Those  
717 empowered with a power of attorney for an elector's affairs or an  
718 agent of the elector may request an absentee ballot application on  
719 behalf of the elector; however, the request shall be in writing  
720 and shall be accompanied by proof of the power of attorney or the  
721 authority to act as an agent. An absentee ballot application must  
722 have the seal of the circuit or municipal clerk affixed to it and  
723 be initialed by the registrar or his deputy in order to be  
724 utilized to obtain an absentee ballot. A reproduction of an  
725 absentee ballot application shall not be valid unless it is a  
726 reproduction provided by the office of the registrar of the  
727 jurisdiction in which the election is being held and which  
728 contains the seal and initials required by this section. The  
729 application shall be substantially in the following form:

730           "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

731           I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
732 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
733 the purview of the definition 'ABSENT ELECTOR' will be absent from  
734 the county of my residence on election day, or unable to vote in  
735 person because (check appropriate reason):

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

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

742           ( ) I am a member of the Merchant Marine or the American Red  
743 Cross and am a citizen of Mississippi or spouse or dependent of  
744 such member.

745           ( ) I am a disabled war veteran who is a patient in any  
746 hospital and am a citizen of Mississippi or spouse or dependent of  
747 such veteran.

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

752           ( ) I am a citizen of Mississippi temporarily residing  
753 outside the territorial limits of the United States and the  
754 District of Columbia.

755           ( ) I am a student, teacher or administrator at a college,  
756 university, junior or community college, high, junior high,  
757 elementary or grade school, whose studies or employment at such  
758 institution necessitates my absence from the county of my voting  
759 residence or spouse or dependent of such student, teacher or  
760 administrator who maintains a common domicile outside the county  
761 of my voting residence with such student, teacher or  
762 administrator.

763           ( ) I will be outside the county on election day.

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

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

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

771 ( ) I am a member of the congressional delegation, or spouse  
772 or dependent of a member of the congressional delegation.

773 ( ) I am required to be at work on election day during the  
774 times which the polls will be open.

775 I hereby make application for an official ballot, or ballots,  
776 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

777 Mail 'Absent Elector's Ballot' to me at the following address  
778 \_\_\_\_\_ (if eligible to vote by mail).

779 I realize that I can be fined up to Five Thousand Dollars  
780 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
781 for making a false statement in this application and for selling  
782 my vote and violating the Mississippi Absentee Voter Law. (This  
783 sentence is to be in bold print.)

784 If you are temporarily or permanently disabled, you are not  
785 required to have this application notarized or signed by an  
786 official authorized to administer oaths for absentee balloting.  
787 You are required to sign this application in the proper place and  
788 have a person eighteen (18) years of age or older witness your  
789 signature and sign this application in the proper place.

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

792 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
793 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

794 \_\_\_\_\_

795 (Signature of absent elector)

796 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
797 2\_\_\_\_.

798 \_\_\_\_\_

799 (Official authorized to administer oaths  
800 for absentee balloting.)

801 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
802 DISABLED:



803 I HEREBY CERTIFY that this application for an absent  
804 elector's ballot was signed by the above-named disabled elector in  
805 my presence and that I am at least eighteen (18) years of age,  
806 this the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

807 \_\_\_\_\_

808 (Signature of witness)

809 CERTIFICATE OF DELIVERY

810 I hereby certify that \_\_\_\_\_ (print name of voter)  
811 has requested that I, \_\_\_\_\_ (print name of person  
812 delivering application), deliver to the voter this absentee ballot  
813 application.

814 \_\_\_\_\_

815 (Signature of person delivering application)

816 \_\_\_\_\_

817 (Address of person delivering application)"

818 **SECTION 17.** Section 23-15-629, Mississippi Code of 1972, is  
819 amended as follows:

820 23-15-629. (1) The application for an absentee ballot of a  
821 person who is permanently physically disabled shall be accompanied  
822 by a statement signed \* \* \* by such person's physician, or nurse  
823 practitioner, which statement must show that the person signing  
824 the statement is a licensed, practicing medical doctor or nurse  
825 practitioner and must indicate that the person is permanently  
826 physically disabled.

827 (2) An application accompanied by the statement provided for  
828 in subsection (1) of this section shall entitle such permanently  
829 physically disabled person to automatically receive an absentee  
830 ballot for all elections on a continuing basis without the  
831 necessity for reapplication.

832 (3) The registrar of each county shall keep an accurate list  
833 of the names and addresses of all persons whose applications for  
834 absentee ballot are accompanied by the statement set forth in  
835 subsection (1) of this section. Sixty (60) days prior to each

836 election, the registrar shall deliver such list to the  
837 commissioners of election who shall examine the list and delete  
838 from it the names of all persons listed who are no longer  
839 qualified electors of the county. Upon completion of such  
840 examination, the commissioners of election shall return the list  
841 to the registrar by no later than forty-five (45) days prior to  
842 the election.

843 (4) The registrar shall send a ballot to all persons who are  
844 determined by the commissioners of election to be qualified  
845 electors pursuant to subsection (3) of this section by no later  
846 than forty (40) days prior to the election.

847 **SECTION 18.** Section 23-15-631, Mississippi Code of 1972, is  
848 amended as follows:

849 23-15-631. (1) The registrar shall enclose with each ballot  
850 provided to an absent elector separate printed instructions  
851 furnished by him containing the following:

852 (a) All absentee voters, excepting those with temporary  
853 or permanent physical disabilities or those who are sixty-five  
854 (65) years of age or older, who mark their ballots in the county  
855 of the residence shall use the registrar of that county as the  
856 witness. The absentee voter shall come to the office of the  
857 registrar and neither the registrar nor his deputy shall be  
858 required to go out of the registrar's office to serve as an  
859 attesting witness.

860 (b) Upon receipt of the enclosed ballot, you will not  
861 mark the ballot except in view or sight of the attesting witness.  
862 In the sight or view of the attesting witness, mark the ballot  
863 according to instructions.

864 (c) After marking the ballot, fill out and sign the  
865 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
866 signature shall be across the flap of the envelope so as to insure  
867 the integrity of the ballot. All absent electors shall have the  
868 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across

869 the flap on back of the envelope. Place necessary postage on the  
870 envelope and deposit it in the post office or some government  
871 receptacle provided for deposit of mail so that the absent  
872 elector's ballot, excepting presidential absentee ballots, will  
873 reach the registrar in which your precinct is located not later  
874 than 5:00 p.m. on the day preceding the date of the  
875 election \* \* \*.

876 Any notary public, United States postmaster, assistant United  
877 States postmaster, United States postal supervisor, clerk in  
878 charge of a contract postal station, or any officer having  
879 authority to administer an oath or take an acknowledgment may be  
880 an attesting witness; provided, however, that in the case of an  
881 absent elector who is temporarily or permanently physically  
882 disabled, the attesting witness may be any person eighteen (18)  
883 years of age or older and such person is not required to have the  
884 authority to administer an oath. If a postmaster, assistant  
885 postmaster, postal supervisor, or clerk in charge of a contract  
886 postal station acts as an attesting witness, his signature on the  
887 elector's certificate must be authenticated by the cancellation  
888 stamp of their respective post offices. If one or the other  
889 officers herein named acts as attesting witness, his signature on  
890 the elector's certificate, together with his title and address,  
891 but no seal, shall be required. Any affidavits made by an absent  
892 elector who is in the Armed Forces may be executed before a  
893 commissioned officer, warrant officer, or noncommissioned officer  
894 not lower in grade than sergeant rating or any person authorized  
895 to administer oaths.

896 (d) When the application accompanies the ballot it  
897 shall not be returned in the same envelope as the ballot but shall  
898 be returned in a separate preaddressed envelope provided by the  
899 registrar.

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

903 (f) Any voter casting an absentee ballot who declares  
904 that he requires assistance to vote by reason of blindness,  
905 temporary or permanent physical disability or inability to read or  
906 write, shall be entitled to receive assistance in the marking of  
907 his absentee ballot and in completing the affidavit on the  
908 absentee ballot envelope. The voter may be given assistance by  
909 anyone of the voter's choice other than a candidate whose name  
910 appears on the absentee ballot being marked, or the voter's  
911 employer, or agent of that employer. In order to ensure the  
912 integrity of the ballot, any person who provides assistance to an  
913 absentee voter shall be required to sign and complete the  
914 "Certificate of Person Providing Voter Assistance" on the absentee  
915 ballot envelope.

916 (2) The foregoing instructions required to be provided by  
917 the registrar to the elector shall also constitute the substantive  
918 law pertaining to the handling of absentee ballots by the elector  
919 and registrar.

920 **SECTION 19.** Section 23-15-637, Mississippi Code of 1972, is  
921 amended as follows:

922 23-15-637. Absentee ballots received by mail, excluding  
923 presidential ballots as provided for in Sections 23-15-731 and  
924 23-15-733, must be received by the registrar by 5:00 p.m. on the  
925 date preceding the election; any received after such time shall be  
926 handled as provided in Section 23-15-647 and shall not be counted.  
927 All ballots cast by the absent elector appearing in person in the  
928 office of the registrar shall be cast not later than 5:00 p.m. on  
929 the Thursday immediately preceding elections held on Tuesday, the  
930 Tuesday immediately preceding elections held on Saturday, or the  
931 fourth day immediately preceding the date of elections held on

932 other days. The registrar shall deposit all absentee ballots  
933 which have been timely cast in the ballot boxes upon receipt.

934 **SECTION 20.** Section 23-15-639, Mississippi Code of 1972, is  
935 amended as follows:

936 23-15-639. (1) In elections in counties in which direct  
937 recording electronic voting systems are not utilized, the  
938 examination and counting of absentee ballots shall be as follows:

939 (a) At the close of the regular balloting and at the  
940 close of the polls, the election managers of each voting precinct  
941 shall first take the envelopes containing the absentee ballots of  
942 such electors from the box, and the name, address and precinct  
943 inscribed on each \* \* \* envelope shall be announced by the  
944 election managers.

945 (b) The signature on the application shall then be  
946 compared with the signature on the back of the envelope. If it  
947 corresponds and the affidavit, if one is required, is sufficient  
948 and the election managers find that the applicant is a registered  
949 and qualified voter or otherwise qualified to vote, and that he  
950 has not appeared in person and voted at the election, the envelope  
951 shall then be opened and the ballot removed from the envelope,  
952 without its being unfolded, or permitted to be unfolded or  
953 examined.

954 (c) Having observed and found the ballot to be regular  
955 as far as can be observed from its official endorsement, the  
956 election managers shall deposit it in the ballot box with the  
957 other ballots before counting any ballots and enter the voter's  
958 name in the receipt book provided for that purpose and mark  
959 "VOTED" in the pollbook or poll list as if he had been present and  
960 voted in person. If voting machines are used, all absentee  
961 ballots shall be placed in the ballot box before any ballots are  
962 counted, and the election managers in each precinct shall  
963 immediately count such absentee ballots and add them to the votes  
964 cast in the voting machine or device.

965       (2) In elections in counties in which direct recording  
966 electronic voting systems are utilized, the examination and  
967 counting of absentee ballots shall be as follows:

968           (a) At the close of the regular balloting and at the  
969 close of the polls, the election managers of each voting precinct  
970 shall first take the envelopes containing the absentee ballots of  
971 such electors from the box, and the name, address and precinct  
972 inscribed on each envelope shall be announced by the election  
973 managers.

974           (b) The signature on the application shall then be  
975 compared with the signature on the back of the envelope. If it  
976 corresponds and the affidavit, if one is required, is sufficient  
977 and the election managers find that the applicant is a registered  
978 and qualified voter or otherwise qualified to vote, and that he  
979 has not appeared in person and voted at the election, the envelope  
980 shall then be opened and the ballot removed from the envelope,  
981 without its being unfolded, or permitted to be unfolded or  
982 examined.

983           (c) Having observed and found the ballot to be regular  
984 as far as can be observed from its official endorsement, the  
985 election managers shall enter the voter's name in the receipt book  
986 provided for that purpose and mark "VOTED" in the pollbook or poll  
987 list as if he had been present and voted in person.

988           (d) All absentee ballots shall then be placed in the  
989 secure ballot transfer case and delivered to the officials in  
990 charge of conducting the election at the central tabulation point  
991 of the county for processing through the central optical scanner.  
992 The scanned totals shall then be combined with the direct  
993 recording electronic voting system totals for the unofficial vote  
994 count.

995       **SECTION 21.** Section 23-15-641, Mississippi Code of 1972, is  
996 amended as follows:

997           23-15-641. (1) If an affidavit or the certificate of the  
998 officer before whom the affidavit is taken is required and such  
999 affidavit or certificate is found to be insufficient, or if it is  
1000 found that the signatures do not correspond, or that the applicant  
1001 is not a duly qualified elector in the precinct, or otherwise  
1002 qualified to vote, or that the ballot envelope is open or has been  
1003 opened and resealed, or the voter is not eligible to vote absentee  
1004 or that the voter is present and has voted within the precinct  
1005 where he represents himself to be a qualified elector, or  
1006 otherwise qualified to vote, on the date of the election at such  
1007 precinct, the previously cast vote shall not be allowed. Without  
1008 opening the voter's envelope the commissioners of election,  
1009 designated executive committee members or election managers, as  
1010 appropriate, shall mark across its face "REJECTED", with the  
1011 reason therefor.

1012           (2) If the ballot envelope contains more than one (1) ballot  
1013 of any kind, the ballot shall not be counted but shall be marked  
1014 "REJECTED", with the reason therefor. The voter's envelopes and  
1015 affidavits, and the voter's envelope with its contents unopened,  
1016 when such vote is rejected, shall be retained and preserved in the  
1017 same manner as other ballots at the election. Such votes may be  
1018 challenged in the same manner and for the same reasons that any  
1019 other vote cast in such election may be challenged.

1020           (3) If an affidavit is required and the officials find that  
1021 the affidavit is insufficient, or if the officials find that the  
1022 absentee voter is otherwise disqualified to vote, the envelope  
1023 shall not be opened and a commissioner or executive committee  
1024 member shall write across the face of the envelope "REJECTED"  
1025 giving the reason therefor, and the registrar shall promptly  
1026 notify the voter of such rejection.

1027           (4) The ballots marked "REJECTED" shall be placed in a  
1028 separate envelope in the secure ballot transfer case and delivered

1029 to the officials in charge of conducting the election at the  
1030 central tabulation point of the county.

1031       **SECTION 22.** Sections 23-15-114, 23-15-131 and 23-15-133,  
1032 Mississippi Code of 1972, which require the adoption of an  
1033 automated voter registration system to be approved by the board of  
1034 supervisors and the registrar, provide a procedure for the  
1035 replacement of pollbooks and registration books, and provide the  
1036 procedure for forming subprecints, are repealed.

1037       **SECTION 23.** The Attorney General of the State of Mississippi  
1038 shall submit this act, immediately upon approval by the Governor,  
1039 or upon approval by the Legislature subsequent to a veto, to the  
1040 Attorney General of the United States or to the United States  
1041 District Court for the District of Columbia in accordance with the  
1042 provisions of the Voting Rights Act of 1965, as amended and  
1043 extended.

1044       **SECTION 24.** This act shall take effect and be in force from  
1045 and after the date it is effectuated under Section 5 of the Voting  
1046 Rights Act of 1965, as amended and extended.