

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2809  
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 23-15-33, 23-15-35, 23-15-39,  
2 23-15-41, 23-15-47, 23-15-113, 23-15-121, 23-15-123, 23-15-125,  
3 23-15-127, 23-15-129, 23-15-137, 23-15-165, 23-15-625, 23-15-627,  
4 23-15-629, 23-15-631, 23-15-639 AND 23-15-641, MISSISSIPPI CODE OF  
5 1972, TO MAKE CERTAIN TECHNICAL REVISIONS TO MISSISSIPPI'S  
6 ELECTION LAWS; TO CHANGE THE NAME OF THE STATEWIDE CENTRALIZED  
7 VOTER SYSTEM TO THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO  
8 FULLY INCORPORATE THE SYSTEM INTO THE PROCESS OF REGISTERING  
9 VOTERS; TO DELAY THE IMPLEMENTATION OF THE SYSTEM IN  
10 MUNICIPALITIES; TO PROVIDE THAT PHYSICALLY DISABLED PERSONS SHALL,  
11 UPON REQUEST, BE PROVIDED WITH A MAIL-IN VOTER APPLICATION; TO  
12 REMOVE THE REQUIREMENT THAT THE VOTER REGISTRATION NUMBER OF A  
13 VOTER MUST BE THE VOTER'S DRIVER'S LICENSE NUMBER OR THE LAST FOUR  
14 DIGITS OF THEIR SOCIAL SECURITY NUMBER; TO PROVIDE THAT ALL  
15 RECORDS PERTAINING TO VOTER REGISTRATION SHALL BE STORED IN AN  
16 ELECTRONIC FORMAT IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO  
17 PROVIDE THAT VOTER APPLICATIONS SCANNED INTO THE STATEWIDE  
18 ELECTIONS MANAGEMENT SYSTEM SHALL BE A LEGAL DOCUMENT OF VOTER  
19 REGISTRATION; TO PROVIDE THAT UPON THE WRITTEN REQUEST OF A  
20 MUNICIPAL ELECTION COMMISSION, THE COUNTY COMMISSIONERS OF  
21 ELECTION SHALL REVISE THE PRIMARY ELECTION POLLBOOKS OF THE  
22 MUNICIPALITY; TO EXTEND THE REPEAL DATE ON THE PROVISION OF LAW  
23 THAT AUTHORIZES MUNICIPALITIES TO CONTRACT WITH THE COUNTY  
24 ELECTION COMMISSIONERS FOR PREPARATION OF MUNICIPAL REGISTRATION  
25 BOOKS AND POLLBOOKS; TO REMOVE THE REQUIREMENT THAT ABSENTEE  
26 BALLOT APPLICATIONS BE PRINTED WITH SEQUENTIAL NUMBERS APPEARING  
27 ON THE APPLICATION AND THE CORRESPONDING PERFORATED STUB; TO  
28 REMOVE THE REQUIREMENT THAT THE REGISTRAR FILE AN AFFIDAVIT  
29 STATING THE NUMBER OF ABSENTEE BALLOT APPLICATIONS WHICH HE  
30 RECEIVED FROM THE PRINTER; TO REMOVE THE REQUIREMENT THAT THE  
31 REGISTRAR KEEP A PERMANENT LEDGER FOR THE PURPOSE OF SHOWING THE  
32 NUMBER OF ABSENTEE BALLOT APPLICATIONS AND THE PERSONS TO WHOM THE  
33 APPLICATIONS WERE GIVEN; TO REQUIRE THAT THOSE EMPOWERED WITH A  
34 POWER OF ATTORNEY FOR AN ELECTOR'S AFFAIRS OR AN AGENT OF THE  
35 ELECTOR WHO REQUEST AN ABSENTEE BALLOT FOR AN ELECTOR SHALL DO SO  
36 IN WRITING AND THE REQUEST MUST BE ACCOMPANIED BY PROOF OF THE  
37 POWER OF ATTORNEY OR THE AUTHORITY TO ACT AS AN AGENT; TO PROVIDE  
38 THAT AN APPLICATION FOR AN ABSENTEE BALLOT BY A PERSON WHO IS  
39 PERMANENTLY PHYSICALLY DISABLED MUST BE ACCOMPANIED BY A STATEMENT  
40 FROM A PHYSICIAN OR NURSE PRACTITIONER STATING THAT THE PERSON IS  
41 PERMANENTLY PHYSICALLY DISABLED TO SUCH A DEGREE THAT IT IS  
42 DIFFICULT FOR HIM TO VOTE IN PERSON; TO PROVIDE THE PROCEDURE FOR  
43 HANDLING AND COUNTING ABSENTEE BALLOTS IN ELECTIONS CONDUCTED WITH  
44 DIRECT RECORDING ELECTRONIC VOTING SYSTEMS; TO REPEAL SECTIONS  
45 23-15-114 AND 23-15-131, MISSISSIPPI CODE OF 1972, WHICH REQUIRE  
46 THE ADOPTION OF AN AUTOMATED VOTER REGISTRATION SYSTEM TO BE  
47 APPROVED BY THE BOARD OF SUPERVISORS AND THE REGISTRAR AND PROVIDE  
48 A PROCEDURE FOR THE REPLACEMENT OF POLLBOOKS AND REGISTRATION  
49 BOOKS; AND FOR RELATED PURPOSES.

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

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

53           23-15-33. (1) Every person entitled to be registered as an  
54 elector in compliance with the laws of this state and who has  
55 signed his name on and properly completed the application for  
56 registration to vote shall be registered by the registrar in  
57 the \* \* \* voting precinct of the residence of such person through  
58 the Statewide Elections Management System.

59           (2) Every person entitled to be registered as an elector in  
60 compliance with the laws of this state and who registers to vote  
61 pursuant to the National Voter Registration Act of 1993 shall be  
62 registered by the registrar in \* \* \* the voting precinct of the  
63 residence of such person through the Statewide Elections  
64 Management System.

65           \* \* \*

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

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

69           23-15-35. (1) The clerk of the municipality shall be the  
70 registrar of voters of the municipality, and shall take the oath  
71 of office prescribed by Section 268 of the Constitution. The  
72 governing authorities shall provide suitable municipal  
73 registration books, which shall conform as nearly as practicable  
74 to the county registration books. The registrar shall, as nearly  
75 as may be practicable, and where not otherwise provided, comply  
76 with all the provisions of law regarding state and county  
77 elections in keeping and maintaining such registration books and  
78 in registering voters thereon. Applications for registration as  
79 electors of the municipality shall be made upon a triplicate form  
80 provided by and prepared at the expense of the county registrar,  
81 which form shall conform as nearly as practicable to the  
82 application for registration form provided for in Section  
83 23-15-39.

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

109           (3) The municipal clerk shall issue to the person making the  
110 application a copy of the application, and the county registrar  
111 shall process the application in accordance with the law regarding  
112 the handling of voter registration applications.

113           (4) The receipt of a copy of the application for  
114 registration sent pursuant to Section 23-15-39(3) shall be  
115 sufficient to allow the applicant to be registered as an elector

116 in the municipality, provided that such application is not  
117 challenged as provided for therein.

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

120 23-15-35. (1) The clerk of the municipality shall be the  
121 registrar of voters of the municipality, and shall take the oath  
122 of office prescribed by Section 268 of the Constitution. The  
123 municipal registration \* \* \* shall conform to the county  
124 registration \* \* \* which shall be a part of the official record of  
125 registered voters as contained in the Statewide Elections  
126 Management System. The municipal clerk shall comply with all the  
127 provisions of law regarding the registration of voters, including  
128 the use of the voter registration applications used by county  
129 registrars and prescribed by the Secretary of State under Sections  
130 23-15-39 and 23-15-47.

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

149 supervisors. If a review of the copy of the application for  
150 registration or changes to the registration indicates that the  
151 applicant is not qualified to vote in the county, the county  
152 registrar shall challenge the application. The county election  
153 commissioners shall review any challenge or disqualification,  
154 after having notified the applicant by certified mail of the  
155 challenge or disqualification.

156 (3) The municipal clerk shall issue to the person making the  
157 application a copy of the application and the county registrar  
158 shall process the application in accordance with the law regarding  
159 the handling of voter registration applications.

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

165 **SECTION 3.** Section 23-15-39, Mississippi Code of 1972, is  
166 amended as follows:

167 23-15-39. (1) Applications for registration as electors of  
168 this state, which are sworn to and subscribed before the registrar  
169 or deputy registrar authorized by law and which are not made by  
170 mail, shall be made upon a form established by rule duly adopted  
171 by the Secretary of State.

172 (2) The boards of supervisors shall make proper allowances  
173 for office supplies reasonably necessitated by the registration of  
174 county electors.

175 (3) If the applicant indicates on the application that he  
176 resides within the city limits of a city or town in the county of  
177 registration, the county registrar shall process the application  
178 for registration or changes to the registration as provided by  
179 law.

180 (4) If the applicant indicates on the application that he  
181 has previously registered to vote in another county of this state

182 or another state, notice to the voter's previous county of  
183 registration in this state shall be provided by the Statewide  
184 Elections Management System. If the voter's previous place of  
185 registration was in another state, notice shall be provided to the  
186 voter's previous state of residence if the Statewide Elections  
187 Management System has that capability.

188 (5) The county registrar shall provide to the person making  
189 the application a copy of the application upon which has been  
190 written the county voting precinct and municipal voting precinct,  
191 if any, in which the person shall vote. Upon entry of the voter  
192 registration information into the Statewide Elections Management  
193 System, the system shall assign a voter registration number to the  
194 person \* \* \*.

195 (6) Any person desiring an application for registration may  
196 secure an application from the registrar of the county of which he  
197 is a resident and may take the application with him and secure  
198 assistance in completing the application from any person of the  
199 applicant's choice. It shall be the duty of all registrars to  
200 furnish applications for registration to all persons requesting  
201 them, and it shall likewise be his duty to furnish aid and  
202 assistance in the completing of the application when requested by  
203 an applicant. The application for registration shall be sworn to  
204 and subscribed before the registrar or deputy registrar at the  
205 municipal clerk's office, the county registrar's office or any  
206 other location where the applicant is allowed to register to vote.  
207 No fee or cost shall be charged the applicant by the registrar for  
208 accepting the application or administering the oath or for any  
209 other duty imposed by law regarding the registration of electors.

210 (7) If the person making the application is unable to read  
211 or write, for reason of disability or otherwise, he shall not be  
212 required to personally complete the application in writing and  
213 execute the oath. In such cases, the registrar or deputy  
214 registrar shall read to the person the application and oath and

215 the person's answers thereto shall be recorded by the registrar or  
216 his deputy. The person shall be registered as an elector if he  
217 otherwise meets the requirements to be registered as an elector.  
218 The registrar shall record the responses of the person and the  
219 recorded responses shall be retained permanently by the registrar.  
220 The registrar shall enter the voter registration information into  
221 the Statewide Elections Management System and designate the entry  
222 as an assisted filing.

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

227 (9) In any case in which a municipality expands its  
228 corporate boundaries by annexation or redistricts all or a part of  
229 the municipality, the municipal clerk shall within ten (10) days  
230 after the effective date of the annexation or after preclearance  
231 of the redistricting plan under Section 5 of the Voting Rights Act  
232 of 1965, provide the county registrar with conforming geographic  
233 data that is compatible with the Statewide Elections Management  
234 System. The data shall be developed by the municipality's use of  
235 a standardized format specified by the Statewide Elections  
236 Management System. The county registrar shall update the  
237 municipal boundary information or redistricting information into  
238 the Statewide Elections Management System. The Statewide  
239 Elections Management System shall update the voter registration  
240 records to include the new municipal electors who have resided  
241 within the annexed area for at least thirty (30) days after  
242 annexation and assign the electors to the municipal voting  
243 precincts. The county registrar shall forward to the municipal  
244 clerk written notification of the additions and changes, and the  
245 municipal clerk shall forward to the new municipal electors  
246 written notification of the additions and changes. The Statewide  
247 Elections Management System shall correctly place municipal

248 electors within districts whose boundaries were altered by any  
249 redistricting conducted within the municipality and assign such  
250 electors to the correct municipal voting precincts.

251 **SECTION 4.** Section 23-15-41, Mississippi Code of 1972, is  
252 amended as follows:

253 23-15-41. (1) When an applicant to register to vote has  
254 completed the application form as prescribed by administrative  
255 rule, the registrar shall enter the Statewide Elections Management  
256 System voter record where the voter status will be marked  
257 "ACTIVE", "PENDING" or "REJECTED" and the applicant shall be  
258 entitled to register upon his request for registration made in  
259 person to the registrar, or deputy registrar if a deputy registrar  
260 has been appointed. No person other than the registrar, or a  
261 deputy registrar, shall register any applicant.

262 (2) If an applicant is not qualified to register to vote,  
263 then the registrar shall enter the Statewide Elections Management  
264 System voter record where the voter's status shall be marked  
265 "PENDING" or "REJECTED", specify \* \* \* the reason or reasons  
266 therefor, and notify the election commission of those rejected.

267 **SECTION 5.** Section 23-15-47, Mississippi Code of 1972, is  
268 amended as follows:

269 23-15-47. (1) Any person who is qualified to register to  
270 vote in the State of Mississippi may register to vote by mail-in  
271 application in the manner prescribed in this section.

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

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

279 (b) Upon receipt of a mail-in application, the county  
280 registrar shall stamp the application with the date of receipt,



281 and shall verify the application by contacting the applicant by  
282 telephone, by personal contact with the applicant, or by any other  
283 method approved by the Secretary of State. Within twenty-five  
284 (25) days of receipt of a mail-in application, the county  
285 registrar shall complete action on the application, including any  
286 attempts to notify the applicant of the status of his application.

287 (c) If the county registrar determines that the  
288 applicant is qualified and his application is legible and  
289 complete, he shall mail the applicant written notification that  
290 the application has been approved, specifying the county voting  
291 precinct, municipal voting precinct, if any, polling place and  
292 supervisor district in which the person shall vote. This written  
293 notification of approval containing the specified information  
294 shall be the voter's registration card. The registration cards  
295 shall be provided by the county registrar. Upon entry of the  
296 voter registration information into the Statewide Elections  
297 Management System, the system shall assign a voter registration  
298 number to the person \* \* \*. The assigned voter registration  
299 number shall be clearly shown on the \* \* \* written notification of  
300 approval. In mailing the written notification, the county  
301 registrar shall note the following on the envelope: "DO NOT  
302 FORWARD". If any registration notification form is returned as  
303 undeliverable, the voter's registration shall be void.

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

306 (i) An incomplete portion of the application which  
307 makes it impossible for the registrar to determine the eligibility  
308 of the applicant to register;

309 (ii) A portion of the application which is  
310 illegible in the opinion of the county registrar and makes it  
311 impossible to determine the eligibility of the applicant to  
312 register;

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

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

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

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

323                   (e) If the mail-in application of a person is subject  
324 to rejection for any of the reasons set forth in paragraph (d)(i)  
325 through (iii) of this subsection, and it appears to the registrar  
326 that the defect or omission is of such a minor nature and that any  
327 necessary additional information may be supplied by the applicant  
328 over the telephone or by further correspondence, the registrar may  
329 write or call the applicant at the telephone number provided on  
330 the application. If the registrar is able to contact the  
331 applicant by mail or telephone, he shall attempt to ascertain the  
332 necessary information and if this information is sufficient for  
333 the registrar to complete the application, the applicant shall be  
334 registered. If the necessary information cannot be obtained by  
335 mail or telephone or is not sufficient, the registrar shall give  
336 the applicant written notice of the rejection and provide the  
337 reason for the rejection. The registrar shall further inform the  
338 applicant that he has a right to attempt to register by appearing  
339 in person or by filing another mail-in application.

340                   (f) If a mail-in application is subject to rejection  
341 for the reason stated in paragraph (d)(v) of this subsection and  
342 the "present home address" portion of the application is different  
343 from the residence address for the applicant found in the  
344 registration book, the mail-in application shall be deemed a  
345 written request to transfer registration pursuant to Section

346 23-15-13. Subject to the time limits and other provisions of  
347 Section 23-15-13, the registrar or the election commissioners  
348 shall note the new residence address on his records and, if  
349 necessary, transfer the applicant to his new county precinct or  
350 municipal precinct, if any, advise the applicant of his new county  
351 precinct or municipal precinct, if any, polling place and  
352 supervisor district.

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

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

361 (b) The Secretary of State shall distribute without  
362 charge sufficient forms for application for voter registration by  
363 mail to the Commissioner of Public Safety, who shall distribute  
364 such forms to each driver's license examining and renewal station  
365 in the state, and shall ensure that the forms are regularly  
366 available to the public at such stations.

367 (c) Bulk quantities of forms for application for voter  
368 registration by mail shall be furnished by the Secretary of State  
369 to any person or organization. The Secretary of State shall  
370 charge a person or organization the actual cost he incurs in  
371 providing bulk quantities of forms for application for voter  
372 registration to such person or organization.

373 (5) The originals of completed mail-in applications shall  
374 remain on file in the office of the county registrar in accordance  
375 with Section 23-15-113. Nothing in this section shall preclude  
376 having applications on microfilm, microfiche or as an electronic  
377 image.

378           (6) If the applicant indicates on the application that he  
379 resides within the city limits of a city or town in the county of  
380 registration, the county registrar shall enter the information  
381 into the Statewide Elections Management System. The county  
382 registrar shall send municipal voting precinct information by  
383 United States first-class mail, postage prepaid, to the person at  
384 the address provided on the application. Any and all mailing  
385 costs incurred by the county registrar or the clerk of the  
386 municipality in effectuating this subsection shall be paid by the  
387 governing authority of the municipality. If a review of the  
388 application for registration or changes to the registration  
389 indicates that the applicant is not qualified to vote in the  
390 municipality, the registrar shall notify the applicant of the  
391 correct county precinct.

392           (7) If the applicant indicates on the application that he  
393 has previously registered to vote in another county of this state  
394 or another state, notice to the voter's previous county of  
395 registration in this state shall be provided by the Statewide  
396 Elections Management System. If the voter's previous place of  
397 registration was in another state, notice shall be provided to the  
398 voter's previous state of residence if the Statewide Elections  
399 Management System has that capability.

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

403           **SECTION 6.** Section 23-15-113, Mississippi Code of 1972, is  
404 amended as follows:

405           23-15-113. (1) The registration books are to be in the  
406 following form: The voter registration files shall contain copies  
407 of the applications for registration completed by electors, which  
408 applications shall show the date of registration and signature of  
409 elector, and such files shall be known as registration books. The

410 files described herein may be recorded on microfilm or computer  
411 software for convenience and efficiency in storage.

412 (2) From and after January 1, 2006, all records pertaining  
413 to voter registration shall be stored in an electronic format in  
414 the Statewide Elections Management System. The scanned  
415 applications shall be a legal document of voter registration and  
416 shall be retained in the Statewide Elections Management System.

417 **SECTION 7.** Section 23-15-121, Mississippi Code of 1972, is  
418 amended as follows:

419 23-15-121. Should the registration books or electronic  
420 voting record of any county be lost or destroyed, the board of  
421 supervisors may adjudge the fact, and direct a new registration of  
422 the voters to be made; and the registrar, being so directed, shall  
423 make a new registration, as herein provided, of the qualified  
424 electors of his county on new books to be provided by the board.

425 **SECTION 8.** Section 23-15-123, Mississippi Code of 1972, is  
426 amended as follows:

427 23-15-123. If at any time the registration books of the  
428 county be or become in such confusion that a new registration is  
429 necessary to determine correctly the names of the qualified  
430 electors and the voting precinct of each, the board of supervisors  
431 shall order a new registration of voters to be made in like manner  
432 as provided for in Section 23-15-121.

433 **SECTION 9.** Section 23-15-125, Mississippi Code of 1972, is  
434 amended as follows:

435 23-15-125. The pollbook of each voting precinct shall \* \* \*  
436 designate the voting precinct for which it is to be used, and  
437 shall be ruled in appropriate columns, with printed or written  
438 headings, as follows: date of registration; voter registration  
439 number; name of electors; date of birth; and a number of blank  
440 columns for the dates of elections. All who register within  
441 thirty (30) days before any regular election shall be entered on  
442 the pollbooks immediately after such election, and not before, so

443 that the pollbooks will show only the names of those qualified to  
444 vote at such election. When election commissioners determine that  
445 any elector is disqualified from voting, by reason of removal from  
446 the supervisor's district, or other cause, that fact shall be  
447 noted on the registration book and his name shall be erased from  
448 the pollbook. Nothing in this section shall preclude the use of  
449 electronic pollbooks.

450 **SECTION 10.** Section 23-15-127, Mississippi Code of 1972, is  
451 amended as follows:

452 23-15-127. (1) It shall be the duty of registrar of the  
453 county or municipality to prepare and furnish to the appropriate  
454 election commissioner pollbooks for each voting precinct in which  
455 the election is to be conducted, in which shall be entered the  
456 name, residence, date of birth and date of registration of each  
457 person duly registered in such voting precinct as now provided by  
458 law, and which pollbooks shall be known as "primary election  
459 pollbooks" and shall be used only in holding primary elections.

460 (2) The election commissioners of the county or  
461 municipality shall revise the primary pollbooks at the time and in  
462 the manner and in accordance with the laws now fixed and in force  
463 for revising pollbooks now provided for under the law, except they  
464 shall not remove from the pollbook any person who is  
465 qualified \* \* \* to participate in \* \* \* primary elections;  
466 however, upon the written request of the municipal election  
467 commission, the county commissioners of election shall revise the  
468 primary pollbooks of the municipality as provided in this  
469 subsection.

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

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

477 **SECTION 11**. Section 23-15-129, Mississippi Code of 1972, is  
478 amended as follows:

479 23-15-129. The commissioners of election and the registrars  
480 of the respective counties are hereby directed to make an  
481 administrative division of the pollbook for each county  
482 immediately following any reapportionment of the Mississippi  
483 Legislature or any realignment of supervisors districts, if  
484 necessary. Such an administrative division shall form  
485 subprecincts whenever necessary within each voting precinct so  
486 that all persons within a subprecinct shall vote on the same  
487 candidates for each public office. \* \* \* The polling place for  
488 all subprecincts within any given voting precinct shall be the  
489 same as the polling place for the voting precinct. Additional  
490 managers may be appointed for subprecincts in the discretion of  
491 the commissioners of election or, in the case of primary  
492 elections, in the discretion of the proper executive committee.

493 **SECTION 12**. Section 23-15-137, Mississippi Code of 1972, is  
494 amended as follows:

495 23-15-137. (1) If the governing authorities of a  
496 municipality determine that revision of the registration books and  
497 pollbooks can be performed more effectively and efficiently  
498 utilizing the authority granted in this section, then such  
499 governing authorities may contract with the commissioners of  
500 election of the county or counties in which the municipality is  
501 located to provide the municipal registrar of such municipality  
502 with registration books and pollbooks containing only the duly  
503 qualified electors of such municipality. The registration books  
504 and pollbooks provided pursuant to this section may be used to  
505 conduct any municipal election in such municipality. By adopting  
506 the registration books and pollbooks so provided, the municipal  
507 commissioners of election shall be deemed to have met any

508 requirements to revise such books which are imposed upon such  
509 commissioners by Mississippi law.

510 (2) In addition to any meeting otherwise authorized by law,  
511 the county commissioners of election may meet to prepare the  
512 registration and pollbooks of each municipality pursuant to a  
513 contract authorized pursuant to subsection (1) of this section.  
514 Each municipality shall compensate the county commissioners of  
515 election for the actual cost of preparing such registration books  
516 and pollbooks for the municipality and shall pay each county  
517 commissioner of election the per diem provided for in Section  
518 23-15-153(2) for each day or period of not less than five (5)  
519 hours accumulated over two (2) or more days such commissioners are  
520 actually employed in preparing such registration books and  
521 pollbooks for such municipality, not to exceed five (5) days. The  
522 county commissioners of election shall not receive any  
523 compensation for the preparation of registration books and  
524 pollbooks pursuant to subsection (1) other than that provided for  
525 in this subsection.

526 (3) This section shall stand repealed from and after January  
527 1, 2008.

528 **SECTION 13.** Section 23-15-165, Mississippi Code of 1972, is  
529 amended as follows:

530 23-15-165. (1) From and after July 1, 2002, the Office of  
531 the Secretary of State, in cooperation with the local registrars  
532 and election commissioners, shall begin to procure, implement and  
533 maintain an electronic information processing system and programs  
534 capable of maintaining a centralized database of all registered  
535 voters in the state. The system shall encompass software and  
536 hardware, at both the state and county level, software development  
537 training, conversion and support and maintenance for the system.  
538 This system shall be known as the "Statewide Elections Management  
539 System" and shall constitute the official record of registered  
540 voters in every county of the state.



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

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

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

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

551 (d) Retain all present functionality related to, but  
552 not limited to, the use of voter roll data and to implement such  
553 other functionality as the law requires to enhance the maintenance  
554 of accurate county voter records and related jury selection and  
555 redistricting programs.

556 (3) As a part of the procurement and implementation of the  
557 system, the Office of the Secretary of State shall, with the  
558 assistance of the advisory committee, procure services necessary  
559 to convert current voter registration records in the counties into  
560 a standard, industry accepted file format that can be used on the  
561 Statewide Elections Management System. Thereafter, all official  
562 voter information shall be maintained on the Statewide Elections  
563 Management System. The standard industry accepted format of data  
564 shall be reviewed and approved by a majority of the advisory  
565 committee created in subsection (5) of this section after  
566 consultation with the Circuit Clerks Association and the format  
567 may not be changed without majority approval of the advisory  
568 committee and without consulting the Circuit Clerks Association.

569 (4) The Secretary of State may, with the assistance of the  
570 advisory committee, adopt rules and regulations necessary to  
571 administer the Statewide Elections Management System. Such rules  
572 and regulations shall at least:

573           (a) Provide for the establishment and maintenance of a  
574 centralized database for all voter registration information in the  
575 state;

576           (b) Provide procedures for integrating data into the  
577 centralized database;

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

582           (d) Provide the registrar or his designee or other  
583 appropriate official, as the law may require, access to the system  
584 at all times, including the ability to download copies of the  
585 industry standard file, for all purposes related to their official  
586 duties, including, but not limited to, exclusive access for the  
587 purpose of printing of all local pollbooks;

588           (e) Provide security and protection of all information  
589 in the system and monitor the system to ensure that unauthorized  
590 access is not allowed;

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

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

598           (5) The Secretary of State shall establish an advisory  
599 committee to assist in developing system specifications,  
600 procurement, implementation and maintenance of the Statewide  
601 Elections Management System. The committee shall include two (2)  
602 representatives from the Circuit Clerks Association, appointed by  
603 the association; two (2) representatives from the Election  
604 Commissioners Association of Mississippi, appointed by the  
605 association; one (1) member of the Mississippi Association of

606 Supervisors, or its staff, appointed by the association; the  
607 Director of the Stennis Institute of Government at Mississippi  
608 State University, or his designee; the Executive Director of the  
609 Department of Information Technology Services, or his designee;  
610 two (2) persons knowledgeable about elections and information  
611 technology appointed by the Secretary of State; and the Secretary  
612 of State, who shall serve as the chairman of the advisory  
613 committee.

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

619 (b) Copies of statewide, district, county or municipal  
620 voter registration files, excluding social security numbers,  
621 telephone numbers and date of birth and age information, shall be  
622 provided to any person in accordance with the Mississippi Public  
623 Records Act of 1983 at a cost not to exceed the actual cost of  
624 production.

625 **SECTION 14.** Section 23-15-625, Mississippi Code of 1972, is  
626 amended as follows:

627 23-15-625. The registrar shall be responsible for providing  
628 applications for absentee voting as provided in this section. At  
629 least sixty (60) days prior to any election in which absentee  
630 voting is provided for by law, the registrar shall provide a  
631 sufficient number of applications. \* \* \* In the event a special  
632 election is called and set at a date which makes it impractical or  
633 impossible to prepare applications for absent elector's ballot  
634 sixty (60) days prior to the election, the registrar shall provide  
635 applications as soon as practicable after the election is  
636 called. \* \* \* The registrar shall fill in the date of the  
637 particular election on the application for which the application  
638 will be used. \* \* \*

639           The registrar shall be authorized to disburse applications  
640 for absentee ballots to any qualified elector within the county  
641 where he serves. \* \* \* Any person who presents to the registrar  
642 an oral or written request for an absentee ballot application for  
643 a voter entitled to vote absentee by mail, other than the elector  
644 who seeks to vote by absentee ballot, shall, in the presence of  
645 the registrar, \* \* \* sign the application and print on the  
646 application his or her name and address and the name of the  
647 elector for whom the application is being requested in the place  
648 provided for on the application for that purpose. However, if for  
649 any reason such person is unable to write the information  
650 required, then the registrar shall write the information on a  
651 printed form which has been prescribed by the Secretary of State.  
652 The form shall provide a place for such person to place his mark  
653 after the form has been filled out by the registrar. \* \* \*

654           The registrar in the county wherein a voter is qualified to  
655 vote upon receiving the envelope containing the absentee ballots  
656 shall keep an accurate list of all persons preparing such ballots,  
657 which list shall be kept in a conspicuous place accessible to the  
658 public near the entrance to his office. The registrar shall also  
659 furnish to each precinct manager a list of the names of all  
660 persons in each respective precinct voting absentee ballots to be  
661 posted in a conspicuous place at the polling place for public  
662 notice. The application on file with the registrar and the  
663 envelopes containing the ballots shall be kept by the registrar  
664 and deposited in the proper precinct ballot boxes before such  
665 boxes are delivered to the election commissioners or managers. At  
666 the time such boxes are delivered to the election commissioners or  
667 managers, the registrar shall also turn over a list of all such  
668 persons who have voted and whose ballots are in the box.

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

672           **SECTION 15.** Section 23-15-627, Mississippi Code of 1972, is  
673 amended as follows:

674           23-15-627. The registrar shall be responsible for furnishing  
675 an absentee ballot application form to any elector authorized to  
676 receive an absentee ballot. Absentee ballot applications shall be  
677 furnished to a person only upon the oral or written request of the  
678 elector who seeks to vote by absentee ballot; however, the parent,  
679 child, spouse, sibling or legal guardian \* \* \* may orally request  
680 an absentee ballot application on behalf of the elector. Those  
681 empowered with a power of attorney for an elector's affairs or an  
682 agent of the elector may request an absentee ballot application on  
683 behalf of the elector; however, the request shall be in writing  
684 and shall be accompanied by proof of the power of attorney or the  
685 authority to act as an agent. An absentee ballot application must  
686 have the seal of the circuit or municipal clerk affixed to it and  
687 be initialed by the registrar or his deputy in order to be  
688 utilized to obtain an absentee ballot. A reproduction of an  
689 absentee ballot application shall not be valid unless it is a  
690 reproduction provided by the office of the registrar of the  
691 jurisdiction in which the election is being held and which  
692 contains the seal and initials required by this section. The  
693 application shall be substantially in the following form:

694           "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

706           ( ) I am a member of the Merchant Marine or the American Red  
707 Cross and am a citizen of Mississippi or spouse or dependent of  
708 such member.

709           ( ) I am a disabled war veteran who is a patient in any  
710 hospital and am a citizen of Mississippi or spouse or dependent of  
711 such veteran.

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

716           ( ) I am a citizen of Mississippi temporarily residing  
717 outside the territorial limits of the United States and the  
718 District of Columbia.

719           ( ) I am a student, teacher or administrator at a college,  
720 university, junior or community college, high, junior high,  
721 elementary or grade school, whose studies or employment at such  
722 institution necessitates my absence from the county of my voting  
723 residence or spouse or dependent of such student, teacher or  
724 administrator who maintains a common domicile outside the county  
725 of my voting residence with such student, teacher or  
726 administrator.

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

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

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

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

735 ( ) I am a member of the congressional delegation, or spouse  
736 or dependent of a member of the congressional delegation.

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

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

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

743 I realize that I can be fined up to Five Thousand Dollars  
744 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
745 for making a false statement in this application and for selling  
746 my vote and violating the Mississippi Absentee Voter Law. (This  
747 sentence is to be in bold print.)

748 If you are temporarily or permanently disabled, you are not  
749 required to have this application notarized or signed by an  
750 official authorized to administer oaths for absentee balloting.  
751 You are required to sign this application in the proper place and  
752 have a person eighteen (18) years of age or older witness your  
753 signature and sign this application in the proper place.

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

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

758 \_\_\_\_\_

759 (Signature of absent elector)

760 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
761 2\_\_\_\_.

762 \_\_\_\_\_

763 (Official authorized to administer oaths  
764 for absentee balloting.)

765 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
766 DISABLED:

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

771 \_\_\_\_\_  
772 (Signature of witness)

773 CERTIFICATE OF DELIVERY

774 I hereby certify that \_\_\_\_\_ (print name of voter)  
775 has requested that I, \_\_\_\_\_ (print name of person  
776 delivering application), deliver to the voter this absentee ballot  
777 application.

778 \_\_\_\_\_  
779 (Signature of person delivering application)

780 \_\_\_\_\_  
781 (Address of person delivering application)"

782 **SECTION 16.** Section 23-15-629, Mississippi Code of 1972, is  
783 amended as follows:

784 23-15-629. (1) The application for an absentee ballot of a  
785 person who is permanently physically disabled shall be accompanied  
786 by a statement signed \* \* \* by such person's physician, or nurse  
787 practitioner, which statement must show that the person signing  
788 the statement is a licensed, practicing medical doctor or nurse  
789 practitioner and must indicate that the person applying for the  
790 absentee ballot is permanently physically disabled to such a  
791 degree that it is difficult for him to vote in person.

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

797 (3) The registrar of each county shall keep an accurate list  
798 of the names and addresses of all persons whose applications for  
799 absentee ballot are accompanied by the statement set forth in



800 subsection (1) of this section. Sixty (60) days prior to each  
801 election, the registrar shall deliver such list to the  
802 commissioners of election who shall examine the list and delete  
803 from it the names of all persons listed who are no longer  
804 qualified electors of the county. Upon completion of such  
805 examination, the commissioners of election shall return the list  
806 to the registrar by no later than forty-five (45) days prior to  
807 the election.

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

812 **SECTION 17.** Section 23-15-631, Mississippi Code of 1972, is  
813 amended as follows:

814 23-15-631. (1) The registrar shall enclose with each ballot  
815 provided to an absent elector separate printed instructions  
816 furnished by him containing the following:

817 (a) All absentee voters, excepting those with temporary  
818 or permanent physical disabilities or those who are sixty-five  
819 (65) years of age or older, who mark their ballots in the county  
820 of the residence shall use the registrar of that county as the  
821 witness. The absentee voter shall come to the office of the  
822 registrar and neither the registrar nor his deputy shall be  
823 required to go out of the registrar's office to serve as an  
824 attesting witness.

825 (b) Upon receipt of the enclosed ballot, you will not  
826 mark the ballot except in view or sight of the attesting witness.  
827 In the sight or view of the attesting witness, mark the ballot  
828 according to instructions.

829 (c) After marking the ballot, fill out and sign the  
830 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
831 signature shall be across the flap of the envelope so as to insure  
832 the integrity of the ballot. All absent electors shall have the

833 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
834 the flap on back of the envelope. Place necessary postage on the  
835 envelope and deposit it in the post office or some government  
836 receptacle provided for deposit of mail so that the absent  
837 elector's ballot, excepting presidential absentee ballots, will  
838 reach the registrar in which your precinct is located not later  
839 than 5:00 p.m. on the day preceding the date of the  
840 election \* \* \*.

841 Any notary public, United States postmaster, assistant United  
842 States postmaster, United States postal supervisor, clerk in  
843 charge of a contract postal station, or any officer having  
844 authority to administer an oath or take an acknowledgment may be  
845 an attesting witness; provided, however, that in the case of an  
846 absent elector who is temporarily or permanently physically  
847 disabled, the attesting witness may be any person eighteen (18)  
848 years of age or older and such person is not required to have the  
849 authority to administer an oath. If a postmaster, assistant  
850 postmaster, postal supervisor, or clerk in charge of a contract  
851 postal station acts as an attesting witness, his signature on the  
852 elector's certificate must be authenticated by the cancellation  
853 stamp of their respective post offices. If one or the other  
854 officers herein named acts as attesting witness, his signature on  
855 the elector's certificate, together with his title and address,  
856 but no seal, shall be required. Any affidavits made by an absent  
857 elector who is in the Armed Forces may be executed before a  
858 commissioned officer, warrant officer, or noncommissioned officer  
859 not lower in grade than sergeant rating or any person authorized  
860 to administer oaths.

861 (d) When the application accompanies the ballot it  
862 shall not be returned in the same envelope as the ballot but shall  
863 be returned in a separate preaddressed envelope provided by the  
864 registrar.

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

868 (f) Any voter casting an absentee ballot who declares  
869 that he requires assistance to vote by reason of blindness,  
870 temporary or permanent physical disability or inability to read or  
871 write, shall be entitled to receive assistance in the marking of  
872 his absentee ballot and in completing the affidavit on the  
873 absentee ballot envelope. The voter may be given assistance by  
874 anyone of the voter's choice other than a candidate whose name  
875 appears on the absentee ballot being marked, or the voter's  
876 employer, or agent of that employer. In order to ensure the  
877 integrity of the ballot, any person who provides assistance to an  
878 absentee voter shall be required to sign and complete the  
879 "Certificate of Person Providing Voter Assistance" on the absentee  
880 ballot envelope.

881 (2) The foregoing instructions required to be provided by  
882 the registrar to the elector shall also constitute the substantive  
883 law pertaining to the handling of absentee ballots by the elector  
884 and registrar.

885 **SECTION 18.** Section 23-15-639, Mississippi Code of 1972, is  
886 amended as follows:

887 23-15-639. (1) In elections in which direct recording  
888 electronic voting systems are not utilized, the examination and  
889 counting of absentee ballots shall be conducted as follows:

890 (a) At the close of the regular balloting and at the  
891 close of the polls, the election managers of each voting precinct  
892 shall first take the envelopes containing the absentee ballots of  
893 such electors from the box, and the name, address and precinct  
894 inscribed on each \* \* \* envelope shall be announced by the  
895 election managers.

896 (b) The signature on the application shall then be  
897 compared with the signature on the back of the envelope. If it

898 corresponds and the affidavit, if one is required, is sufficient  
899 and the election managers find that the applicant is a registered  
900 and qualified voter or otherwise qualified to vote, and that he  
901 has not appeared in person and voted at the election, the envelope  
902 shall then be opened and the ballot removed from the envelope,  
903 without its being unfolded, or permitted to be unfolded or  
904 examined.

905           (c) Having observed and found the ballot to be regular  
906 as far as can be observed from its official endorsement, the  
907 election managers shall deposit it in the ballot box with the  
908 other ballots before counting any ballots and enter the voter's  
909 name in the receipt book provided for that purpose and mark  
910 "VOTED" in the pollbook or poll list as if he had been present and  
911 voted in person. If voting machines are used, all absentee  
912 ballots shall be placed in the ballot box before any ballots are  
913 counted, and the election managers in each precinct shall  
914 immediately count such absentee ballots and add them to the votes  
915 cast in the voting machine or device.

916           (2) In elections in which direct recording electronic voting  
917 systems are utilized, the examination and counting of absentee  
918 ballots shall be conducted as follows:

919           (a) At the close of the regular balloting and at the  
920 close of the polls, the election managers of each voting precinct  
921 shall first take the envelopes containing the absentee ballots of  
922 such electors from the box, and the name, address and precinct  
923 inscribed on each envelope shall be announced by the election  
924 managers.

925           (b) The signature on the application shall then be  
926 compared with the signature on the back of the envelope. If it  
927 corresponds and the affidavit, if one is required, is sufficient  
928 and the election managers find that the applicant is a registered  
929 and qualified voter or otherwise qualified to vote, and that he  
930 has not appeared in person and voted at the election, the unopened

931 envelope shall be marked "ACCEPTED" and the election managers  
932 shall enter the voter's name in the receipt book provided for that  
933 purpose and mark "VOTED" in the pollbook or poll list as if he had  
934 been present and voted in person.

935 (c) All absentee ballot envelopes shall then be placed  
936 in the secure ballot transfer case and delivered to the officials  
937 in charge of conducting the election at the central tabulation  
938 point of the county. The official in charge of the election shall  
939 open the envelopes marked "ACCEPTED" and remove the ballot from  
940 the envelope.

941 (d) Having observed the ballot to be regular as far as  
942 can be observed from its official endorsement, the absentee ballot  
943 shall be processed through the central optical scanner. The  
944 scanned totals shall then be combined with the direct recording  
945 electronic voting system totals for the unofficial vote count.

946 **SECTION 19.** Section 23-15-641, Mississippi Code of 1972, is  
947 amended as follows:

948 23-15-641. (1) If an affidavit or the certificate of the  
949 officer before whom the affidavit is taken is required and such  
950 affidavit or certificate is found to be insufficient, or if it is  
951 found that the signatures do not correspond, or that the applicant  
952 is not a duly qualified elector in the precinct, or otherwise  
953 qualified to vote, or that the ballot envelope is open or has been  
954 opened and resealed, or the voter is not eligible to vote absentee  
955 or that the voter is present and has voted within the precinct  
956 where he represents himself to be a qualified elector, or  
957 otherwise qualified to vote, on the date of the election at such  
958 precinct, the previously cast vote shall not be allowed. Without  
959 opening the voter's envelope the commissioners of election,  
960 designated executive committee members or election managers, as  
961 appropriate, shall mark across its face "REJECTED", with the  
962 reason therefor.

963           (2) If the ballot envelope contains more than one (1) ballot  
964 of any kind, the ballot shall not be counted but shall be marked  
965 "REJECTED", with the reason therefor. The voter's envelopes and  
966 affidavits, and the voter's envelope with its contents unopened,  
967 when such vote is rejected, shall be retained and preserved in the  
968 same manner as other ballots at the election. Such votes may be  
969 challenged in the same manner and for the same reasons that any  
970 other vote cast in such election may be challenged.

971           (3) If an affidavit is required and the officials find that  
972 the affidavit is insufficient, or if the officials find that the  
973 absentee voter is otherwise disqualified to vote, the envelope  
974 shall not be opened and a commissioner or executive committee  
975 member shall write across the face of the envelope "REJECTED"  
976 giving the reason therefor, and the registrar shall promptly  
977 notify the voter of such rejection.

978           (4) The ballots marked "REJECTED" shall be placed in a  
979 separate envelope in the secure ballot transfer case and delivered  
980 to the officials in charge of conducting the election at the  
981 central tabulation point of the county.

982           **SECTION 20.** Sections 23-15-114 and 23-15-131, Mississippi  
983 Code of 1972, which require the adoption of an automated voter  
984 registration system to be approved by the board of supervisors and  
985 the registrar, provide a procedure for the replacement of  
986 pollbooks and registration books, and provide the procedure for  
987 forming subprecints, are repealed.

988           **SECTION 21.** The Attorney General of the State of Mississippi  
989 shall submit this act, immediately upon approval by the Governor,  
990 or upon approval by the Legislature subsequent to a veto, to the  
991 Attorney General of the United States or to the United States  
992 District Court for the District of Columbia in accordance with the  
993 provisions of the Voting Rights Act of 1965, as amended and  
994 extended.

995           **SECTION 22.** This act shall take effect and be in force from  
996 and after the date it is effectuated under Section 5 of the Voting  
997 Rights Act of 1965, as amended and extended.