

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2809
(As Sent to Governor)

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, 23-15-299, 23-15-359,
4 23-15-625, 23-15-629, 23-15-631, 23-15-639 AND 23-15-641,
5 MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN TECHNICAL REVISIONS TO
6 MISSISSIPPI'S ELECTION LAWS; TO CHANGE THE NAME OF THE STATEWIDE
7 CENTRALIZED VOTER SYSTEM TO THE STATEWIDE ELECTIONS MANAGEMENT
8 SYSTEM; TO FULLY INCORPORATE THE SYSTEM INTO THE PROCESS OF
9 REGISTERING 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 REMOVE 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 PROVIDE THAT A PERSON MAY NOT QUALIFY AS A
26 CANDIDATE FOR AN OFFICE PRIOR TO JANUARY 1 OF THE YEAR IN WHICH
27 THE ELECTION FOR THE OFFICE IS HELD; TO REMOVE THE REQUIREMENT
28 THAT ABSENTEE BALLOT APPLICATIONS BE PRINTED WITH SEQUENTIAL
29 NUMBERS APPEARING ON THE APPLICATION AND THE CORRESPONDING
30 PERFORATED STUB; TO REMOVE THE REQUIREMENT THAT THE REGISTRAR FILE
31 AN AFFIDAVIT STATING THE NUMBER OF ABSENTEE BALLOT APPLICATIONS
32 WHICH HE RECEIVED FROM THE PRINTER; TO REMOVE THE REQUIREMENT THAT
33 THE REGISTRAR KEEP A PERMANENT LEDGER FOR THE PURPOSE OF SHOWING
34 THE NUMBER OF ABSENTEE BALLOT APPLICATIONS AND THE PERSONS TO WHOM
35 THE APPLICATIONS WERE GIVEN; TO PROVIDE THAT AN APPLICATION FOR AN
36 ABSENTEE BALLOT BY A PERSON WHO IS PERMANENTLY PHYSICALLY DISABLED
37 MUST BE ACCOMPANIED BY A STATEMENT FROM A PHYSICIAN OR NURSE
38 PRACTITIONER STATING THAT THE PERSON IS PERMANENTLY PHYSICALLY
39 DISABLED TO SUCH A DEGREE THAT IT IS DIFFICULT FOR HIM TO VOTE IN
40 PERSON; TO PROVIDE THE PROCEDURE FOR HANDLING AND COUNTING
41 ABSENTEE BALLOTS IN ELECTIONS CONDUCTED WITH DIRECT RECORDING
42 ELECTRONIC VOTING SYSTEMS; TO REPEAL SECTIONS 23-15-114 AND
43 23-15-131, MISSISSIPPI CODE OF 1972, WHICH REQUIRE THE ADOPTION OF
44 AN AUTOMATED VOTER REGISTRATION SYSTEM TO BE APPROVED BY THE BOARD
45 OF SUPERVISORS AND THE REGISTRAR AND PROVIDE A PROCEDURE FOR THE
46 REPLACEMENT OF POLLBOOKS AND REGISTRATION BOOKS; AND FOR RELATED
47 PURPOSES.

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

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

51 23-15-33. (1) Every person entitled to be registered as an
52 elector in compliance with the laws of this state and who has
53 signed his name on and properly completed the application for
54 registration to vote shall be registered by the registrar in
55 the * * * voting precinct of the residence of such person through
56 the Statewide Elections Management System.

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

63 * * *

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

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

67 23-15-35. (1) The clerk of the municipality shall be the
68 registrar of voters of the municipality, and shall take the oath
69 of office prescribed by Section 268 of the Constitution. The
70 governing authorities shall provide suitable municipal
71 registration books, which shall conform as nearly as practicable
72 to the county registration books. The registrar shall, as nearly
73 as may be practicable, and where not otherwise provided, comply
74 with all the provisions of law regarding state and county
75 elections in keeping and maintaining such registration books and
76 in registering voters thereon. Applications for registration as
77 electors of the municipality shall be made upon a triplicate form
78 provided by and prepared at the expense of the county registrar,
79 which form shall conform as nearly as practicable to the
80 application for registration form provided for in Section
81 23-15-39.

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

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

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

114 in the municipality, provided that such application is not
115 challenged as provided for therein.

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

118 23-15-35. (1) The clerk of the municipality shall be the
119 registrar of voters of the municipality, and shall take the oath
120 of office prescribed by Section 268 of the Constitution. The
121 municipal registration * * * shall conform to the county
122 registration * * * which shall be a part of the official record of
123 registered voters as contained in the Statewide Elections
124 Management System. The municipal clerk shall comply with all the
125 provisions of law regarding the registration of voters, including
126 the use of the voter registration applications used by county
127 registrars and prescribed by the Secretary of State under Sections
128 23-15-39 and 23-15-47.

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

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

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

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

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

165 23-15-39. (1) Applications for registration as electors of
166 this state, which are sworn to and subscribed before the registrar
167 or deputy registrar authorized by law and which are not made by
168 mail, shall be made upon a form established by rule duly adopted
169 by the Secretary of State.

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

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

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

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

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

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

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

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

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

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

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

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

251 23-15-41. (1) When an applicant to register to vote has
252 completed the application form as prescribed by administrative
253 rule, the registrar shall enter the Statewide Elections Management
254 System voter record where the voter status will be marked
255 "ACTIVE", "PENDING" or "REJECTED" and the applicant shall be
256 entitled to register upon his request for registration made in
257 person to the registrar, or deputy registrar if a deputy registrar
258 has been appointed. No person other than the registrar, or a
259 deputy registrar, shall register any applicant.

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

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

267 23-15-47. (1) Any person who is qualified to register to
268 vote in the State of Mississippi may register to vote by mail-in
269 application in the manner prescribed in this section.

270 (2) The following procedure shall be used in the * * *
271 registration of electors by mail:

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

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

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

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

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

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

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

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

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

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

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

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

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

344 23-15-13. Subject to the time limits and other provisions of
345 Section 23-15-13, the registrar or the election commissioners
346 shall note the new residence address on his records and, if
347 necessary, transfer the applicant to his new county precinct or
348 municipal precinct, if any, advise the applicant of his new county
349 precinct or municipal precinct, if any, polling place and
350 supervisor district.

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

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

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

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

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

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

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

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

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

403 23-15-113. (1) The registration books are to be in the
404 following form: The voter registration files shall contain copies
405 of the applications for registration completed by electors, which
406 applications shall show the date of registration and signature of
407 elector, and such files shall be known as registration books. The

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

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

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

417 23-15-121. Should the registration books or electronic
418 voting record of any county be lost or destroyed, the board of
419 supervisors may adjudge the fact, and direct a new registration of
420 the voters to be made; and the registrar, being so directed, shall
421 make a new registration, as herein provided, of the qualified
422 electors of his county on new books to be provided by the board.

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

425 23-15-123. If at any time the registration books of the
426 county be or become in such confusion that a new registration is
427 necessary to determine correctly the names of the qualified
428 electors and the voting precinct of each, the board of supervisors
429 shall order a new registration of voters to be made in like manner
430 as provided for in Section 23-15-121.

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

433 23-15-125. The pollbook of each voting precinct shall * * *
434 designate the voting precinct for which it is to be used, and
435 shall be ruled in appropriate columns, with printed or written
436 headings, as follows: date of registration; voter registration
437 number; name of electors; date of birth; and a number of blank
438 columns for the dates of elections. All who register within
439 thirty (30) days before any regular election shall be entered on
440 the pollbooks immediately after such election, and not before, so

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

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

450 23-15-127. (1) It shall be the duty of registrar of the
451 county or municipality to prepare and furnish to the appropriate
452 election commissioner pollbooks for each voting precinct in which
453 the election is to be conducted, in which shall be entered the
454 name, residence, date of birth and date of registration of each
455 person duly registered in such voting precinct as now provided by
456 law, and which pollbooks shall be known as "primary election
457 pollbooks" and shall be used only in holding primary elections.

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

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

473 to the voter in the revisions of the pollbooks for primary
474 elections * * * provided for in this section.

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

477 23-15-129. The commissioners of election and the registrars
478 of the respective counties are hereby directed to make an
479 administrative division of the pollbook for each county
480 immediately following any reapportionment of the Mississippi
481 Legislature or any realignment of supervisors districts, if
482 necessary. Such an administrative division shall form
483 subprecincts whenever necessary within each voting precinct so
484 that all persons within a subprecinct shall vote on the same
485 candidates for each public office. * * * The polling place for
486 all subprecincts within any given voting precinct shall be the
487 same as the polling place for the voting precinct. Additional
488 managers may be appointed for subprecincts in the discretion of
489 the commissioners of election or, in the case of primary
490 elections, in the discretion of the proper executive committee.

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

493 23-15-137. (1) If the governing authorities of a
494 municipality determine that revision of the registration books and
495 pollbooks can be performed more effectively and efficiently
496 utilizing the authority granted in this section, then such
497 governing authorities may contract with the commissioners of
498 election of the county or counties in which the municipality is
499 located to provide the municipal registrar of such municipality
500 with registration books and pollbooks containing only the duly
501 qualified electors of such municipality. The registration books
502 and pollbooks provided pursuant to this section may be used to
503 conduct any municipal election in such municipality. By adopting
504 the registration books and pollbooks so provided, the municipal
505 commissioners of election shall be deemed to have met any

506 requirements to revise such books which are imposed upon such
507 commissioners by Mississippi law.

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

524 * * *

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

527 23-15-165. (1) From and after July 1, 2002, the Office of
528 the Secretary of State, in cooperation with the local registrars
529 and election commissioners, shall begin to procure, implement and
530 maintain an electronic information processing system and programs
531 capable of maintaining a centralized database of all registered
532 voters in the state. The system shall encompass software and
533 hardware, at both the state and county level, software development
534 training, conversion and support and maintenance for the system.
535 This system shall be known as the "Statewide Elections Management
536 System" and shall constitute the official record of registered
537 voters in every county of the state.

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

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

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

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

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

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

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

570 (a) Provide for the establishment and maintenance of a
571 centralized database for all voter registration information in the
572 state;

573 (b) Provide procedures for integrating data into the
574 centralized database;

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

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

585 (e) Provide security and protection of all information
586 in the system and monitor the system to ensure that unauthorized
587 access is not allowed;

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

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

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

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

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

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

622 **SECTION 14.** Section 23-15-299, Mississippi Code of 1972, is
623 amended as follows:

624 23-15-299. (1) (a) Assessments made pursuant to paragraphs
625 (a), (b) and (c) of Section 23-15-297 and assessments made
626 pursuant to paragraph (d) of Section 23-15-297 for legislative
627 offices shall be paid by each candidate to the Secretary of the
628 State Executive Committee with which the candidate is affiliated
629 by 5:00 p.m. on March 1 of the year in which the primary election
630 for the office is held or on the date of the qualifying deadline
631 provided by statute for the office, whichever is earlier; however,
632 no such assessments may be paid before January 1 of the year in
633 which the primary election for the office is held.

634 (b) If the 2010 federal decennial census has not been
635 received from the United States Secretary of Commerce by the

636 Governor of the State of Mississippi by January 1, 2011, then the
637 qualifying deadline for legislative offices shall be changed for
638 the year 2011 only, as follows: Assessments made pursuant to
639 paragraph (d) of Section 23-15-297 for legislative offices shall
640 be paid by each candidate to the Secretary of the State Executive
641 Committee with which the candidate is affiliated by 5:00 p.m. on
642 June 1, 2011. This paragraph (b) shall stand repealed on July 1,
643 2012; however, no such assessments may be paid before January 1 of
644 the year in which the election for the office is held.

645 (2) Assessments made pursuant to paragraphs (d) and (e) of
646 Section 23-15-297, other than assessments made for legislative
647 offices, shall be paid by each candidate to the circuit clerk of
648 such candidate's county of residence by 5:00 p.m. on March 1 of
649 the year in which the primary election for the office is held or
650 on the date of the qualifying deadline provided by statute for the
651 office, whichever is earlier; * * * however, * * * no such
652 assessments may be paid before January 1 of the year in which the
653 election for the office is held. The circuit clerk shall forward
654 the fee and all necessary information to the secretary of the
655 proper county executive committee within two (2) business days.

656 (3) Assessments made pursuant to paragraphs (f) and (g) of
657 Section 23-15-297 must be paid by each candidate to the Secretary
658 of the State Executive Committee with which the candidate is
659 affiliated by 5:00 p.m. sixty (60) days before the presidential
660 preference primary in years in which a presidential preference
661 primary is held; however, no such assessments may be paid before
662 January 1 of the year in which the primary election for the office
663 is held. Assessments made pursuant to paragraphs (f) and (g) of
664 Section 23-15-297, in years when a presidential preference primary
665 is not being held, shall be paid by each candidate to the
666 Secretary of the State Executive Committee with which the
667 candidate is affiliated by 5:00 p.m. on March 1 of the year in
668 which the primary election for the office is held; however, no

669 such assessments may be paid before January 1 of the year in which
670 the primary election for the office is held.

671 (4) (a) The fees paid pursuant to subsections (1), (2) and
672 (3) of this section shall be accompanied by a written statement
673 containing the name and address of the candidate, the party with
674 which he or she is affiliated and the office for which he or she
675 is a candidate.

676 (b) The State Executive Committee shall transmit to the
677 Secretary of State a copy of the written statements accompanying
678 the fees paid pursuant to subsections (1) and (2) of this section.
679 All copies must be received by the Office of the Secretary of
680 State by not later than 6:00 p.m. on the date of the qualifying
681 deadline; provided, however, the failure of the Office of the
682 Secretary of State to receive such copies by 6:00 p.m. on the date
683 of the qualifying deadline shall not affect the qualification of a
684 person who pays the required fee and files the required statement
685 by 5:00 p.m. on the date of the qualifying deadline. The name of
686 any person who pays the required fee and files the required
687 statement after 5:00 p.m. on the date of the qualifying deadline
688 shall not be placed on the primary election ballot.

689 (5) The secretary or circuit clerk to whom such payments are
690 made shall promptly receipt for same stating the office for which
691 such candidate making payment is running and the political party
692 with which he or she is affiliated, and he or she shall keep an
693 itemized account in detail showing the exact time and date of the
694 receipt of each payment received by him or her and, where
695 applicable, the date of the postmark on the envelope containing
696 the fee and from whom, and for what office the party paying same
697 is a candidate.

698 (6) The secretaries of the proper executive committee shall
699 hold said funds to be finally disposed of by order of their
700 respective executive committees. Such funds may be used or
701 disbursed by the executive committee receiving same to pay all

702 necessary traveling or other necessary expenses of the members of
703 the executive committee incurred in discharging their duties as
704 committeemen, and of their secretary and may pay the secretary
705 such salary as may be reasonable.

706 (7) Upon receipt of the proper fee and all necessary
707 information, the proper executive committee shall then determine
708 whether each candidate is a qualified elector of the state, state
709 district, county or county district which they seek to serve, and
710 whether each candidate meets all other qualifications to hold the
711 office he is seeking or presents absolute proof that he will,
712 subject to no contingencies, meet all qualifications on or before
713 the date of the general or special election at which he could be
714 elected to office. The committee also shall determine whether any
715 candidate has been convicted of any felony in a court of this
716 state, or has been convicted on or after December 8, 1992, of any
717 offense in another state which is a felony under the laws of this
718 state, or has been convicted of any felony in a federal court on
719 or after December 8, 1992. Excepted from the above are
720 convictions of manslaughter and violations of the United States
721 Internal Revenue Code or any violations of the tax laws of this
722 state unless the offense also involved misuse or abuse of his
723 office or money coming into his hands by virtue of his office. If
724 the proper executive committee finds that a candidate either (a)
725 is not a qualified elector, (b) does not meet all qualifications
726 to hold the office he seeks and fails to provide absolute proof,
727 subject to no contingencies, that he will meet the qualifications
728 on or before the date of the general or special election at which
729 he could be elected, or (c) has been convicted of a felony as
730 described in this subsection, and not pardoned, then the name of
731 such candidate shall not be placed upon the ballot.

732 Where there is but one (1) candidate for each office
733 contested at the primary election, the proper executive committee

734 when the time has expired within which the names of candidates
735 shall be furnished shall declare such candidates the nominees.

736 (8) No candidate may qualify by filing the information
737 required by this section by using the Internet.

738 **SECTION 15.** Section 23-15-359, Mississippi Code of 1972, is
739 amended as follows:

740 23-15-359. (1) The ballot shall contain the names of all
741 party nominees certified by the appropriate executive committee,
742 and independent and special election candidates who have timely
743 filed petitions containing the required signatures. A petition
744 requesting that an independent or special election candidate's
745 name be placed on the ballot for any office shall be filed as
746 provided for in subsection (3) or (4) of this section, as
747 appropriate, and shall be signed by not less than the following
748 number of qualified electors:

749 (a) For an office elected by the state at large, not
750 less than one thousand (1,000) qualified electors.

751 (b) For an office elected by the qualified electors of
752 a Supreme Court district, not less than three hundred (300)
753 qualified electors.

754 (c) For an office elected by the qualified electors of
755 a congressional district, not less than two hundred (200)
756 qualified electors.

757 (d) For an office elected by the qualified electors of
758 a circuit or chancery court district, not less than one hundred
759 (100) qualified electors.

760 (e) For an office elected by the qualified electors of
761 a senatorial or representative district, not less than fifty (50)
762 qualified electors.

763 (f) For an office elected by the qualified electors of
764 a county, not less than fifty (50) qualified electors.

765 (g) For an office elected by the qualified electors of
766 a supervisors district or justice court district, not less than
767 fifteen (15) qualified electors.

768 (2) Unless the petition required above shall be filed as
769 provided for in subsection (3) or (4) of this section, as
770 appropriate, the name of the person requested to be a candidate,
771 unless nominated by a political party, shall not be placed upon
772 the ballot. The ballot shall contain the names of each candidate
773 for each office, and such names shall be listed under the name of
774 the political party such candidate represents as provided by law
775 and as certified to the circuit clerk by the State Executive
776 Committee of such political party. In the event such candidate
777 qualifies as an independent as herein provided, he shall be listed
778 on the ballot as an independent candidate.

779 (3) Petitions for offices described in paragraphs (a), (b),
780 (c) and (d) of subsection (1) of this section, and petitions for
781 offices described in paragraph (e) of subsection (1) of this
782 section for districts composed of more than one (1) county or
783 parts of more than one (1) county, shall be filed with the State
784 Board of Election Commissioners by no later than 5:00 p.m. on the
785 same date by which candidates for nominations in the political
786 party primary elections are required to pay the fee provided for
787 in Section 23-15-297, Mississippi Code of 1972; however, no
788 petition may be filed before January 1 of the year in which the
789 election for the office is held.

790 (4) Petitions for offices described in paragraphs (f) and
791 (g) of subsection (1) of this section, and petitions for offices
792 described in paragraph (e) of subsection (1) of this section for
793 districts composed of one (1) county or less, shall be filed with
794 the proper circuit clerk by no later than 5:00 p.m. on the same
795 date by which candidates for nominations in the political party
796 elections are required to pay the fee provided for in Section
797 23-15-297; * * * however, * * * no petition may be filed before

798 January 1 of the year in which the election for the office is
799 held. The circuit clerk shall notify the county commissioners of
800 election of all persons who have filed petitions with such clerk.
801 Such notification shall occur within two (2) business days and
802 shall contain all necessary information.

803 (5) The commissioners may also have printed upon the ballot
804 any local issue election matter that is authorized to be held on
805 the same date as the regular or general election pursuant to
806 Section 23-15-375; * * * however, * * * the ballot form of such
807 local issue must be filed with the commissioners of election by
808 the appropriate governing authority not less than sixty (60) days
809 previous to the date of the election.

810 (6) The provisions of this section shall not apply to
811 municipal elections or to the election of the offices of justice
812 of the Supreme Court, judge of the Court of Appeals, circuit
813 judge, chancellor, county court judge and family court judge.

814 (7) Nothing in this section shall prohibit special elections
815 to fill vacancies in either house of the Legislature from being
816 held as provided in Section 23-15-851. In all elections conducted
817 under the provisions of Section 23-15-851, the commissioner shall
818 have printed on the ballot the name of any candidate who, not
819 having been nominated by a political party, shall have been
820 requested to be a candidate for any office by a petition filed
821 with said commissioner by 5:00 p.m. not less than ten (10) working
822 days prior to the election, and signed by not less than fifty (50)
823 qualified electors.

824 (8) The appropriate election commission shall determine
825 whether each candidate is a qualified elector of the state, state
826 district, county or county district they seek to serve, and
827 whether each candidate meets all other qualifications to hold the
828 office he is seeking or presents absolute proof that he will,
829 subject to no contingencies, meet all qualifications on or before
830 the date of the general or special election at which he could be

831 elected to office. The election commission also shall determine
832 whether any candidate has been convicted of any felony in a court
833 of this state, or has been convicted on or after December 8, 1992,
834 of any offense in another state which is a felony under the laws
835 of this state, or has been convicted of any felony in a federal
836 court on or after December 8, 1992. Excepted from the above are
837 convictions of manslaughter and violations of the United States
838 Internal Revenue Code or any violations of the tax laws of this
839 state, unless the offense also involved misuse or abuse of his
840 office or money coming into his hands by virtue of his office. If
841 the appropriate election commission finds that a candidate either
842 (a) is not a qualified elector, (b) does not meet all
843 qualifications to hold the office he seeks and fails to provide
844 absolute proof, subject to no contingencies, that he will meet the
845 qualifications on or before the date of the general or special
846 election at which he could be elected, or (c) has been convicted
847 of a felony as described in this subsection, and not pardoned,
848 then the name of such candidate shall not be placed upon the
849 ballot.

850 (9) If after the deadline to qualify as a candidate for an
851 office or after the time for holding any party primary for an
852 office, there shall be only one (1) person who has duly qualified
853 to be a candidate for the office in the general election, the name
854 of such person shall be placed on the ballot; provided, however,
855 that if there shall be not more than one (1) person duly qualified
856 to be a candidate for each office on the general election ballot,
857 the election for all offices on the ballot shall be dispensed with
858 and the appropriate election commission shall declare each
859 candidate elected without opposition if the candidate meets all
860 the qualifications to hold the office as determined pursuant to a
861 review by the commission in accordance with the provisions of
862 subsection (8) of this section and if the candidate has filed all

863 required campaign finance disclosure reports as required by
864 Section 23-15-807.

865 (10) The petition required by this section may not be filed
866 by using the Internet.

867 **SECTION 16.** Section 23-15-625, Mississippi Code of 1972, is
868 amended as follows:

869 23-15-625. The registrar shall be responsible for providing
870 applications for absentee voting as provided in this section. At
871 least sixty (60) days prior to any election in which absentee
872 voting is provided for by law, the registrar shall provide a
873 sufficient number of applications. * * * In the event a special
874 election is called and set at a date which makes it impractical or
875 impossible to prepare applications for absent elector's ballot
876 sixty (60) days prior to the election, the registrar shall provide
877 applications as soon as practicable after the election is
878 called. * * * The registrar shall fill in the date of the
879 particular election on the application for which the application
880 will be used. * * *

881 The registrar shall be authorized to disburse applications
882 for absentee ballots to any qualified elector within the county
883 where he serves. * * * Any person who presents to the registrar
884 an oral or written request for an absentee ballot application for
885 a voter entitled to vote absentee by mail, other than the elector
886 who seeks to vote by absentee ballot, shall, in the presence of
887 the registrar, * * * sign the application and print on the
888 application his or her name and address and the name of the
889 elector for whom the application is being requested in the place
890 provided for on the application for that purpose. However, if for
891 any reason such person is unable to write the information
892 required, then the registrar shall write the information on a
893 printed form which has been prescribed by the Secretary of State.
894 The form shall provide a place for such person to place his mark
895 after the form has been filled out by the registrar. * * *

896 The registrar in the county wherein a voter is qualified to
897 vote upon receiving the envelope containing the absentee ballots
898 shall keep an accurate list of all persons preparing such ballots,
899 which list shall be kept in a conspicuous place accessible to the
900 public near the entrance to his office. The registrar shall also
901 furnish to each precinct manager a list of the names of all
902 persons in each respective precinct voting absentee ballots to be
903 posted in a conspicuous place at the polling place for public
904 notice. The application on file with the registrar and the
905 envelopes containing the ballots shall be kept by the registrar
906 and deposited in the proper precinct ballot boxes before such
907 boxes are delivered to the election commissioners or managers. At
908 the time such boxes are delivered to the election commissioners or
909 managers, the registrar shall also turn over a list of all such
910 persons who have voted and whose ballots are in the box.

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

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

916 23-15-629. (1) The application for an absentee ballot of a
917 person who is permanently physically disabled shall be accompanied
918 by a statement signed * * * by such person's physician, or nurse
919 practitioner, which statement must show that the person signing
920 the statement is a licensed, practicing medical doctor or nurse
921 practitioner and must indicate that the person applying for the
922 absentee ballot is permanently physically disabled to such a
923 degree that it is difficult for him to vote in person.

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

929 (3) The registrar of each county shall keep an accurate list
930 of the names and addresses of all persons whose applications for
931 absentee ballot are accompanied by the statement set forth in
932 subsection (1) of this section. Sixty (60) days prior to each
933 election, the registrar shall deliver such list to the
934 commissioners of election who shall examine the list and delete
935 from it the names of all persons listed who are no longer
936 qualified electors of the county. Upon completion of such
937 examination, the commissioners of election shall return the list
938 to the registrar by no later than forty-five (45) days prior to
939 the election.

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

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

946 23-15-631. (1) The registrar shall enclose with each ballot
947 provided to an absent elector separate printed instructions
948 furnished by him containing the following:

949 (a) All absentee voters, excepting those with temporary
950 or permanent physical disabilities or those who are sixty-five
951 (65) years of age or older, who mark their ballots in the county
952 of the residence shall use the registrar of that county as the
953 witness. The absentee voter shall come to the office of the
954 registrar and neither the registrar nor his deputy shall be
955 required to go out of the registrar's office to serve as an
956 attesting witness.

957 (b) Upon receipt of the enclosed ballot, you will not
958 mark the ballot except in view or sight of the attesting witness.
959 In the sight or view of the attesting witness, mark the ballot
960 according to instructions.

961 (c) After marking the ballot, fill out and sign the
962 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
963 signature shall be across the flap of the envelope so as to insure
964 the integrity of the ballot. All absent electors shall have the
965 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
966 the flap on back of the envelope. Place necessary postage on the
967 envelope and deposit it in the post office or some government
968 receptacle provided for deposit of mail so that the absent
969 elector's ballot, excepting presidential absentee ballots, will
970 reach the registrar in which your precinct is located not later
971 than 5:00 p.m. on the day preceding the date of the
972 election * * *.

973 Any notary public, United States postmaster, assistant United
974 States postmaster, United States postal supervisor, clerk in
975 charge of a contract postal station, or any officer having
976 authority to administer an oath or take an acknowledgment may be
977 an attesting witness; provided, however, that in the case of an
978 absent elector who is temporarily or permanently physically
979 disabled, the attesting witness may be any person eighteen (18)
980 years of age or older and such person is not required to have the
981 authority to administer an oath. If a postmaster, assistant
982 postmaster, postal supervisor, or clerk in charge of a contract
983 postal station acts as an attesting witness, his signature on the
984 elector's certificate must be authenticated by the cancellation
985 stamp of their respective post offices. If one or the other
986 officers herein named acts as attesting witness, his signature on
987 the elector's certificate, together with his title and address,
988 but no seal, shall be required. Any affidavits made by an absent
989 elector who is in the Armed Forces may be executed before a
990 commissioned officer, warrant officer, or noncommissioned officer
991 not lower in grade than sergeant rating or any person authorized
992 to administer oaths.

993 (d) When the application accompanies the ballot it
994 shall not be returned in the same envelope as the ballot but shall
995 be returned in a separate preaddressed envelope provided by the
996 registrar.

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

1000 (f) Any voter casting an absentee ballot who declares
1001 that he requires assistance to vote by reason of blindness,
1002 temporary or permanent physical disability or inability to read or
1003 write, shall be entitled to receive assistance in the marking of
1004 his absentee ballot and in completing the affidavit on the
1005 absentee ballot envelope. The voter may be given assistance by
1006 anyone of the voter's choice other than a candidate whose name
1007 appears on the absentee ballot being marked, or the voter's
1008 employer, or agent of that employer. In order to ensure the
1009 integrity of the ballot, any person who provides assistance to an
1010 absentee voter shall be required to sign and complete the
1011 "Certificate of Person Providing Voter Assistance" on the absentee
1012 ballot envelope.

1013 (2) The foregoing instructions required to be provided by
1014 the registrar to the elector shall also constitute the substantive
1015 law pertaining to the handling of absentee ballots by the elector
1016 and registrar.

1017 **SECTION 19.** Section 23-15-639, Mississippi Code of 1972, is
1018 amended as follows:

1019 23-15-639. (1) In elections in which direct recording
1020 electronic voting systems are not utilized, the examination and
1021 counting of absentee ballots shall be conducted as follows:

1022 (a) At the close of the regular balloting and at the
1023 close of the polls, the election managers of each voting precinct
1024 shall first take the envelopes containing the absentee ballots of
1025 such electors from the box, and the name, address and precinct

1026 inscribed on each * * * envelope shall be announced by the
1027 election managers.

1028 **(b)** The signature on the application shall then be
1029 compared with the signature on the back of the envelope. If it
1030 corresponds and the affidavit, if one is required, is sufficient
1031 and the election managers find that the applicant is a registered
1032 and qualified voter or otherwise qualified to vote, and that he
1033 has not appeared in person and voted at the election, the envelope
1034 shall then be opened and the ballot removed from the envelope,
1035 without its being unfolded, or permitted to be unfolded or
1036 examined.

1037 **(c)** Having observed and found the ballot to be regular
1038 as far as can be observed from its official endorsement, the
1039 election managers shall deposit it in the ballot box with the
1040 other ballots before counting any ballots and enter the voter's
1041 name in the receipt book provided for that purpose and mark
1042 "VOTED" in the pollbook or poll list as if he had been present and
1043 voted in person. If voting machines are used, all absentee
1044 ballots shall be placed in the ballot box before any ballots are
1045 counted, and the election managers in each precinct shall
1046 immediately count such absentee ballots and add them to the votes
1047 cast in the voting machine or device.

1048 **(2)** In elections in which direct recording electronic voting
1049 systems are utilized, the examination and counting of absentee
1050 ballots shall be conducted as follows:

1051 **(a)** At the close of the regular balloting and at the
1052 close of the polls, the election managers of each voting precinct
1053 shall first take the envelopes containing the absentee ballots of
1054 such electors from the box, and the name, address and precinct
1055 inscribed on each envelope shall be announced by the election
1056 managers.

1057 **(b)** The signature on the application shall then be
1058 compared with the signature on the back of the envelope. If it

1059 corresponds and the affidavit, if one is required, is sufficient
1060 and the election managers find that the applicant is a registered
1061 and qualified voter or otherwise qualified to vote, and that he
1062 has not appeared in person and voted at the election, the unopened
1063 envelope shall be marked "ACCEPTED" and the election managers
1064 shall enter the voter's name in the receipt book provided for that
1065 purpose and mark "VOTED" in the pollbook or poll list as if he had
1066 been present and voted in person.

1067 (c) All absentee ballot envelopes shall then be placed
1068 in the secure ballot transfer case and delivered to the officials
1069 in charge of conducting the election at the central tabulation
1070 point of the county. The official in charge of the election shall
1071 open the envelopes marked "ACCEPTED" and remove the ballot from
1072 the envelope.

1073 (d) Having observed the ballot to be regular as far as
1074 can be observed from its official endorsement, the absentee ballot
1075 shall be processed through the central optical scanner. The
1076 scanned totals shall then be combined with the direct recording
1077 electronic voting system totals for the unofficial vote count.

1078 When there is a conflict between an electronic voting system
1079 and a paper record, then there is a rebuttable presumption that
1080 the paper record is correct.

1081 **SECTION 20.** Section 23-15-641, Mississippi Code of 1972, is
1082 amended as follows:

1083 23-15-641. (1) If an affidavit or the certificate of the
1084 officer before whom the affidavit is taken is required and such
1085 affidavit or certificate is found to be insufficient, or if it is
1086 found that the signatures do not correspond, or that the applicant
1087 is not a duly qualified elector in the precinct, or otherwise
1088 qualified to vote, or that the ballot envelope is open or has been
1089 opened and resealed, or the voter is not eligible to vote absentee
1090 or that the voter is present and has voted within the precinct
1091 where he represents himself to be a qualified elector, or

1092 otherwise qualified to vote, on the date of the election at such
1093 precinct, the previously cast vote shall not be allowed. Without
1094 opening the voter's envelope the commissioners of election,
1095 designated executive committee members or election managers, as
1096 appropriate, shall mark across its face "REJECTED", with the
1097 reason therefor.

1098 (2) If the ballot envelope contains more than one (1) ballot
1099 of any kind, the ballot shall not be counted but shall be marked
1100 "REJECTED", with the reason therefor. The voter's envelopes and
1101 affidavits, and the voter's envelope with its contents unopened,
1102 when such vote is rejected, shall be retained and preserved in the
1103 same manner as other ballots at the election. Such votes may be
1104 challenged in the same manner and for the same reasons that any
1105 other vote cast in such election may be challenged.

1106 (3) If an affidavit is required and the officials find that
1107 the affidavit is insufficient, or if the officials find that the
1108 absentee voter is otherwise disqualified to vote, the envelope
1109 shall not be opened and a commissioner or executive committee
1110 member shall write across the face of the envelope "REJECTED"
1111 giving the reason therefor, and the registrar shall promptly
1112 notify the voter of such rejection.

1113 (4) The ballots marked "REJECTED" shall be placed in a
1114 separate envelope in the secure ballot transfer case and delivered
1115 to the officials in charge of conducting the election at the
1116 central tabulation point of the county.

1117 **SECTION 21.** Sections 23-15-114 and 23-15-131, Mississippi
1118 Code of 1972, which require the adoption of an automated voter
1119 registration system to be approved by the board of supervisors and
1120 the registrar, provide a procedure for the replacement of
1121 pollbooks and registration books, and provide the procedure for
1122 forming subprecincts, are repealed.

1123 **SECTION 22.** The Attorney General of the State of Mississippi
1124 shall submit this act, immediately upon approval by the Governor,

1125 or upon approval by the Legislature subsequent to a veto, to the
1126 Attorney General of the United States or to the United States
1127 District Court for the District of Columbia in accordance with the
1128 provisions of the Voting Rights Act of 1965, as amended and
1129 extended.

1130 **SECTION 23.** This act shall take effect and be in force from
1131 and after the date it is effectuated under Section 5 of the Voting
1132 Rights Act of 1965, as amended and extended.