COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1065

1   AN ACT TO AMEND SECTIONS 23-15-637 AND 23-15-639, MISSISSIPPI
2 CODE OF 1972, TO REVISE WHERE ABSENTEE BALLOTS ARE COUNTED; AND
3 FOR RELATED PURPOSES.

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

5   **SECTION 1.** Section 23-15-637, Mississippi Code of 1972, is

6 amended as follows:

7   23-15-637. Absentee ballots received by mail, excluding

8 presidential ballots as provided for in Sections 23-15-731 and

9 23-15-733, must be received by the registrar by 5:00 p.m. on the

10 date preceding the election; any received after such time shall be

11 handled as provided in Section 23-15-647 and shall not be counted.

12 All ballots cast by the absent elector appearing in person in the

13 office of the registrar shall be cast not later than 12:00 noon on

14 the Saturday immediately preceding elections held on Tuesday, the

15 Thursday immediately preceding elections held on Saturday, or the

16 second day immediately preceding the date of elections held on

17 other days. The registrar shall keep all absentee ballots which

18 have been timely cast in the registrar's office until the close of

19 regular balloting and at the close of the polls. The registrar

20 shall send a list of the names of all persons who voted by

21 absentee ballot to the polls.

22   **SECTION 2.** Section 23-15-639, Mississippi Code of 1972, is

23 amended as follows:

24   23-15-639. (1) In elections in which direct recording

25 electronic voting systems are not utilized, the examination and

26 counting of absentee ballots shall be conducted in the registrar's

27 office by a resolution committee appointed by the election

28 commissioners during a general election and appointed by the

29 executive committee during a primary election, as follows:

30   (a) At the close of the regular balloting and at the

31 close of the polls, the resolution committee shall first take the

32 envelopes containing the absentee ballots of such electors from

33 the box * * *.

34   (b) The signature on the application shall then be

35 compared with the signature on the back of the envelope. If it

36 corresponds and the affidavit, if one is required, is sufficient

37 and the resolution committee find that the applicant is a

38 registered and qualified voter or otherwise qualified to vote, and

39 that he has not appeared in person and voted at the election, the

40 envelope shall then be opened and the ballot removed from the

41 envelope, without its being unfolded, or permitted to be unfolded

42 or examined.

43   (c) Having observed and found the ballot to be regular

44 as far as can be observed from its official endorsement, the

45 resolution committee shall * * * enter the voter's name in the

46 receipt book provided for that purpose and mark "VOTED" in the

47 pollbook or poll list as if he had been present and voted in

48 person. If voting machines are used, all absentee ballots shall

49 be placed in the ballot box before any ballots are counted, and

50 the resolution committee shall immediately count such absentee

51 ballots and add them to the votes cast in the voting machine or

52 device.

53   (2) In elections in which direct recording electronic voting

54 systems are utilized, the examination and counting of absentee

55 ballots shall be conducted in the registrar's office by a

56 resolution committee appointed by the election commissioners

57 during a general election and appointed by the executive committee

58 during a primary election, as follows:

59   (a) At the close of the regular balloting and at the

60 close of the polls, the resolution committee of each voting

61 precinct shall first take the envelopes containing the absentee

62 ballots of such electors from the box *** * ***.

63   (b) The signature on the application shall then be

64 compared with the signature on the back of the envelope. If it

65 corresponds and the affidavit, if one is required, is sufficient

66 and the <u>resolution committee</u> find that the applicant is a

67 registered and qualified voter or otherwise qualified to vote, and

68 that he has not appeared in person and voted at the election, the

69 unopened envelope shall be marked "ACCEPTED" and the <u>resolution</u>

70 <u>committee</u> shall enter the voter's name in the receipt book

71 provided for that purpose and mark "VOTED" in the pollbook or poll

72 list as if he had been present and voted in person.

73   (c) All absentee ballot envelopes shall then be placed

74 in the secure ballot transfer case and delivered to the officials

75 in charge of conducting the election at the central tabulation

76 point of the county. The official in charge of the election shall

77 open the envelopes marked "ACCEPTED" and remove the ballot from

78 the envelope.

79   (d) Having observed the ballot to be regular as far as

80 can be observed from its official endorsement, the absentee ballot

81 shall be processed through the central optical scanner. The

82 scanned totals shall then be combined with the direct recording

83 electronic voting system totals for the unofficial vote count.

84   When there is a conflict between an electronic voting system

85 and a paper record, then there is a rebuttal presumption that the

86 paper record is correct.

87   **SECTION 3.** The Attorney General of the State of Mississippi

88 shall submit this act, immediately upon approval by the Governor,

89 or upon approval by the Legislature subsequent to a veto, to the

90 Attorney General of the United States or to the United States

91 District Court for the District of Columbia in accordance with the

92 provisions of the Voting Rights Act of 1965, as amended and

93 extended.

94   **SECTION 4.** This act shall take effect and be in force from
95 and after the date it is effectuated under Section 5 of the Voting
96 Rights Act of 1965, as amended and extended.