

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2829

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

7 **SECTION 1.** The following shall be codified as Section
8 23-15-3, Mississippi Code of 1972:

9 23-15-3. For purposes of this chapter, the term "ballot box"
10 includes any "ballot bag" used to carry ballots to and from a
11 polling place, is distributed by an election commissioner to a
12 voting precinct, is delivered to the circuit clerk for
13 preservation after an election, that encloses blank ballot
14 receipts, in which ballot cards and absentee ballot envelopes are
15 deposited, inspected before an election, and any "ballot bag" used
16 for any other purpose for which a "ballot box" may be used under
17 the provisions of law regulating elections in Mississippi.

18 **SECTION 2.** Section 23-15-637, Mississippi Code of 1972, is
19 amended as follows:

20 23-15-637. (1) Absentee ballots received by mail, excluding
21 presidential ballots as provided for in Sections 23-15-731 and
22 23-15-733, must be received by the registrar by 5:00 p.m. on the
23 date preceding the election; any received after such time shall be
24 handled as provided in Section 23-15-647 and shall not be counted.
25 All ballots cast by the absent elector appearing in person in the

26 office of the registrar shall be cast not later than 12:00 noon on
27 the Saturday immediately preceding elections held on Tuesday, the
28 Thursday immediately preceding elections held on Saturday, or the
29 second day immediately preceding the date of elections held on
30 other days. The registrar shall keep all absentee ballots which
31 have been timely cast in the registrar's office until the close of
32 regular balloting and at the close of the polls. The registrar
33 shall send a list of the names of all persons who voted by
34 absentee ballot to the polls. Any county wanting to opt out may
35 do so.

36 (2) Within thirty (30) days of the effective date of this
37 act, any registrar who desires to deposit all absentee ballots
38 which have been timely cast in the ballot boxes upon receipt in
39 lieu of keeping such ballots in the registrar's office as
40 otherwise provided by this section, shall notify the Secretary of
41 State of their choice.

42 **SECTION 3.** Section 23-15-639, Mississippi Code of 1972, is
43 amended as follows:

44 23-15-639. (1) In elections in which direct recording
45 electronic voting systems are not utilized, the examination and
46 counting of absentee ballots shall be conducted in the registrar's
47 office by a resolution committee consisting of no less than three
48 (3) people appointed by the election commissioners during a
49 general election and appointed by the executive committee
50 consisting of no less than three (3) people during a primary
51 election, as follows:

52 (a) At the close of the regular balloting and at the
53 close of the polls, the resolution committee shall first take the
54 envelopes containing the absentee ballots of such electors from
55 the box * * *.

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

58 corresponds and the affidavit, if one is required, is sufficient
59 and the resolution committee find that the applicant is a
60 registered and qualified voter or otherwise qualified to vote, and
61 that he has not appeared in person and voted at the election, the
62 envelope shall then be opened and the ballot removed from the
63 envelope, without its being unfolded, or permitted to be unfolded
64 or examined.

65 (c) Having observed and found the ballot to be regular
66 as far as can be observed from its official endorsement, the
67 resolution committee shall * * * enter the voter's name in the
68 receipt book provided for that purpose and mark "VOTED" in the
69 pollbook or poll list as if he had been present and voted in
70 person. If voting machines are used, all absentee ballots shall
71 be placed in the ballot box before any ballots are counted, and
72 the resolution committee shall immediately count such absentee
73 ballots and add them to the votes cast in the voting machine or
74 device.

75 (2) In elections in which direct recording electronic voting
76 systems are utilized, the examination and counting of absentee
77 ballots shall be conducted in the registrar's office by a
78 resolution committee consisting of no less than three (3) people
79 appointed by the election commissioners during a general election
80 and appointed by the executive committee consisting of no less
81 than three (3) people during a primary election, as follows:

82 (a) At the close of the regular balloting and at the
83 close of the polls, the resolution committee of each voting
84 precinct shall first take the envelopes containing the absentee
85 ballots of such electors from the box * * *.

86 (b) The signature on the application shall then be
87 compared with the signature on the back of the envelope. If it
88 corresponds and the affidavit, if one is required, is sufficient
89 and the resolution committee find that the applicant is a

90 registered and qualified voter or otherwise qualified to vote, and
91 that he has not appeared in person and voted at the election, the
92 unopened envelope shall be marked "ACCEPTED" and the resolution
93 committee shall enter the voter's name in the receipt book
94 provided for that purpose and mark "VOTED" in the pollbook or poll
95 list as if he had been present and voted in person.

96 (c) All absentee ballot envelopes shall then be placed
97 in the secure ballot transfer case and delivered to the officials
98 in charge of conducting the election at the central tabulation
99 point of the county. The official in charge of the election shall
100 open the envelopes marked "ACCEPTED" and remove the ballot from
101 the envelope.

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

107 When there is a conflict between an electronic voting system
108 and a paper record, then there is a rebuttal presumption that the
109 paper record is correct.

110 (3) In any county in which the registrar has notified the
111 Secretary of State as provided in Section 23-15-637(2), the
112 examination and counting of absentee ballots shall be conducted by
113 the election managers of each voting precinct in the same manner
114 provided in subsections (1) and (2).

115 **SECTION 4.** The Attorney General of the State of Mississippi
116 shall submit this act, immediately upon approval by the Governor,
117 or upon approval by the Legislature subsequent to a veto, to the
118 Attorney General of the United States or to the United States
119 District Court for the District of Columbia in accordance with the
120 provisions of the Voting Rights Act of 1965, as amended and
121 extended.

122 **SECTION 5.** This act shall take effect and be in force from
123 and after the date it is effectuate under Section 5 of the Voting
124 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE THAT THE TERM "BALLOT BOX" INCLUDES ANY
2 "BALLOT BAG" USED FOR ANY PURPOSE THAT A "BALLOT BOX" MAY BE USED
3 IN ELECTIONS; TO AMEND SECTIONS 23-15-637 AND 23-15-639,
4 MISSISSIPPI CODE OF 1972, TO REVISE WHERE ABSENTEE BALLOTS ARE
5 COUNTED; AND FOR RELATED PURPOSES.