

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2910  
(As Sent to Governor)

1 AN ACT TO CREATE THE COMPREHENSIVE ELECTION REFORM REVIEW  
2 PANEL TO REVIEW MISSISSIPPI'S ELECTION LAWS; TO CREATE EARLY  
3 VOTING PILOT PROGRAMS FOR CERTAIN COUNTIES; TO REQUIRE THE  
4 SECRETARY OF STATE TO BE NOTIFIED OF VACANCIES IN ELECTIVE OFFICE;  
5 TO AMEND SECTION 23-15-211, MISSISSIPPI CODE OF 1972, TO PROVIDE  
6 THAT THE SECRETARY OF STATE, IN CONJUNCTION WITH THE STATE BOARD  
7 FOR COMMUNITY AND JUNIOR COLLEGES, SHALL DEVELOP COMPUTER TRAINING  
8 COURSES FOR CIRCUIT CLERKS; TO AMEND SECTION 23-15-211.1,  
9 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO  
10 GATHER INFORMATION REGARDING ELECTIONS IN THE STATE AND SUBMIT AN  
11 ANNUAL REPORT TO THE LEGISLATURE, THE GOVERNOR, THE ATTORNEY  
12 GENERAL AND THE PUBLIC; TO AMEND SECTION 23-15-239, MISSISSIPPI  
13 CODE OF 1972, TO REQUIRE THE COUNTY EXECUTIVE COMMITTEE AND THE  
14 COMMISSIONERS OF ELECTION TO OFFER ADDITIONAL TRAINING PRESCRIBED  
15 BY THE SECRETARY OF STATE TO MANAGERS OF ELECTION; TO PROVIDE THAT  
16 TRAINING COURSES OFFERED BY OTHER ENTITIES MAY MEET THE  
17 REQUIREMENTS OF THIS PROVISION UNDER CERTAIN CIRCUMSTANCES; TO  
18 AMEND SECTION 23-15-283, MISSISSIPPI CODE OF 1972, TO REMOVE THE  
19 PROVISION THAT REQUIRES SUPERVISORS DISTRICTS AND PRECINCT  
20 BOUNDARIES ALTERED BY THE BOARD OF SUPERVISORS TO CONFORM TO  
21 VISIBLE NATURAL OR ARTIFICIAL BOUNDARIES SUCH AS STREETS,  
22 HIGHWAYS, RAILROADS, RIVERS, LAKES, BAYOUS OR OTHER OBVIOUS LINES  
23 OF DEMARCATION; TO AMEND SECTION 23-15-523, MISSISSIPPI CODE OF  
24 1972, TO PROHIBIT CERTAIN PERSONS FROM BEING APPOINTED TO  
25 RESOLUTION BOARDS TO REVIEW BALLOTS THAT CANNOT BE READ BY AN  
26 OPTICAL MARK READING MACHINE; TO AMEND SECTION 23-15-541,  
27 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CURBSIDE VOTING BY VOTERS  
28 WITH A PHYSICAL IMPAIRMENT THAT MAKES IT UNREASONABLE FOR THEM TO  
29 ENTER THE POLLING PLACE; TO AMEND SECTION 23-15-625, MISSISSIPPI  
30 CODE OF 1972, TO PROHIBIT THE SOLICITATION OF ABSENTEE BALLOT  
31 APPLICATIONS OR ABSENTEE BALLOTS FOR PERSONS STAYING IN ANY  
32 SKILLED NURSING HOME FACILITY; TO PROVIDE EXCEPTIONS TO THIS  
33 PROHIBITION; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972,  
34 TO REMOVE AGENTS OF THE ELECTOR FROM THE LIST OF PERSONS WHO MAY  
35 ORALLY REQUEST AN ABSENTEE BALLOT ON BEHALF OF THE ELECTOR; TO  
36 AMEND SECTION 23-15-635, MISSISSIPPI CODE OF 1972, TO REVISE THE  
37 ELECTOR'S CERTIFICATE OF PERSONS PROVIDING ASSISTANCE TO CERTAIN  
38 ABSENT VOTERS; TO AMEND SECTIONS 23-15-633 AND 23-15-719,  
39 MISSISSIPPI CODE OF 1972, TO CLARIFY LANGUAGE TO BE PRINTED ON  
40 ENVELOPE FLAP; AND FOR RELATED PURPOSES.

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

42 **SECTION 1.** (1) There is created the Comprehensive Election  
43 Reform Review Panel to study Mississippi's election laws, the



44 practical application of the laws, and any possible reforms needed  
45 to improve application of those laws.

46 (2) The panel shall be composed of the following members:

47 (a) The Chairperson and Vice Chairperson of the House  
48 of Representatives Apportionment and Elections Committee and the  
49 Senate Elections Committee;

50 (b) One (1) person appointed by the Speaker of the  
51 House of Representatives;

52 (c) One (1) person appointed by the Lieutenant  
53 Governor;

54 (d) The Secretary of State, or his designee;

55 (e) One (1) circuit clerk appointed by the Mississippi  
56 Association of Circuit Clerks;

57 (f) One (1) election commissioner appointed by the  
58 Election Commissioners Association of Mississippi; and

59 (g) One (1) person appointed by the Attorney General.

60 (3) The Secretary of State or his designee shall serve as  
61 chairman of the panel. The panel shall meet at the call of the  
62 chairman and at its first meeting and shall select a vice chairman  
63 from among its membership. The vice chairman shall also serve as  
64 secretary of the panel and shall be responsible for keeping all  
65 records of the panel. A majority of the members of the panel  
66 shall constitute a quorum.

67 (4) The panel shall examine voter identification  
68 requirements, early voting, voter registration, absentee voting,  
69 voting patterns, education, training of election officials and any  
70 other election law reforms deemed important by the panel. The  
71 panel shall file a report with the Clerk of the House of  
72 Representatives, the Secretary of the Senate and the Governor  
73 containing its findings and recommendations regarding Mississippi  
74 election laws by not later than December 1, 2008.

75 (5) Legislative members of the panel shall receive per diem,  
76 travel or other expenses, if authorized by the Management



77 Committee of the House of Representatives and Rules Committee of  
78 the Senate, from the contingent expense funds of their respective  
79 houses in the same amounts as provided for committee meetings when  
80 the Legislature is not in session; however, no per diem or expense  
81 for attending meetings of the panel shall be paid while the  
82 Legislature is in session.

83 (6) Nonlegislative members of the panel shall receive no  
84 compensation for their service on the panel but may receive  
85 reimbursement for travel expenses incurred while engaged in  
86 official business of the panel in accordance with Section 25-3-41.

87 (7) The panel shall be dissolved on December 1, 2008.

88 **SECTION 2.** When a vacancy shall occur in an elective office  
89 for which a special election is required to be called to fill, the  
90 entity with whom candidates for the office are required to qualify  
91 shall notify the Secretary of State of the vacancy within five (5)  
92 days after it receives knowledge of the vacancy.

93 **SECTION 3.** Section 23-15-211, Mississippi Code of 1972, is  
94 amended as follows:

95 23-15-211. (1) There shall be:

96 (a) A State Board of Election Commissioners to consist  
97 of the Governor, the Secretary of State and the Attorney General,  
98 any two (2) of whom may perform the duties required of the board;

99 (b) A board of election commissioners in each county to  
100 consist of five (5) persons who are electors in the county in  
101 which they are to act; and

102 (c) A registrar in each county who shall be the clerk  
103 of the circuit court, unless he shall be shown to be an improper  
104 person to register the names of the electors in the county.

105 (2) The board of supervisors of each county shall pay  
106 members of the county election commission for attending training  
107 events a per diem in the amount provided in Section 23-15-153;  
108 however, except as otherwise provided in this section, the per  
109 diem shall not be paid to an election commissioner for more than



110 twelve (12) days of training per year and shall only be paid to  
111 election commissioners who actually attend and complete a training  
112 event and obtain a training certificate.

113 (3) Included in this twelve (12) days shall be an elections  
114 seminar, conducted and sponsored by the Secretary of State.  
115 Election commissioners and chairpersons of each political party  
116 executive committee, or their designee, shall be required to  
117 attend.

118 (4) Each participant shall receive a certificate from the  
119 Secretary of State indicating that the named participant has  
120 received the elections training seminar instruction and that each  
121 participant is fully qualified to conduct an election.  
122 Commissioners of election shall annually file the certificate with  
123 the chancery clerk. If any commissioner of election shall fail to  
124 file the certificate by April 30 of each year, his office shall be  
125 vacated, absent exigent circumstances as determined by the board  
126 of supervisors and consistent with the facts. The vacancy shall  
127 be declared by the board of supervisors and the vacancy shall be  
128 filled in the manner described by law. Prior to declaring the  
129 office vacant, the board of supervisors shall give the election  
130 commissioner notice and the opportunity for a hearing.

131 (5) The Secretary of State, upon approval of the board of  
132 supervisors, may authorize not more than eight (8) additional  
133 training days per year for commissioners of election in one or  
134 more counties. The board of supervisors of each county shall pay  
135 members of the county election commission for attending training  
136 on these days a per diem in the amount provided in Section  
137 23-15-153.

138 (6) The Secretary of State shall develop a single,  
139 comprehensive poll worker training program to assist local  
140 election officials in providing uniform, secure elections  
141 throughout the state. The program shall include, at a minimum,  
142 training on all state and federal election laws and procedures.



143       (7) The Secretary of State shall develop, in conjunction  
144 with the State Board for Community and Junior Colleges:

145           (a) A computer skills training course for all newly  
146 elected circuit clerks that shall be completed within one hundred  
147 eighty (180) days of the commencement of their term of office; and

148           (b) A computer skills refresher course for all serving  
149 circuit clerks that shall be completed within one hundred eighty  
150 (180) days of the commencement of every odd-numbered term of  
151 service.

152       **SECTION 4.** Section 23-15-211.1, Mississippi Code of 1972, is  
153 amended as follows:

154       23-15-211.1. (1) For purposes of the National Voter  
155 Registration Act of 1993, the Secretary of State is designated as  
156 Mississippi's chief election officer.

157       (2) As the chief election officer of the State of  
158 Mississippi, the Secretary of State shall have the power and duty  
159 to gather sufficient information concerning voting in elections in  
160 this state. The Secretary of State shall gather information on  
161 voter participation and submit an annual report to the  
162 Legislature, the Governor, the Attorney General and the public.

163       **SECTION 5.** Section 23-15-239, Mississippi Code of 1972, is  
164 amended as follows:

165       23-15-239. (1) (a) The executive committee of each county,  
166 in the case of a primary election, or the commissioners of  
167 election of each county, in the case of all other elections, in  
168 conjunction with the circuit clerk, shall sponsor and conduct, not  
169 less than five (5) days prior to each election, training sessions  
170 to instruct managers as to their duties in the proper  
171 administration of the election and the operation of the polling  
172 place. No manager shall serve in any election unless he has  
173 received such instructions once during the twelve (12) months  
174 immediately preceding the date upon which such election is held;  
175 however, nothing in this section shall prevent the appointment of



176 an alternate manager to fill a vacancy in case of an emergency.  
177 The county executive committee or the commissioners of election,  
178 as appropriate, shall train a sufficient number of alternates to  
179 serve in the event a manager is unable to serve for any reason.

180 (b) The executive committee of each county, in the case  
181 of a primary election, or the commissioners of election of each  
182 county, in the case of all other elections, in conjunction with  
183 the circuit clerk, shall sponsor and conduct annually an  
184 eight-hour training course for managers that meets criteria that  
185 the Secretary of State shall prescribe. Managers shall be  
186 required to attend this course every four (4) years from the  
187 effective date of this act. The Secretary of State shall develop  
188 a version of the course that may be taken by managers over the  
189 Internet. Training courses, including, but not limited to, online  
190 training courses, that meet criteria prescribed by the Secretary  
191 of State and are not sponsored or conducted by the executive  
192 committee or the commissioners of election, may be utilized to  
193 meet the requirements of this paragraph if the training course is  
194 approved by the Secretary of State.

195 (2) (a) If it is eligible under Section 23-15-266, the  
196 county executive committee may enter into a written agreement with  
197 the circuit clerk or the county election commission authorizing  
198 the circuit clerk or the county election commission to perform any  
199 of the duties required of the county executive committee pursuant  
200 to this section. Any agreement entered into pursuant to this  
201 subsection shall be signed by the chairman of the county executive  
202 committee and the circuit clerk or the chairman of the county  
203 election commission, as appropriate. The county executive  
204 committee shall notify the state executive committee and the  
205 Secretary of State of the existence of such agreement.

206 (b) If it is eligible under Section 23-15-266, the  
207 municipal executive committee may enter into a written agreement  
208 with the municipal clerk or the municipal election commission



209 authorizing the municipal clerk or the municipal election  
210 commission to perform any of the duties required of the municipal  
211 executive committee pursuant to this section. Any agreement  
212 entered into pursuant to this subsection shall be signed by the  
213 chairman of the municipal executive committee and the municipal  
214 clerk or the chairman of the municipal election commission, as  
215 appropriate. The municipal executive committee shall notify the  
216 state executive committee and the Secretary of State of the  
217 existence of such agreement.

218 (3) The board of supervisors, in their discretion, may  
219 compensate managers who attend such training sessions. The  
220 compensation shall be at a rate of not less than the federal  
221 hourly minimum wage nor more than Twelve Dollars (\$12.00) per  
222 hour. Managers shall not be compensated for more than sixteen  
223 (16) hours of attendance at the training sessions regardless of  
224 the actual amount of time that they attended the training  
225 sessions.

226 (4) The time and location of the training sessions required  
227 pursuant to this section shall be announced to the general public  
228 by posting a notice thereof at the courthouse and by delivering a  
229 copy of the notice to the office of a newspaper having general  
230 circulation in the county five (5) days before the date upon which  
231 the training session is to be conducted. Persons who will serve  
232 as poll watchers for candidates and political parties, as well as  
233 members of the general public, shall be allowed to attend the  
234 sessions.

235 (5) Subject to the following annual limitations, the  
236 commissioners of election shall be entitled to receive a per diem  
237 in the amount of Eighty-four Dollars (\$84.00), to be paid from the  
238 county general fund, for every day or period of no less than five  
239 (5) hours accumulated over two (2) or more days actually employed  
240 in the performance of their duties for the necessary time spent in  
241 conducting training sessions as required by this section:



242 (a) In counties having less than fifteen thousand  
243 (15,000) residents according to the latest federal decennial  
244 census, not more than five (5) days per year;

245 (b) In counties having fifteen thousand (15,000)  
246 residents according to the latest federal decennial census but  
247 less than thirty thousand (30,000) residents according to the  
248 latest federal decennial census, not more than eight (8) days per  
249 year;

250 (c) In counties having thirty thousand (30,000)  
251 residents according to the latest federal decennial census but  
252 less than seventy thousand (70,000) residents according to the  
253 latest federal decennial census, not more than ten (10) days per  
254 year;

255 (d) In counties having seventy thousand (70,000)  
256 residents according to the latest federal decennial census but  
257 less than ninety thousand (90,000) residents according to the  
258 latest federal decennial census, not more than twelve (12) days  
259 per year;

260 (e) In counties having ninety thousand (90,000)  
261 residents according to the latest federal decennial census but  
262 less than one hundred seventy thousand (170,000) residents  
263 according to the latest federal decennial census, not more than  
264 fifteen (15) days per year;

265 (f) In counties having one hundred seventy thousand  
266 (170,000) residents according to the latest federal decennial  
267 census but less than two hundred thousand (200,000) residents  
268 according to the latest federal decennial census, not more than  
269 eighteen (18) days per year;

270 (g) In counties having two hundred thousand (200,000)  
271 residents according to the latest federal decennial census but  
272 less than two hundred twenty-five thousand (225,000) residents  
273 according to the latest federal decennial census, not more than  
274 nineteen (19) days per year;



275 (h) In counties having two hundred twenty-five thousand  
276 (225,000) residents according to the latest federal decennial  
277 census but less than two hundred fifty thousand (250,000)  
278 residents according to the latest federal decennial census, not  
279 more than twenty-two (22) days per year;

280 (i) In counties having two hundred fifty thousand  
281 (250,000) residents according to the latest federal decennial  
282 census but less than two hundred seventy-five thousand (275,000)  
283 residents according to the latest federal decennial census, not  
284 more than thirteen (13) days per year;

285 (j) In counties having two hundred seventy-five  
286 thousand (275,000) residents according to the latest federal  
287 decennial census or more, not more than fourteen (14) days per  
288 year.

289 (6) Commissioners of election shall claim the per diem  
290 authorized in subsection (5) of this section in the manner  
291 provided for in Section 23-15-153(6).

292 **SECTION 6.** Section 23-15-283, Mississippi Code of 1972, is  
293 amended as follows:

294 23-15-283. The board of supervisors shall have power to  
295 alter the boundaries of the supervisors districts, voting  
296 precincts and the voting place therein. \* \* \* If the board of  
297 supervisors orders a change in the boundaries, they shall notify  
298 the commissioners of election, who shall at once cause the  
299 registration books of voting precincts affected by the order to  
300 be \* \* \* changed \* \* \* to conform to the change \* \* \* so as to  
301 contain only the names of the qualified electors in the voting  
302 precincts as made by the change of boundaries. Upon the order of  
303 change in the boundaries of any voting precinct or the voting  
304 place therein, the board of supervisors shall notify the Office of  
305 the Secretary of State and provide the Office of the Secretary of  
306 State a legal description and a map of any boundary change. No



307 change shall be implemented or enforced until the requirements of  
308 this section have been met. \* \* \*

309 **SECTION 7.** Section 23-15-523, Mississippi Code of 1972, is  
310 amended as follows:

311 23-15-523. (1) All proceedings at the counting center shall  
312 be under the direction of the commissioners of elections or  
313 officials in charge of the election, and shall be conducted under  
314 the observations of the public, but no persons except those  
315 authorized for the purpose shall touch any ballot. All persons  
316 who are engaged in processing and counting of the ballots shall be  
317 deputized in writing and take oath that they will faithfully  
318 perform their assigned duties.

319 (2) The commissioners of elections or the officials in  
320 charge of the election shall appoint qualified electors to serve  
321 as judges on the "resolution board." An odd number of not less  
322 than three (3) members shall be appointed to the resolution board.  
323 The members of the board shall take the oath provided in Section  
324 268, Mississippi Constitution of 1890. All ballots that have been  
325 rejected by the OMR tabulating equipment and that are damaged or  
326 defective, blank or overvoted will be reviewed by said board.  
327 Commissioners of election, candidates who are on the ballot at the  
328 election and the parents, siblings or children of such a candidate  
329 shall not be appointed to the resolution board. If the election  
330 is not a primary election, members of the party executive  
331 committees shall not be appointed to the resolution board unless  
332 members of all of the party executive committees who have a  
333 candidate on the ballot are appointed to the resolution board.

334 (3) (a) If any ballot is damaged or defective so that it  
335 cannot be properly counted by the OMR tabulating equipment, the  
336 ballot will be deposited in an envelope provided for that purpose  
337 marked "RESOLUTION BOARD." All such ballots shall be carefully  
338 handled so as to avoid altering, removing or adding any mark on  
339 the ballot.



340 (b) The commissioners of election or the officials in  
341 charge of the election shall have the judges on the resolution  
342 board manually count any damaged or defective ballots, who shall  
343 determine the intent of the voter and record the vote consistent  
344 with this determination.

345 (c) As an alternative to the procedure provided for in  
346 paragraph (b) of this subsection, the resolution board may be  
347 instructed by the officials in charge of the election to prepare a  
348 duplicate to the damaged or defective ballot in the following  
349 manner:

350 (i) The resolution board shall prepare a duplicate  
351 to the original damaged or defective ballot marked identically to  
352 the original.

353 (ii) The resolution board shall mark the first  
354 original they examine as "Original #1" and the duplicate of this  
355 original as "Duplicate #1." Subsequent originals and duplicates  
356 shall be likewise marked and numbered consecutively so the  
357 duplicate of each original can be identified. Duplicate ballots  
358 shall be stamped in a different manner from the original ballots  
359 so that they may be easily distinguished from the originals.

360 (iii) The duplicate ballots prepared pursuant to  
361 this paragraph shall be counted by the OMR tabulating equipment.

362 (4) Ballots that have been rejected by the OMR tabulating  
363 equipment for appearing to be "blank" shall be examined to verify  
364 if they are blank or were marked with a "nondetectable" marking  
365 device. If it is determined that the ballot was marked with a  
366 nondetectable device, the resolution board may mark over the  
367 voter's mark with a detectable marking device.

368 (5) All ballots that are rejected by the OMR tabulating  
369 equipment and which contain overvotes shall be inspected by the  
370 resolution board. Regarding those ballots upon which an overvote  
371 appears and voter intent cannot be determined by inspection of the  
372 resolution board, the officials in charge of the election may use



373 the OMR tabulating equipment in determining the vote in the races  
374 which are unaffected by the overvote. All other ballots which are  
375 overvoted shall be counted manually following the provisions of  
376 this section at the direction of the officials in charge of the  
377 election. If for any reason it becomes impracticable to count all  
378 or a part of the ballots with the OMR tabulating equipment, the  
379 officials in charge may direct that they be counted manually, and  
380 voter intent shall be determined by following the provisions of  
381 this section. The return printed by the OMR tabulating equipment  
382 to which have been added the manually tallied ballots, which shall  
383 be duly certified by the officials in charge of the election,  
384 shall constitute the official return of each voting precinct.  
385 Unofficial and incomplete returns may be released during the  
386 count. Upon the completion of the counting, the official returns  
387 shall be open to the public.

388 (6) When the resolution board reviews any OMR ballot in  
389 which the voter has failed to fill in the arrow, oval, circle or  
390 square for a candidate or a ballot measure in accordance with the  
391 ballot instruction, the resolution board shall, if the intent of  
392 the voter can be ascertained, count the vote if:

393 (a) The voter marks the ballot with a "cross" (X) or  
394 "checkmark" (✓) and the lines that form the mark intersect within  
395 or on the line of the arrow, oval, circle or square by the ballot  
396 measure or the name of the candidate.

397 (b) The voter blackens the arrow, oval, circle or  
398 square adjacent to the ballot measure or the name of the candidate  
399 in pencil or ink and the blackened portion extends beyond the  
400 boundaries of the arrow, oval, circle or square.

401 (c) The voter marks the ballot with a "cross" (X) or  
402 "checkmark" (✓) and the lines that form the mark intersect  
403 adjacent to the ballot measure or the name of the candidate.

404 (d) The voter underlines the ballot measure or the name  
405 of a candidate.



406 (e) The voter draws a line from the arrow, oval, circle  
407 or square to a ballot measure or the name of a candidate.

408 (f) The voter draws a circle or oval around the ballot  
409 measure or the name of the candidate.

410 (g) The voter draws a circle or oval around the arrow,  
411 oval, circle or square adjacent to the ballot measure or the name  
412 of the candidate.

413 (7) The resolution board, when inspecting an OMR ballot  
414 which contains or appears to contain one or more overvotes,  
415 appears to be damaged or defective, or is rejected by the OMR  
416 tabulating equipment for any reason or cannot be counted by the  
417 OMR tabulating equipment, shall make its determination in  
418 accordance with the following:

419 (a) When an elector casts more votes for any office or  
420 measure than he or she is entitled to cast at an election, all the  
421 elector's votes for that office or measure are invalid and the  
422 elector is deemed to have voted for none of them except as  
423 provided in paragraph (b) of this subsection. If an elector casts  
424 less votes for any office or measure than he or she is entitled to  
425 cast at an election, all votes cast by the elector shall be  
426 counted but no vote shall be counted more than once.

427 (b) If an elector casts more than one (1) vote for the  
428 same candidate for the same office, the first vote is valid and  
429 the remaining votes are invalid.

430 (c) No write-in vote for a candidate whose name is  
431 printed on the ballot shall be regarded as defective due to  
432 misspelling a candidate's name, or by abbreviation, addition or  
433 omission or use of a wrong initial in the name, as long as the  
434 intent of the voter can be ascertained.

435 (d) In any case where a voter writes in the name of a  
436 candidate for President of the United States whose name is printed  
437 on the general election ballot, the failure by the voter to write  
438 in the name of a candidate for the Office of Vice President of the



439 United States on the general election ballot does not invalidate  
440 the elector's vote for the slate of electors for any candidate  
441 whose name is written in for the Office of President of the United  
442 States.

443           (e) For any ballot measure in which the words "for" or  
444 "against" are printed on a ballot, if the voter shall write the  
445 word "for" or the word "against" instead of or in addition to  
446 marking the ballot in accordance with the ballot instruction in  
447 the space adjacent to the pre-printed words "for" or "against,"  
448 the resolution board shall, in reviewing such ballot, count the  
449 vote in accordance with the voter's handwritten preference, unless  
450 the voter marks the ballot in the space adjacent to the  
451 pre-printed words "for" or "against" contrary to the handwritten  
452 preference, in which case no vote shall be recorded for such  
453 ballot in regard to the ballot measure.

454           (f) For any ballot measure in which the words "yes" or  
455 "no" are printed on a ballot, if the voter shall write the word  
456 "yes" or the word "no" instead of or in addition to marking the  
457 ballot in accordance with the ballot instructions in the space  
458 adjacent to the pre-printed words "yes" or "no," the resolution  
459 board shall, in reviewing such ballot, count the vote in  
460 accordance with the voter's handwritten preference, unless the  
461 voter marks the ballot in the space adjacent to the pre-printed  
462 words "yes" or "no" contrary to the handwritten preference, in  
463 which case no vote shall be recorded for such ballot in regard to  
464 the ballot measure.

465           (8) OMR tabulating equipment shall be programmed,  
466 calibrated, adjusted and set up to reject ballot cards that appear  
467 to be damaged or defective. Any switch, lever or feature on OMR  
468 tabulating equipment that enables or permits the OMR tabulating  
469 equipment to override the rejection of damaged or defective ballot  
470 cards so that such cards will not be reviewed by the resolution  
471 board, shall not be utilized.



472 (9) Ballots shall be manually counted by the resolution  
473 board only when the ballots are:

474 (a) Properly before the resolution board due to being  
475 rejected by the OMR tabulating equipment because the ballots  
476 appear to be damaged or defective or are rejected by the OMR  
477 equipment for any other reason; or

478 (b) Properly before the resolution board due to a  
479 malfunction in the OMR tabulating equipment.

480 (10) The resolution board shall make and keep a record  
481 regarding the handling and counting of all ballots inspected under  
482 this section.

483 **SECTION 8.** Section 23-15-541, Mississippi Code of 1972, is  
484 amended as follows:

485 23-15-541. (1) At all elections, the polls shall be opened  
486 at seven o'clock in the morning and be kept open until seven  
487 o'clock in the evening and no longer. Upon the opening of the  
488 polls, and not before, the managers of the election shall  
489 designate two (2) of their number, other than the manager  
490 theretofore designated to receive the blank ballots, who shall  
491 thereupon be known respectively as the initialing manager and the  
492 alternate initialing manager. The alternate initialing manager,  
493 in the absence of the initialing manager, shall perform all of the  
494 duties and undertake all of the responsibilities of the initialing  
495 manager. When any person entitled to vote shall appear to vote,  
496 he shall first sign his name in a receipt book or booklet provided  
497 for that purpose and to be used at that election only and said  
498 receipt book or booklet shall be used in lieu of the list of  
499 voters who have voted formerly made by the managers or clerks;  
500 whereupon and not before, the initialing manager or, in his  
501 absence, the alternate initialing manager shall indorse his  
502 initials on the back of an official blank ballot, prepared in  
503 accordance with law, and at such place on the back of the ballot  
504 that the initials may be seen after the ballot has been marked and



505 folded, and when so endorsed he shall deliver it to the voter,  
506 which ballot the voter shall mark in the manner provided by law,  
507 which when done the voter shall deliver the same to the initialing  
508 manager or, in his absence, to the alternate initialing manager,  
509 in the presence of the others, and the manager shall see that the  
510 ballot so delivered bears on the back thereof the genuine initials  
511 of the initialing manager, or alternate initialing manager, and if  
512 so, but not otherwise, the ballot shall be put into the ballot  
513 box; and when so done one (1) of the managers or a duly appointed  
514 clerk shall make the proper entry on the pollbook. If the voter  
515 is unable to write his name on the receipt book, a manager or  
516 clerk shall note on the back of the ballot that it was receipted  
517 for by his assistance.

518 (2) (a) A poll manager shall be authorized to allow a  
519 physically disabled person to vote curbside during the hours in  
520 which the polls are open as described in this section.

521 Where the managers of an election, exercising their sound  
522 discretion, determine that a physically disabled person has  
523 arrived at the polls in a motor vehicle to vote, two (2) or more  
524 managers shall carry the pollbook, the receipt book, and a ballot  
525 or voting device to the motor vehicle, and after determining  
526 whether the disabled person is a qualified elector as provided by  
527 law, shall allow the disabled elector to cast his or her ballot in  
528 secret. After the disabled elector casts his or her ballot, the  
529 managers shall mark the pollbook "voted" by the elector's name in  
530 the pollbook.

531 (b) If the ballot that is provided to the disabled  
532 elector is a paper ballot, the initialing manager shall initial  
533 the ballot as provided by law, and the disabled elector, after  
534 marking his or her ballot shall fold the ballot or place it in the  
535 ballot sleeve. The initialing manager or alternate initialing  
536 manager shall determine whether the initials on the ballot are  
537 genuine, and upon a determination that the initials are genuine,



538 mark "voted" by the elector's name. The initialing manager or  
539 alternate initialing manager shall without delay place the ballot  
540 in the ballot box.

541 (c) If, while a voter is voting by curbside, there are  
542 less than three (3) managers immediately present within the  
543 polling place conducting an election or a political party primary,  
544 all voting at the polls shall stop until the managers conducting  
545 the curbside voting procedure return so that there are at least  
546 three (3) poll managers immediately present within the polling  
547 place to conduct the election or party primary at all times, and  
548 until a minimum of three (3) managers are present, the remaining  
549 poll manager or managers shall ensure the security of the ballot  
550 box, the voting devices, and any ballots and election materials.

551 **SECTION 9.** Section 23-15-625, Mississippi Code of 1972, is  
552 amended as follows:

553 23-15-625. (1) The registrar shall be responsible for  
554 providing applications for absentee voting as provided in this  
555 section. At least sixty (60) days prior to any election in which  
556 absentee voting is provided for by law, the registrar shall  
557 provide a sufficient number of applications. In the event a  
558 special election is called and set at a date which makes it  
559 impractical or impossible to prepare applications for absent  
560 elector's ballot sixty (60) days prior to the election, the  
561 registrar shall provide applications as soon as practicable after  
562 the election is called. The registrar shall fill in the date of  
563 the particular election on the application for which the  
564 application will be used.

565 (2) The registrar shall be authorized to disburse  
566 applications for absentee ballots to any qualified elector within  
567 the county where he serves. Any person who presents to the  
568 registrar an oral or written request for an absentee ballot  
569 application for a voter entitled to vote absentee by mail, other  
570 than the elector who seeks to vote by absentee ballot, shall, in



571 the presence of the registrar, sign the application and print on  
572 the application his or her name and address and the name of the  
573 elector for whom the application is being requested in the place  
574 provided for on the application for that purpose. However, if for  
575 any reason such person is unable to write the information  
576 required, then the registrar shall write the information on a  
577 printed form which has been prescribed by the Secretary of State.  
578 The form shall provide a place for such person to place his mark  
579 after the form has been filled out by the registrar.

580 (3) It shall be unlawful for any person to solicit absentee  
581 ballot applications or absentee ballots for persons staying in any  
582 skilled nursing facility as defined in Section 41-7-173. This  
583 prohibition shall not apply to:

584 (a) A family member of the person staying in the  
585 skilled nursing facility; or

586 (b) A person designated by the person for whom the  
587 absentee ballot application or absentee ballot is sought, the  
588 registrar or the deputy registrar.

589 As used in this subsection, "family member" means a spouse,  
590 parent, grandparent, sibling, adult child, grandchild or legal  
591 guardian.

592 (4) The registrar in the county wherein a voter is qualified  
593 to vote upon receiving the envelope containing the absentee  
594 ballots shall keep an accurate list of all persons preparing such  
595 ballots, which list shall be kept in a conspicuous place  
596 accessible to the public near the entrance to his office. The  
597 registrar shall also furnish to each precinct manager a list of  
598 the names of all persons in each respective precinct voting  
599 absentee ballots to be posted in a conspicuous place at the  
600 polling place for public notice. The application on file with the  
601 registrar and the envelopes containing the ballots shall be kept  
602 by the registrar and deposited in the proper precinct ballot boxes  
603 before such boxes are delivered to the election commissioners or



604 managers. At the time such boxes are delivered to the election  
605 commissioners or managers, the registrar shall also turn over a  
606 list of all such persons who have voted and whose ballots are in  
607 the box.

608 (5) The registrar shall also be authorized to mail one (1)  
609 application to any qualified elector of the county for use in a  
610 particular election.

611 **SECTION 10.** Section 23-15-627, Mississippi Code of 1972, is  
612 amended as follows:

613 23-15-627. The registrar shall be responsible for furnishing  
614 an absentee ballot application form to any elector authorized to  
615 receive an absentee ballot. Except as otherwise provided in  
616 Section 23-15-625, absentee ballot applications shall be furnished  
617 to a person only upon the oral or written request of the elector  
618 who seeks to vote by absentee ballot; however, the parent, child,  
619 spouse, sibling, legal guardian, those empowered with a power of  
620 attorney for that elector's affairs or agent of the elector, who  
621 is designated in writing and witnessed by a resident of this state  
622 who shall write his or her physical address on such designation,  
623 may orally request an absentee ballot application on behalf of the  
624 elector. The written designation shall be valid for one (1) year  
625 after the date of the designation. An absentee ballot application  
626 must have the seal of the circuit or municipal clerk affixed to it  
627 and be initialed by the registrar or his deputy in order to be  
628 utilized to obtain an absentee ballot. A reproduction of an  
629 absentee ballot application shall not be valid unless it is a  
630 reproduction provided by the office of the registrar of the  
631 jurisdiction in which the election is being held and which  
632 contains the seal and initials required by this section. Such  
633 application shall be substantially in the following form:

634 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

635 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
636 of the County of \_\_\_\_\_, and State of Mississippi, coming within



637 the purview of the definition 'ABSENT ELECTOR' will be absent from  
638 the county of my residence on election day, or unable to vote in  
639 person because (check appropriate reason):

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

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

646       ( ) I am a member of the Merchant Marine or the American Red  
647 Cross and am a citizen of Mississippi or spouse or dependent of  
648 such member.

649       ( ) I am a disabled war veteran who is a patient in any  
650 hospital and am a citizen of Mississippi or spouse or dependent of  
651 such veteran.

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

656       ( ) I am a citizen of Mississippi temporarily residing  
657 outside the territorial limits of the United States and the  
658 District of Columbia.

659       ( ) I am a student, teacher or administrator at a college,  
660 university, junior or community college, high, junior high,  
661 elementary or grade school, whose studies or employment at such  
662 institution necessitates my absence from the county of my voting  
663 residence or spouse or dependent of such student, teacher or  
664 administrator who maintains a common domicile outside the county  
665 of my voting residence with such student, teacher or  
666 administrator.

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

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

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



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

675 ( ) I am a member of the congressional delegation, or spouse  
676 or dependent of a member of the congressional delegation.

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

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

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

683 I realize that I can be fined up to Five Thousand Dollars  
684 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
685 for making a false statement in this application and for selling  
686 my vote and violating the Mississippi Absentee Voter Law. (This  
687 sentence is to be in bold print.)

688 If you are temporarily or permanently disabled, you are not  
689 required to have this application notarized or signed by an  
690 official authorized to administer oaths for absentee balloting.  
691 You are required to sign this application in the proper place and  
692 have a person eighteen (18) years of age or older witness your  
693 signature and sign this application in the proper place.

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

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

698 \_\_\_\_\_  
699 (Signature of absent elector)

700 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
701 2\_\_\_\_.

702 \_\_\_\_\_



703 (Official authorized to administer oaths  
704 for absentee balloting.)

705 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
706 DISABLED:

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

711 \_\_\_\_\_

712 (Signature of witness)

713 CERTIFICATE OF DELIVERY

714 I hereby certify that \_\_\_\_\_ (print name of voter)  
715 has requested that I, \_\_\_\_\_ (print name of person  
716 delivering application), deliver to the voter this absentee ballot  
717 application.

718 \_\_\_\_\_

719 (Signature of person delivering application)

720 \_\_\_\_\_

721 (Address of person delivering application)"

722 **SECTION 11.** Section 23-15-635, Mississippi Code of 1972, is  
723 amended as follows:

724 23-15-635. (1) The form of the elector's certificate,  
725 attesting witness certification and certificate of person  
726 providing voter assistance on the back of the envelope used by  
727 voters who do not use the registrar of their county of residence  
728 as an attesting witness shall be as follows:

729 "ELECTOR'S CERTIFICATE

730 STATE OF \_\_\_\_\_

731 COUNTY OR PARISH OF \_\_\_\_\_

732 I, \_\_\_\_\_, under penalty of perjury do solemnly swear  
733 that this envelope contains the ballot marked by me indicating my  
734 choice of the candidates or propositions to be submitted at the  
735 election to be held on the \_\_\_\_ day of \_\_\_\_\_, 2\_\_, and I



736 hereby authorize the registrar to place this envelope in the  
737 ballot box on my behalf, and I further authorize the election  
738 managers to open this envelope and place my ballot among the other  
739 ballots cast before such ballots are counted, and record my name  
740 on the poll list as if I were present in person and voted.

741 I further swear that I marked the enclosed ballot in secret.

742 Penalties for vote fraud are up to  
743 five (5) years in prison and a fine of  
744 up to Five Thousand Dollars  
745 (\$5,000.00). (Miss. Code. Ann.  
746 Section 23-15-753.) Penalties for  
747 voter intimidation are up to one  
748 (1) year in jail and a fine of up  
749 to One Thousand Dollars (\$1,000.00).  
750 (Miss. Code. Ann. Section 97-13-37.)

751 \_\_\_\_\_  
752 (Signature of voter)

753 CERTIFICATE OF ATTESTING WITNESS

754 Under penalty of perjury I affirm that the above named voter  
755 personally appeared before me, on this the \_\_\_\_ day of \_\_\_\_\_,  
756 2\_\_\_\_, \* \* \* and is known by me to be the person named, and who,  
757 after being duly sworn or having affirmed, subscribed the  
758 foregoing oath or affirmation. That the voter exhibited to me his  
759 blank ballot; that the ballot was not marked or voted before  
760 the \* \* \* voter exhibited the ballot to me; that the \* \* \* voter  
761 was not solicited or advised by me to vote for any candidate,  
762 question or issue, and that the voter, after marking his ballot,  
763 placed it in the envelope, closed and sealed the envelope in my  
764 presence, and signed and swore or affirmed the above certificate.

765 \_\_\_\_\_  
766 (Attesting witness) (Address)  
767 \_\_\_\_\_  
768 (Official title) (City and State)



769 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE  
770 (To be completed only if the voter has received assistance in  
771 marking the enclosed ballot.) I, under penalty of perjury, hereby  
772 certify that the above-named voter declared to me that he or she  
773 is blind, temporarily or permanently physically disabled, or  
774 cannot read or write, and that the voter requested that I assist  
775 the voter in marking the enclosed absentee ballot. I hereby  
776 certify that the ballot preferences on the enclosed ballot are  
777 those communicated by the voter to me, and that I have marked the  
778 enclosed ballot in accordance with the voter's instructions.

779 **Penalties for vote fraud are up to**  
780 **five (5) years in prison and a fine of**  
781 **up to Five Thousand Dollars**  
782 **(\$5,000.00). (Miss. Code. Ann.**  
783 **Section 23-15-753.) Penalties for**  
784 **voter intimidation are up to one (1)**  
785 **year in jail and a fine of up to One**  
786 **Thousand Dollars (\$1,000.00). (Miss.**  
787 **Code. Ann. Section 97-13-37.)**

788 \_\_\_\_\_  
789 Signature of person providing assistance  
790 \_\_\_\_\_  
791 Printed name of person providing assistance  
792 \_\_\_\_\_  
793 Address of person providing assistance  
794 \_\_\_\_\_  
795 Date and time assistance provided  
796 \_\_\_\_\_  
797 Family relationship to voter (if any)"

798 (2) The envelope used pursuant to this section shall not  
799 contain the form prescribed pursuant to Section 23-15-719 and  
800 shall have printed on the flap on the back of the envelope in bold  
801 print and in a distinguishing color, the following: "YOUR VOTE



802 **WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED**  
803 **ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

804 **SECTION 12.** Section 23-15-633, Mississippi Code of 1972, is  
805 amended as follows:

806 23-15-633. On any envelope where the elector's signature and  
807 the signature of the attesting witness are required, the signature  
808 lines and the signatures shall be across the flap of the envelope  
809 to insure the integrity of the ballot and the following shall be  
810 printed on the flap on the back of the envelope in bold print and  
811 in a distinguishing color: **"YOUR VOTE WILL BE REJECTED AND NOT**  
812 **COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS**  
813 **ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

814 **SECTION 13.** Section 23-15-719, Mississippi Code of 1972, is  
815 amended as follows:

816 23-15-719. (1) Immediately upon completion of an  
817 application filed pursuant to the provisions of paragraph (a) of  
818 Section 23-15-715, the registrar shall deliver the necessary  
819 ballots to the applicant. The registrar shall only deliver the  
820 ballots to the applicant by mail or to the applicant in the  
821 registrar's office. The registrar shall not personally hand  
822 deliver ballots to voters, unless he delivers the ballots in the  
823 office of the registrar. The elector shall fill in his ballot in  
824 secret. After the applicant has properly marked the ballot and  
825 properly folded it, he shall deposit it in the envelope furnished  
826 him by the registrar.

827 After he has sealed the envelope, he shall subscribe and  
828 swear to an affidavit in the following form, which shall be  
829 printed on the back of the envelope containing the applicant's  
830 ballot:

831 "STATE OF MISSISSIPPI  
832 COUNTY OF \_\_\_\_\_

833 I, \_\_\_\_\_, do solemnly swear that this envelope contains  
834 the ballot marked by me indicating my choice of the candidates or



835 propositions to be submitted at the election to be held on the \_\_\_\_  
836 day of \_\_\_\_\_, 2\_\_\_\_, and I hereby authorize the registrar to  
837 place this envelope in the ballot box on my behalf, and I further  
838 authorize the election managers to open this envelope and place my  
839 ballot among the other ballots cast before such ballots are  
840 counted, and record my name on the poll list as if I were present  
841 in person and voted.

842 I further swear that I marked the enclosed ballot in secret.

843 \_\_\_\_\_  
844 (Signature of voter)

845 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_\_  
846 day of \_\_\_\_\_, 2\_\_\_\_.

847 (Registrar) \_\_\_\_\_  
848 (Registrar)"

849 After the completion of the requirements of this section, the  
850 elector shall deliver the envelope containing the ballot to the  
851 registrar.

852 (2) If the voter has received assistance in marking his  
853 ballot, the person providing the assistance shall complete the  
854 following form which shall be printed on the back of the envelope  
855 containing the applicant's ballot:

856 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

857 (To be completed only if the voter has received assistance in  
858 marking the enclosed ballot.) I hereby certify that the  
859 above-named voter declared to me that he or she is blind,  
860 temporarily or permanently physically disabled, or cannot read or  
861 write, and that the voter requested that I assist the voter in  
862 marking the enclosed absentee ballot. I hereby certify that the  
863 ballot preferences on the enclosed ballot are those communicated  
864 by the voter to me, and that I have marked the enclosed ballot in  
865 accordance with the voter's instructions.

866 \_\_\_\_\_  
867 Signature of person providing assistance



868 \_\_\_\_\_  
869 Printed name of person providing assistance  
870 \_\_\_\_\_  
871 Address of person providing assistance  
872 \_\_\_\_\_  
873 Date and time assistance provided  
874 \_\_\_\_\_  
875 Family relationship to voter (if any)"

876 (3) The envelope used pursuant to this section shall not  
877 contain the form prescribed by Section 23-15-635 and shall have  
878 printed on the flap on the back of the envelope in bold print and  
879 in a distinguishing color, the following: "YOUR VOTE WILL BE  
880 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE  
881 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."

882 **SECTION 14.** The Attorney General of the State of Mississippi  
883 shall submit Sections 2 through 13 of this act, immediately upon  
884 approval by the Governor, or upon approval by the Legislature  
885 subsequent to a veto, to the Attorney General of the United States  
886 or to the United States District Court for the District of  
887 Columbia in accordance with the provisions of the Voting Rights  
888 Act of 1965, as amended and extended.

889 **SECTION 15.** Sections 2 through 13 of this act shall take  
890 effect and be in force from and after the date it is effectuated  
891 under Section 5 of the Voting Rights Act of 1965, as amended and  
892 extended.

893 **SECTION 16.** Section 1 of this act shall take effect and be  
894 in force from and after its passage.

