

By: Senator(s) Doty

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2880

1 AN ACT TO REMOVE THE REQUIREMENT THAT A FULL-TIME STUDENT OF
2 ANY COLLEGE, UNIVERSITY OR COMMUNITY/JUNIOR COLLEGE WHO IS
3 QUALIFIED TO VOTE ABSENTEE BY MAIL HAVE HIS OR HER BALLOT ENVELOPE
4 NOTARIZED; TO PROVIDE THAT THE STUDENT MUST HAVE HIS OR HER BALLOT
5 ENVELOPE WITNESSED AND SIGNED BY AN EMPLOYEE OF THE OFFICE OF THE
6 REGISTRAR OF THE UNIVERSITY OR COLLEGE WHEREIN THE STUDENT IS
7 ENROLLED; TO AMEND SECTIONS 23-15-631 AND 23-15-721, MISSISSIPPI
8 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 23-15-631, Mississippi Code of 1972, is
11 amended as follows:

12 23-15-631. (1) The registrar shall enclose with each ballot
13 provided to an absent elector separate printed instructions
14 furnished by the registrar containing the following:

15 (a) All absentee voters, excepting those with temporary
16 or permanent physical disabilities or those who are sixty-five
17 (65) years of age or older, who mark their ballots in the county
18 of the residence shall use the registrar of that county as the
19 witness. The absentee voter shall come to the office of the
20 registrar and neither the registrar nor his or her deputy shall be



21 required to go out of the registrar's office to serve as an
22 attesting witness.

23 (b) Upon receipt of the enclosed ballot, you will not
24 mark the ballot except in view or sight of the attesting witness.
25 In the sight or view of the attesting witness, mark the ballot
26 according to instructions.

27 (c) After marking the ballot, fill out and sign the
28 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
29 signature is across the flap of the envelope to ensure the
30 integrity of the ballot. All absent electors shall have the
31 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
32 the flap on the back of the envelope. Place the necessary postage
33 on the envelope and deposit it in the post office or some
34 government receptacle provided for deposit of mail so that the
35 absent elector's ballot, excepting presidential absentee ballots,
36 will reach the registrar in which your precinct is located not
37 later than 5:00 p.m. on the day preceding the date of the
38 election.

39 Any notary public, United States postmaster, assistant United
40 States postmaster, United States postal supervisor, clerk in
41 charge of a contract postal station, or other officer having
42 authority to administer an oath or take an acknowledgment may be
43 an attesting witness * * *. However, * * * in the case of an
44 absent elector who is temporarily or permanently physically
45 disabled, the attesting witness may be any person eighteen (18)



46 years of age or older, and such person is not required to have the
47 authority to administer an oath. In the case of an absent elector
48 who is a full-time student at any college, university or
49 community/junior college, the attesting witness may be an employee
50 of the registrar's office for the university or college in which
51 the student is enrolled, and the employee is not required to have
52 the authority to administer an oath. If a postmaster, assistant
53 postmaster, postal supervisor, or clerk in charge of a contract
54 postal station acts as an attesting witness, his or her signature
55 on the elector's certificate must be authenticated by the
56 cancellation stamp of their respective post offices. If an
57 officer having authority to administer an oath or take an
58 acknowledgement acts as attesting witness, his or her signature on
59 the elector's certificate, together with his or her title and
60 address, but no seal, shall be required. Any affidavits made by
61 an absent elector who is in the Armed Forces may be executed
62 before a commissioned officer, warrant officer, or noncommissioned
63 officer not lower in grade than sergeant rating or any person
64 authorized to administer oaths.

65 (d) When the application accompanies the ballot it
66 shall not be returned in the same envelope as the ballot but shall
67 be returned in a separate preaddressed envelope provided by the
68 registrar.

69 (e) A candidate for public office, or the spouse,
70 parent or child of a candidate for public office, may not be an



71 attesting witness for any absentee ballot upon which the
72 candidate's name appears, unless the voter is related within the
73 first degree to the candidate or the spouse, parent or child of
74 the candidate.

75 (f) Any voter casting an absentee ballot who declares
76 that he or she requires assistance to vote by reason of blindness,
77 temporary or permanent physical disability or inability to read or
78 write, shall be entitled to receive assistance in the marking of
79 his or her absentee ballot and in completing the affidavit on the
80 absentee ballot envelope. The voter may be given assistance by
81 anyone of the voter's choice other than a candidate whose name
82 appears on the absentee ballot being marked, the spouse, parent or
83 child of a candidate whose name appears on the absentee ballot
84 being marked or the voter's employer, an agent of that employer or
85 a union representative; however, a candidate whose name is on the
86 ballot or the spouse, parent or child of such candidate may
87 provide assistance upon request to any voter who is related within
88 the first degree. In order to ensure the integrity of the ballot,
89 any person who provides assistance to an absentee voter shall be
90 required to sign and complete the "Certificate of Person Providing
91 Voter Assistance" on the absentee ballot envelope.

92 (2) The foregoing instructions required to be provided by
93 the registrar to the elector shall also constitute the substantive
94 law pertaining to the handling of absentee ballots by the elector
95 and registrar.



(3) The Secretary of State shall prepare instructions on how absent voters may comply with the identification requirements of Section 23-15-563.

SECTION 2. Section 23-15-721, Mississippi Code of 1972, is amended as follows:

23-15-721. (1) Except as provided in subsection (2) of this section, electors temporarily residing outside the county and obtaining an absentee ballot under the provisions of paragraph (b) of Section 23-15-715 shall appear before any official authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter. The elector shall exhibit to such official his absentee ballot unmarked and thereupon proceed in secret to fill in his ballot. After the elector has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him. After he has sealed the envelope he shall deliver it to the official before whom he is appearing and shall subscribe and swear to the elector's certificate provided for in Section 23-15-635, which affidavit shall be printed on the back of the envelope as provided for in Section 23-15-635.

(2) Electors who are temporarily or permanently physically disabled shall sign the elector's certificate, and the certificate of attesting witness shall be signed by any person eighteen (18) years of age or older. Electors who are full-time students at any college, university or community/junior college qualified to vote



as absentees shall sign the elector's certificate, and the
certificate of attesting witness shall be signed by an employee of
the registrar's office for the university or college in which the
student is enrolled.

(3) After the completion of the requirements of this section, the elector shall mail the envelope containing the ballot to the registrar in the county wherein said elector is qualified to vote. Except as otherwise provided by Section 23-15-699 and excluding presidential ballots as provided for in Sections 23-15-731 and 23-15-733, the ballots must be received by the registrar prior to 5:00 p.m. on the day preceding the election to be counted.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

