

By: Representatives Currie, Owen, Reynolds

To: Apportionment and
ElectionsCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 297

1 AN ACT TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ALL ABSENTEE BALLOTS CAST IN THE OFFICE OF THE
3 REGISTRAR MAY BE CAST ON EITHER A DIRECT RECORDING ELECTRONIC
4 VOTING SYSTEM OR ON A BALLOT THAT IS FED THROUGH AN OPTICAL MARK
5 READING EQUIPMENT MACHINE; TO PROVIDE THAT THE VOTING SYSTEM USED
6 SHALL BE SEALED AT THE CLOSE OF EACH BUSINESS DAY AND SHALL REMAIN
7 SEALED UNTIL THE BEGINNING OF THE NEXT BUSINESS DAY; TO PROVIDE
8 THAT ALL VOTES CAST BY ABSENTEE BALLOT SHALL BE FINAL; TO PROVIDE
9 THAT NO PERSON WHO VOTES ABSENTEE BEFORE THE ELECTION SHALL BE
10 ALLOWED TO VOTE IN PERSON ON ELECTION DAY; TO AUTHORIZE THE
11 SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS; TO PROVIDE
12 THAT ABSENTEE BALLOTS RECEIVED BY MAIL MUST BE POST MARKED BY THE
13 DATE OF THE ELECTION AND RECEIVED BY THE REGISTRAR NO MORE THAN
14 FIVE BUSINESS DAYS AFTER THE ELECTION; TO AMEND SECTION 23-15-645,
15 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ABSENTEE VOTES CAST IN
16 THE REGISTRAR'S OFFICE SHALL BE TALLIED ON ELECTION DAY AND
17 ANNOUNCED SIMULTANEOUSLY WITH ALL OTHER VOTES CAST ON ELECTION
18 DAY; TO AMEND SECTION 23-15-649, MISSISSIPPI CODE OF 1972, TO
19 PROVIDE THAT, FOR ALL ELECTIONS, THE ELECTION OFFICIALS SHALL
20 PREPARE EITHER OFFICIAL BALLOTS FOR THE DIRECT RECORDING
21 ELECTRONIC VOTING SYSTEM OR OFFICIAL BALLOTS TO BE FED THROUGH THE
22 OPTICAL MARK READING EQUIPMENT; TO AMEND SECTIONS 23-15-715 AND
23 23-15-719, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCESS BY
24 WHICH AN ABSENT ELECTOR APPLIES TO VOTE ABSENTEE; TO PROVIDE THE
25 PROCESS FOR AN ABSENTEE VOTER TO VOTE ABSENTEE BY MAIL; TO AMEND
26 SECTIONS 23-15-625, 23-15-627, 23-15-629, 23-15-631, 23-15-635,
27 23-15-639, 23-15-641, 23-15-647, 23-15-713, 23-15-721, 23-15-731
28 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
29 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** Section 23-15-637, Mississippi Code of 1972, is
32 amended as follows:

33 23-15-637. (1) (a) Absentee ballots received by mail,
34 except presidential ballots as provided for in Sections 23-15-731
35 and 23-15-733 and except as otherwise provided by Section
36 23-15-699, must be * * *~~received by the registrar by 5:00 p.m. on~~
37 ~~the date preceding~~ postmarked by the date of the election and
38 received by the registrar no more than five (5) business days
39 after the election; any received after such time shall be handled
40 as provided in Section 23-15-647 and shall not be counted.

41 (b) All ballots cast by the absent elector appearing in
42 person in the office of the registrar * * *~~shall~~ may be cast with
43 a regular paper ballot or on either a direct recording electronic
44 voting system or a ballot that is fed through an optical mark
45 reading equipment machine not later than 12:00 noon on the
46 Saturday immediately preceding elections held on Tuesday, the
47 Thursday immediately preceding elections held on Saturday, or the
48 second day immediately preceding the date of elections held on
49 other days. At the close of business each day at the office of
50 the registrar, the voting system used shall be sealed and not
51 unsealed until the beginning of the next business day.

52 (c) Any votes cast by absentee ballots, whether
53 received by mail, cast with a regular paper ballot or cast on the
54 voting system by the absent elector appearing in person in the
55 registrar's office, shall be final. No person who votes absentee



56 before the election shall appear in person to vote on election day
57 and have his or her vote counted.

58 (2) The registrar shall deposit all absentee ballots which
59 have been timely cast in the * * *~~ballot boxes~~ secured box in a
60 designated location in the circuit clerk's office upon receipt.

61 (3) The Secretary of State shall promulgate rules and
62 regulations necessary to ensure that when a qualified elector who
63 is qualified to vote absentee votes by absentee ballot, either by
64 mail or in person with a regular paper ballot or on either a
65 direct recording electronic voting system or a ballot that is fed
66 through an optical mark reading equipment machine at the
67 registrar's office, that person's absentee vote is final and he or
68 she may not vote at the polling place on election day.

69 Notwithstanding any other provisions of law to the contrary, the
70 Secretary of State shall promulgate rules and regulations
71 necessary to ensure that absentee ballots shall remain in the
72 circuit clerk's office for counting and not be taken to the
73 precincts on election day.

74 **SECTION 2.** Section 23-15-645, Mississippi Code of 1972, is
75 amended as follows:

76 23-15-645. (1) Absentee votes cast in the registrar's
77 office on a regular paper ballot or on either the direct recording
78 electronic voting system or a ballot that is fed through an
79 optical mark reading equipment machine shall be tallied on



election day in the circuit clerk's office and announced
simultaneously with all other votes cast on election day.

(2) After the votes have been counted the officials shall preserve all applications, envelopes and the list of absent voters along with the mailed paper and paper ballots and other election materials and return the same to the registrar.

SECTION 3. Section 23-15-649, Mississippi Code of 1972, is amended as follows:

23-15-649. (1) For all elections, * * *~~there shall be prepared and printed by the officials charged with this duty with respect to the election~~ the election officials shall prepare and print, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days * * *~~of~~ before the election, whichever is later, official ballots to be mailed for each voting precinct to be known as absentee voter ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot except that they shall be printed on tinted paper of a tint different from that of the regular official ballot.

(2) For all elections, the election officials shall prepare, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days before the election, whichever is later, either regular paper ballots or official ballots for the direct recording electronic voting system or an official ballot that is fed through an optical mark reading equipment machine as



provided in Sections 23-15-503 through 23-15-525 and Sections 23-15-531 through 23-15-531.12.

SECTION 4. Section 23-15-715, Mississippi Code of 1972, is amended as follows:

23-15-715. Any elector described in Section 23-15-715 and desiring to vote by mail via an absentee ballot as provided in this subarticle may secure same if * * *~~:(a)~~ not more than forty-five (45) days nor later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days, * * *~~he shall appear in person before the registrar of the county in which he resides, or for municipal elections he shall appear in person before the city clerk of the municipality in which he resides and, when the elector so appears, he shall execute and file an application as provided in Section 23-15-627 and vote by absentee ballot, except that if the ballot has not been printed by forty-five (45) days preceding the election, the elector may appear and file an application anytime before the election. Then the absentee ballot shall be mailed by the circuit clerk to the elector as soon as the ballot has been printed the elector applies for an absentee ballot as provided for in this article.~~

~~* * *(b) Within forty-five (45) days next prior to any election, any elector who cannot comply with paragraph (a) of this~~



~~section by reason of temporarily residing outside the county, or
any person who has a temporary or permanent physical disability,
persons who are sixty-five (65) years of age or older, or any
person who is the parent, spouse or dependent of a temporarily or
permanently physically disabled person who is hospitalized outside
of his county of residence or more than fifty (50) miles away from
his residence and such parent, spouse or dependent will be with
such person on election day, may make application for an absentee
ballot by mailing the appropriate application to the registrar.
Only persons temporarily residing out of the county of their
residence, persons having a temporary or permanent physical
disability, persons who are sixty-five (65) years of age or older,
or any person who is the parent, spouse or dependent of a
temporarily or permanently physically disabled person who is
hospitalized outside of his county of residence or more than fifty
(50) miles away from his residence, and such parent, spouse or
dependent will be with such person on election day, may obtain
absentee ballots by mail under the provisions of this subsection
and as provided by Section 23-15-713. Applications of persons
temporarily residing outside the county shall be sworn to and
subscribed before an official who is authorized to administer
oaths or other official authorized to witness absentee balloting
as provided in this chapter, said application to be accompanied by
such verifying affidavits as required by this chapter. The All
applications, other than those of persons having a temporary or~~



155 permanent physical disability, shall * * *~~not~~ be sworn to and
156 subscribed before an official who is authorized to administer
157 oaths or other official authorized to witness absentee balloting
158 as provided in this article. The application must be accompanied
159 by a verifying affidavit as required by this article. The
160 applications of persons having a temporary or permanent physical
161 disability are not required to be accompanied by an affidavit but
162 shall be witnessed and signed by a person eighteen (18) years of
163 age or older. * * *~~The registrar shall send to such absent voter~~
164 ~~a proper absentee voter ballot within twenty-four (24) hours, or~~
165 ~~as soon thereafter as the ballots are available, containing the~~
166 ~~names of all candidates who qualify or the proposition to be voted~~
167 ~~on in such election, and with such ballot there shall be sent an~~
168 ~~official envelope containing upon it in printed form the recitals~~
169 ~~and data hereinafter required.~~

170 **SECTION 5.** Section 23-15-719, Mississippi Code of 1972, is
171 amended as follows:

172 23-15-719. * * *~~(1)~~ ~~Immediately upon completion of an~~
173 ~~application filed pursuant to the provisions of paragraph (a) of~~
174 ~~Section 23-15-715, Upon receipt of a properly completed~~
175 application form by an elector qualified to vote absentee as
176 provided in this article, the registrar shall * * *~~deliver the~~
177 ~~necessary ballots to the applicant. The registrar shall identify~~
178 ~~the applicant by requiring him to present identification as~~
179 ~~required by Section 23-15-563, and shall then deliver the ballots~~



180 ~~to the applicant by mail or to the applicant in the registrar's~~
181 ~~office.~~ send the absent voter an absentee ballot within one (1)
182 business day, or as soon as the absentee ballot is prepared and
183 available, containing the names of all the candidates and
184 propositions, if any, to be voted on in the election. The
185 registrar shall include with the absentee ballot an official
186 envelope that complies with the provisions of this article. The
187 registrar shall not personally hand deliver ballots to
188 voters * * *, ~~unless he delivers the ballots in the office of the~~
189 ~~registrar. The elector shall fill in his ballot in secret. After~~
190 ~~the applicant has properly marked the ballot and properly folded~~
191 ~~it, he shall deposit it in the envelope furnished him by the~~
192 ~~registrar.~~

193 After * * * ~~he~~ the absentee voter has sealed the envelope, he
194 or she shall subscribe and swear to an affidavit * * * ~~in the~~
195 ~~following form, which shall be printed on the back of the envelope~~
196 ~~containing the applicant's ballot:~~

197 ~~"STATE OF MISSISSIPPI~~

198 ~~COUNTY OF _____~~

199 ~~_____ I, _____, do solemnly swear that this envelope contains~~
200 ~~the ballot marked by me indicating my choice of the candidates or~~
201 ~~propositions to be submitted at the election to be held on the ____~~
202 ~~day of _____, 2____, and I hereby authorize the registrar to~~
203 ~~place this envelope in the ballot box on my behalf, and I further~~
204 ~~authorize the election managers to open this envelope and place my~~



205 ~~ballot among the other ballots cast before such ballots are~~
206 ~~counted, and record my name on the poll list as if I were present~~
207 ~~in person and voted.~~

208 ~~_____ I further swear that I marked the enclosed ballot in secret.~~

209 _____

210 _____ (Signature of voter)

211 ~~_____ SWORN TO AND SUBSCRIBED before me, _____, this the ____~~

212 ~~day of _____, 2____.~~

213 _____ (Registrar) _____

214 _____ (Registrar)"

215 ~~_____ After the completion of the requirements of this section, the~~
216 ~~elector shall deliver the envelope containing the ballot to the~~
217 ~~registrar.~~

218 ~~_____ (2) If the voter has received assistance in marking his~~
219 ~~ballot, the person providing the assistance shall complete the~~
220 ~~following form which shall be printed on the back of the envelope~~
221 ~~containing the applicant's ballot:~~

222 ~~"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE~~

223 ~~_____ (To be completed only if the voter has received assistance in~~
224 ~~marking the enclosed ballot.) I hereby certify that the~~
225 ~~above-named voter declared to me that he or she is blind,~~
226 ~~temporarily or permanently physically disabled, or cannot read or~~
227 ~~write, and that the voter requested that I assist the voter in~~
228 ~~marking the enclosed absentee ballot. I hereby certify that the~~
229 ~~ballot preferences on the enclosed ballot are those communicated~~



by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance

Date and time assistance provided

Family relationship to voter (if any)"

(3) The envelope used pursuant to this section shall not contain the form prescribed by Section 23-15-635 and shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."** and mail the ballot to the address provided on the application. Ballots requested under Section 23-15-713 shall be mailed to the voter's address outside of the county in which he or she is registered.

SECTION 6. Section 23-15-625, Mississippi Code of 1972, is amended as follows:

23-15-625. (1) The registrar shall be responsible for providing applications for absentee voting as provided in this



255 section. At least sixty (60) days * * * ~~prior to~~ before any
256 election in which absentee voting is provided for by law, the
257 registrar shall provide a sufficient number of applications. In
258 the event a special election is called and set at a date which
259 makes it impractical or impossible to prepare applications for
260 absent elector's ballot sixty (60) days * * * ~~prior to~~ before the
261 election, the registrar shall provide applications as soon as
262 practicable after the election is called. The registrar shall
263 fill in the date of the particular election on the application for
264 which the application will be used.

265 (2) The registrar shall be authorized to disburse
266 applications for absentee ballots to any qualified elector within
267 the county where he or she serves. Any person who presents to the
268 registrar an oral or written request for an absentee ballot
269 application for a voter entitled to vote absentee by mail, other
270 than the elector who seeks to vote by absentee ballot, shall, in
271 the presence of the registrar, sign the application and print on
272 the application his or her name and address and the name of the
273 elector for whom the application is being requested in the place
274 provided for on the application for that purpose. However, if for
275 any reason such person is unable to write the information
276 required, then the registrar shall write the information on a
277 printed form which has been prescribed by the Secretary of State.
278 The form shall provide a place for such person to place his or her
279 mark after the form has been filled out by the registrar.



(3) It shall be unlawful for any person to solicit absentee ballot applications or absentee ballots for persons staying in any skilled nursing facility as defined in Section 41-7-173 * * *. ~~This prohibition shall not apply to~~ unless the person soliciting the absentee ballot applications or absentee ballots is:

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

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

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

(4) The registrar in the county wherein a voter is qualified to vote upon receiving by mail the envelope containing the absentee ballots shall keep an accurate list of all persons preparing such ballots * * *, ~~which.~~ The list shall be kept in a conspicuous place accessible to the public near the entrance to * * * ~~his~~ the registrar's office. The registrar shall also furnish to each precinct manager a list of the names of all persons in each respective precinct voting absentee * * * ~~ballots~~ to be posted in a conspicuous place at the polling place for public notice. The application on file with the registrar and the envelopes containing the ballots that voters mailed to the registrar shall be kept by the registrar and * * * ~~deposited in the~~



~~proper precinct ballot boxes before such boxes are delivered to~~
~~the election commissioners or managers~~ in his or her office. At
the time such boxes are delivered to the election commissioners or
managers, the registrar shall also turn over a list of all such
persons who have voted and whose mailed ballots are in * * *~~the~~
~~box~~ the registrar's office.

(5) The registrar shall also be authorized to mail one (1)
application to any qualified elector of the county, who is
eligible to vote by absentee ballot, for use in a particular
election.

(6) The registrar shall process all applications for
absentee ballots by using the Statewide Election Management
System. The registrar shall account for all absentee ballots
delivered to and received by mail from qualified voters by
processing such ballots using the Statewide Election Management
System.

SECTION 7. Section 23-15-627, Mississippi Code of 1972, is
amended as follows:

23-15-627. The registrar shall be responsible for furnishing
an absentee ballot application form to any elector authorized to
receive an absentee ballot. Except as otherwise provided in
Section 23-15-625, absentee ballot applications shall be furnished
to a person only upon the oral or written request of the elector
who seeks to vote by absentee ballot; however, the parent, child,
spouse, sibling, legal guardian, those empowered with a power of



330 attorney for that elector's affairs or agent of the elector, who
331 is designated in writing and witnessed by a resident of this state
332 who shall write his or her physical address on such designation,
333 may orally request an absentee ballot application on behalf of the
334 elector. The written designation shall be valid for one (1) year
335 after the date of the designation. An absentee ballot application
336 must have the seal of the circuit or municipal clerk affixed to it
337 and be initialed by the registrar or his or her deputy in order to
338 be * * *~~utilized~~ used to obtain an absentee ballot. A
339 reproduction of an absentee ballot application shall not be valid
340 unless it is a reproduction provided by the office of the
341 registrar of the jurisdiction in which the election is being held
342 and which contains the seal and initials required by this section.
343 Such application shall be substantially in the following form:

344 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

345 I, _____, duly qualified and registered in the ____ Precinct
346 of the County of _____, and State of Mississippi, coming within
347 the purview of the definition 'ABSENT ELECTOR' will be absent from
348 the county of my residence on election day, or unable to vote in
349 person because (check appropriate reason):

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



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

356 () I am a member of the Merchant Marine or the American Red
357 Cross and am a citizen of Mississippi or spouse or dependent of
358 such member.

359 () I am a disabled war veteran who is a patient in any
360 hospital and am a citizen of Mississippi or spouse or dependent of
361 such veteran.

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

366 () I am a citizen of Mississippi temporarily residing
367 outside the territorial limits of the United States and the
368 District of Columbia.

369 () I am a student, teacher or administrator at a college,
370 university, junior or community college, high, junior high,
371 elementary or grade school, whose studies or employment at such
372 institution necessitates my absence from the county of my voting
373 residence or spouse or dependent of such student, teacher or
374 administrator who maintains a common domicile outside the county
375 of my voting residence with such student, teacher or
376 administrator.

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



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

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

380 () I am the parent, spouse or dependent of a person with a
381 temporary or permanent physical disability who is hospitalized
382 outside his or her county of residence or more than fifty (50)
383 miles away from his or her residence, and I will be with such
384 person on election day.

385 () I am a member of the congressional delegation, or spouse
386 or dependent of a member of the congressional delegation.

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

389 I hereby make application for an official ballot, or ballots,
390 to be voted by me at the election to be held in _____, on _____.

391 Mail 'Absent Elector's Ballot' to me at the following address
392 _____ * * *~~(if eligible to vote by mail)~~.

393 I realize that I can be fined up to Five Thousand Dollars
394 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
395 for making a false statement in this application and for selling
396 my vote and violating the Mississippi Absentee Voter Law. (This
397 sentence is to be in bold print.)

398 If you are temporarily or permanently disabled, you are not
399 required to have this application notarized or signed by an
400 official authorized to administer oaths for absentee balloting.
401 You are required to sign this application in the proper place and



402 have a person eighteen (18) years of age or older witness your
403 signature and sign this application in the proper place.

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

406 IN WITNESS WHEREOF I have hereunto set my hand and seal this
407 the ____ day of _____, 2____.

408 _____
409 (Signature of absent elector)

410 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
411 2____.

412 _____
413 (Official authorized to administer oaths
414 for absentee balloting.)

415 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
416 DISABLED:

417 I HEREBY CERTIFY that this application for an absent
418 elector's ballot was signed by the above-named disabled elector in
419 my presence and that I am at least eighteen (18) years of age,
420 this the ____ day of _____, 2____.

421 _____
422 (Signature of witness)

423 CERTIFICATE OF DELIVERY

424 I hereby certify that _____ (print name of voter)
425 has requested that I, _____ (print name of person



delivering application), deliver to the voter this absentee ballot application.

(Signature of person delivering application)

(Address of person delivering application)"

SECTION 8. Section 23-15-629, Mississippi Code of 1972, is amended as follows:

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

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

(3) The registrar of each county shall keep an accurate list of the names and addresses of all persons whose applications for absentee ballot are accompanied by the statement set forth in subsection (1) of this section. Sixty (60) days * * * ~~prior to~~



451 before each election, the registrar shall deliver such list to the
452 election commissioners * * *~~of election~~ who shall examine the list
453 and delete from it the names of all persons listed who are no
454 longer qualified electors of the county. Upon completion of such
455 examination, the election commissioners * * *~~of election~~ shall
456 return the list to the registrar by no later than forty-five (45)
457 days * * *~~prior to~~ before the election.

458 (4) The registrar shall * * *~~send~~ mail a ballot to all
459 persons who are determined by the election commissioners * * *~~of~~
460 ~~election~~ to be qualified electors pursuant to subsection (3) of
461 this section by no later than forty (40) days * * *~~prior to~~ before
462 the election.

463 **SECTION 9.** Section 23-15-631, Mississippi Code of 1972, is
464 amended as follows:

465 23-15-631. (1) The registrar shall enclose with each
466 ballot * * *~~provided~~ mailed to an absent elector separate printed
467 instructions furnished by the registrar containing the following:

468 * * *~~_____ (a) All absentee voters, excepting those with~~
469 ~~temporary or permanent physical disabilities or those who are~~
470 ~~sixty-five (65) years of age or older, who mark their ballots in~~
471 ~~the county of the residence shall use the registrar of that county~~
472 ~~as the witness. The absentee voter shall come to the office of~~
473 ~~the registrar and neither the registrar nor his or her deputy~~
474 ~~shall be required to go out of the registrar's office to serve as~~
475 ~~an attesting witness.~~



476 (* * *~~ba~~) Upon receipt of the enclosed ballot, you
477 will not mark the ballot except in view or sight of the attesting
478 witness. In the sight or view of the attesting witness, mark the
479 ballot according to instructions.

480 (* * *~~eb~~) After marking the ballot, fill out and sign
481 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
482 the signature is across the flap of the envelope to ensure the
483 integrity of the ballot. All absent electors shall have the
484 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
485 the flap on the back of the envelope. Place the necessary postage
486 on the envelope and deposit it in the post office or some
487 government receptacle provided for deposit of mail so that the
488 absent elector's ballot, excepting presidential absentee ballots,
489 will * * *~~reach the registrar in which your precinct is located~~
490 ~~not later than 5:00 p.m. on the day preceding the date of~~ be
491 postmarked by the date of the election and received by the
492 registrar no more than five (5) business days after the election.

493 Any notary public, United States postmaster, assistant United
494 States postmaster, United States postal supervisor, clerk in
495 charge of a contract postal station, or other officer having
496 authority to administer an oath or take an acknowledgment may be
497 an attesting witness; provided, however, that in the case of an
498 absent elector who is temporarily or permanently physically
499 disabled, the attesting witness may be any person eighteen (18)
500 years of age or older and such person is not required to have the



501 authority to administer an oath. If a postmaster, assistant
502 postmaster, postal supervisor, or clerk in charge of a contract
503 postal station acts as an attesting witness, his or her signature
504 on the elector's certificate must be authenticated by the
505 cancellation stamp of their respective post offices. If an
506 officer having authority to administer an oath or take an
507 acknowledgement acts as attesting witness, his or her signature on
508 the elector's certificate, together with his or her title and
509 address, but no seal, shall be required. Any affidavits made by
510 an absent elector who is in the Armed Forces may be executed
511 before a commissioned officer, warrant officer, or noncommissioned
512 officer not lower in grade than sergeant rating or any person
513 authorized to administer oaths.

514 (* * *~~ed~~) When the application accompanies the ballot
515 it shall not be returned in the same envelope as the ballot but
516 shall be returned in a separate preaddressed envelope provided by
517 the registrar.

518 (* * *~~ed~~) A candidate for public office, or the
519 spouse, parent or child of a candidate for public office, may not
520 be an attesting witness for any absentee ballot upon which the
521 candidate's name appears, unless the voter is related within the
522 first degree to the candidate or the spouse, parent or child of
523 the candidate.

524 (* * *~~fe~~) Any voter casting an absentee ballot who
525 declares that he or she requires assistance to vote by reason of



blindness, temporary or permanent physical disability or inability to read or write, shall be entitled to receive assistance in the marking of his or her absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, the spouse, parent or child of a candidate whose name appears on the absentee ballot being marked or the voter's employer, an agent of that employer or a union representative; however, a candidate whose name is on the ballot or the spouse, parent or child of such candidate may provide assistance upon request to any voter who is related within the first degree. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope.

(2) The foregoing instructions required to be provided by the registrar to the elector shall also constitute the substantive law pertaining to the handling of absentee ballots by the elector 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 10. Section 23-15-635, Mississippi Code of 1972, is amended as follows:



551 23-15-635. (1) The form of the elector's certificate,
552 attesting witness certification and certificate of person
553 providing voter assistance on the back of the envelope used by
554 absentee voters * * * ~~who do not use the registrar of their county~~
555 ~~of residence as an attesting witness and~~ who are not absent voters
556 as defined in Section 23-15-673, shall be as follows:

557 "ELECTOR'S CERTIFICATE

558 STATE OF _____

559 COUNTY * * * ~~OR PARISH~~ OF _____

560 I, _____, under penalty of perjury do solemnly swear
561 that this envelope contains the ballot marked by me indicating my
562 choice of the candidates or propositions to be submitted at the
563 election to be held on the ____ day of _____, 2____, and I
564 hereby authorize the registrar to place this envelope in the
565 ballot box on my behalf, and I further authorize the election
566 managers to open this envelope and place my ballot among the other
567 ballots cast before such ballots are counted, and record my name
568 on the poll list as if I were present in person and voted.

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

570 **Penalties for vote fraud are up to five (5) years in prison and a**
571 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
572 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
573 **to one (1) year in jail and a fine of up to One Thousand Dollars**
574 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

575 _____



(Signature of voter)

CERTIFICATE OF ATTESTING WITNESS

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

_____	_____
(Attesting witness)	(Address)
_____	_____
(Official title)	(City and State)

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(To be completed only if the voter has received assistance in marking the enclosed ballot.) I, under penalty of perjury, hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are



those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

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

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance

Date and time assistance provided

Family relationship to voter (if any)"

(2) The envelope used pursuant to this section shall not contain the form prescribed pursuant to Section 23-15-719 and shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

SECTION 11. Section 23-15-639, Mississippi Code of 1972, is amended as follows:



626 23-15-639. (1) In elections in which direct recording
627 electronic voting systems are not * * *~~utilized~~ used, the
628 examination and counting of absentee ballots received by mail or
629 with a regular paper ballot shall be conducted as follows:

630 (a) At the close of the regular balloting and at the
631 close of the polls, the election managers of each voting precinct
632 shall first take the envelopes containing the absentee ballots of
633 such electors from the * * *~~box~~ secure location at the circuit
634 clerk's office, and the name, address and precinct inscribed on
635 each envelope shall be announced by the election managers.

636 (b) The signature on the application shall then be
637 compared with the signature on the back of the envelope. If it
638 corresponds and the affidavit, if one is required, is sufficient
639 and the election managers find that the applicant is a registered
640 and qualified voter or otherwise qualified to vote, * * *~~and that~~
641 ~~he has not appeared in person and voted at the election,~~ the
642 envelope shall then be opened and the ballot removed from the
643 envelope, without its being unfolded, or permitted to be unfolded
644 or examined.

645 (c) Having observed and found the ballot to be regular
646 as far as can be observed from its official endorsement, the
647 election managers shall deposit it in the ballot box with the
648 other ballots before counting any ballots and enter the voter's
649 name in the receipt book provided for that purpose and mark
650 "VOTED" in the pollbook or poll list as if he or she had been



651 present and voted in person. If voting machines are used at the
652 precinct, all absentee ballots shall be * * *~~placed in the ballot~~
653 ~~box before any ballots are counted~~ * * *, and at the circuit
654 clerk's office by the election managers in each
655 precinct * * *~~shall immediately~~ * * *~~count such absentee ballots~~
656 and * * *~~add them~~ then added to the votes cast in the voting
657 machine or device.

658 (2) In elections in which direct recording electronic voting
659 systems are * * *~~utilized~~ used, the examination and counting of
660 absentee ballots received by mail shall be conducted as follows:

661 (a) At the close of the regular balloting and at the
662 close of the polls, the election managers of each voting precinct
663 shall first take the envelopes containing the absentee ballots of
664 such electors from the * * *~~box~~ secure location, and the name,
665 address and precinct inscribed on each envelope shall be announced
666 by the election managers.

667 (b) The signature on the application shall then be
668 compared with the signature on the back of the envelope. If it
669 corresponds and the affidavit, if one is required, is sufficient
670 and the election managers find that the applicant is a registered
671 and qualified voter or otherwise qualified to vote, * * *~~and that~~
672 ~~he has not appeared in person and voted at the election~~, the
673 unopened envelope shall be marked "ACCEPTED" and the election
674 managers shall enter the voter's name in the receipt book provided



675 for that purpose and mark "VOTED" in the pollbook or poll list as
676 if he or she had been present and voted in person.

677 (c) All absentee ballot envelopes shall then be placed
678 in the secure ballot transfer case and delivered to the officials
679 in charge of conducting the election at the central tabulation
680 point of the county. The official in charge of the election shall
681 open the envelopes marked "ACCEPTED" and remove the ballot from
682 the envelope.

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

688 When there is a conflict between an electronic voting system
689 and a paper record, then there is a rebuttable presumption that
690 the paper record is correct.

691 (3) The election managers shall also take such action as may
692 be prescribed by the Secretary of State to ensure compliance with
693 the identification requirements of Section 23-15-563.

694 **SECTION 12.** Section 23-15-641, Mississippi Code of 1972, is
695 amended as follows:

696 23-15-641. (1) For all absentee votes received by mail, if
697 an affidavit or the certificate of the officer before whom the
698 affidavit is taken is required and such affidavit or certificate
699 is found to be insufficient, or if it is found that the signatures



do not correspond, or that the applicant is not a duly qualified elector in the precinct, or otherwise qualified to vote, or that the ballot envelope is open or has been opened and resealed, or the voter is not eligible to vote absentee * * * ~~or that the voter is present and has voted within the precinct where he represents himself to be a qualified elector, or otherwise qualified to vote, on the date of the election at such precinct,~~ the previously cast vote shall not be allowed. Without opening the voter's envelope the election commissioners * * * ~~of election,~~ designated executive committee members or election managers, as appropriate, shall mark across its face "REJECTED", with the reason therefor, and the registrar shall promptly notify the voter of such rejection.

(2) For all absentee votes received by mail, if the ballot envelope contains more than one (1) ballot of any kind, the ballot shall not be counted but shall be marked "REJECTED", with the reason therefor, and the registrar shall promptly notify the voter of such rejection. The voter's envelopes and affidavits, and the voter's envelope with its contents unopened, when such vote is rejected, shall be retained and preserved in the same manner as other ballots at the election. Such votes may be challenged in the same manner and for the same reasons that any other vote cast in such election may be challenged.

~~* * * (3) If an affidavit is required and the officials find that the affidavit is insufficient, or if the officials find that the absentee voter is otherwise disqualified to vote, the envelope~~



shall not be opened and a commissioner or executive committee member shall write across the face of the envelope "REJECTED" giving the reason therefor, and the registrar shall promptly notify the voter of such rejection.

(* * *⁴³) The ballots marked "REJECTED" shall be placed in a separate envelope in the secure ballot transfer case and delivered to the officials in charge of conducting the election at the central tabulation point of the county.

SECTION 13. Section 23-15-647, Mississippi Code of 1972, is amended as follows:

23-15-647. The registrar shall keep safely and unopened all official absentee ballots which are received by mail * * * ~~subsequent to~~ after the applicable cutoff period establishing its validity. Upon receipt of such ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All such absentee ballots returned to the registrar after the cutoff time shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then, without being opened, be destroyed in like manner as the used ballots of the election.

SECTION 14. Section 23-15-713, Mississippi Code of 1972, is amended as follows:

23-15-713. For the purpose of this subarticle, any duly qualified elector may vote by absentee ballot to be received by



the elector and returned by mail to the registrar of the elector's county of residence as provided in this subarticle if * * * ~~he be one who~~ the elector falls within one (1) of the following categories:

(a) Any qualified elector who is a bona fide student, teacher or administrator at any college, university, junior college, high, junior high, or elementary grade school whose studies or employment at such institution necessitates his or her absence from the county of his or her voting residence on the date of any primary, general or special election, or the spouse and dependents of * * * ~~said that~~ student, teacher or administrator if such spouse or dependent(s) maintain a common domicile, outside of the county of his or her voting residence, with such student, teacher or administrator.

(b) Any qualified elector who is required to be away from his or her place of residence on any election day due to his or her employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents of such person if he or she shall be residing with such absentee voter away from the county of the spouse's voting residence.

(c) Any qualified elector who is away from his or her county of residence on election day for any reason.

(d) Any person who has a temporary or permanent physical disability and who, because of such disability, is unable to vote in person without substantial hardship to himself, herself



or others, or whose attendance at the voting place could reasonably cause danger to himself, herself or others.

(e) The parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside of his or her county of residence or more than fifty (50) miles distant from his or her residence, if the parent, spouse or dependent will be with such person on election day.

(f) Any person who is sixty-five (65) years of age or older.

(g) Any member of the Mississippi congressional delegation absent from Mississippi on election day, and the spouse and dependents of such member of the congressional delegation.

(h) Any qualified elector who will be unable to vote in person because he or she is required to be at work on election day during the times at which the polls will be open.

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

23-15-721. (1) 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~~ article. The elector shall exhibit to such official his or her absentee ballot unmarked and thereupon proceed in secret to fill in * * * ~~his~~ the ballot. After the elector has



800 properly marked the ballot and properly folded it, he or she shall
801 deposit it in the envelope furnished him or her. After * * *~~he~~
802 the elector has sealed the envelope he or she shall deliver it to
803 the official before whom he or she is appearing and shall
804 subscribe and swear to the elector's certificate provided for in
805 Section 23-15-635, which affidavit shall be printed on the back of
806 the envelope as provided for in Section 23-15-635 containing the
807 elector's ballot.

808 (2) Electors who are temporarily or permanently physically
809 disabled shall sign the elector's certificate and the certificate
810 of attesting witness shall be signed by any person eighteen (18)
811 years of age or older.

812 (3) After the completion of the requirements of this
813 section, the elector shall mail the envelope containing the ballot
814 to the registrar in the county wherein * * *~~said~~ the elector is
815 qualified to vote. Except as otherwise provided by Section
816 23-15-699 and excluding presidential ballots as provided for in
817 Sections 23-15-731 and 23-15-733, the ballots must
818 be * * *~~received by the registrar prior to 5:00 p.m. on the day~~
819 preceding postmarked by the date of the election and received by
820 the registrar no more than five (5) business days after the
821 election to be counted.

822 **SECTION 16.** Section 23-15-731, Mississippi Code of 1972, is
823 amended as follows:



824 23-15-731. Any presidential absentee ballots received in the
825 mail by the registrar * * *~~subsequent to~~ after the delivery of
826 ballot boxes to the election managers and * * *~~prior to~~ before the
827 time for the closing of the polls on election day shall be
828 retained by the registrar and shall be delivered, together with
829 the applications of the qualified absentee elector to an election
830 official designated to receive them. The registrar shall receive
831 a receipt from the designated election official for all such
832 ballots and applications delivered. The designated election
833 officials shall, upon the canvassing of the returns, count such
834 ballots as if delivered to the proper precincts and such ballots
835 shall be considered valid for all purposes as if they had been
836 actually deposited in the proper precinct ballot boxes. The
837 appropriate election officials shall examine the affidavit of each
838 envelope. If the officials are satisfied that the affidavit is
839 sufficient and that the absentee voter is otherwise qualified to
840 vote, an official shall announce the name of the voter and shall
841 give any person present an opportunity to challenge in like manner
842 and for the same cause as the voter could have been challenged had
843 he or she presented himself or herself personally in such precinct
844 to vote. The ineligibility of the voter to vote by absentee
845 ballot shall be a ground for a challenge. The officials shall
846 consider any absentee voter challenged when a person has
847 previously filed a written challenge of such voter's right to
848 vote. The election officials shall handle any such challenge in



849 the same manner as other challenged ballots are handled, and if
850 the challenge is not affirmed, the officials shall then open the
851 envelope. The officials shall then open the envelope in such
852 manner as not to destroy the affidavit printed thereon and shall
853 deposit the ballot marked "OFFICIAL ABSENTEE BALLOT," in a ballot
854 box reserved for absentee ballots. The commissioners shall endorse
855 on their pollbooks a proper notation to indicate that the absentee
856 voter has voted in such election by absentee ballot.

857 **SECTION 17.** Section 23-15-735, Mississippi Code of 1972, is
858 amended as follows:

859 23-15-735. Absentee ballots shall not be delivered in person
860 to an absentee voter or to any other person * * * ~~except when an~~
861 ~~absentee voter shall have properly received an absentee ballot~~
862 ~~pursuant to Section 23-15-719.~~

863 **SECTION 18.** This act shall take effect and be in force from
864 and after July 1, 2020.

