

By: Representatives Currie, Owen, Reynolds

To: Apportionment and Elections

COMMITTEE 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 * * * postmarked by the date of the election
37 and received by the registrar no more than five (5) business days
38 after the election; any received after such time shall be handled
39 as provided in Section 23-15-647 and shall not be counted.

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

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



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

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

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

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

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

75 23-15-645. (1) Absentee votes cast in the registrar's
76 office on a regular paper ballot or on either the direct recording
77 electronic voting system or a ballot that is fed through an
78 optical mark reading equipment machine shall be tallied on



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

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

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

87 23-15-649. (1) For all elections, * * * the election
88 officials shall prepare and print, as soon as the deadline for the
89 qualification of candidates has passed or forty-five (45)
90 days * * * before the election, whichever is later, official
91 ballots to be mailed for each voting precinct to be known as
92 absentee voter ballots, which ballots shall be prepared and
93 printed in the same form and shall be of the same size and texture
94 as the regular official ballot except that they shall be printed
95 on tinted paper of a tint different from that of the regular
96 official ballot.

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



103 provided in Sections 23-15-503 through 23-15-525 and Sections
104 23-15-531 through 23-15-531.12.

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

107 23-15-715. Any elector described in Section 23-15-715 and
108 desiring to vote by mail via an absentee ballot as provided in
109 this subarticle may secure same if * * * not more than forty-five
110 (45) days nor later than 12:00 noon on the Saturday immediately
111 preceding elections held on Tuesday, the Thursday immediately
112 preceding elections held on Saturday, or the second day
113 immediately preceding the date of elections held on other
114 days, * * * the elector applies for an absentee ballot as provided
115 for in this article.

116 * * * All applications, other than those of persons having a
117 temporary or permanent physical disability, shall * * * be sworn
118 to and subscribed before an official who is authorized to
119 administer oaths or other official authorized to witness absentee
120 balloting as provided in this article. The application must be
121 accompanied by a verifying affidavit as required by this article.
122 The applications of persons having a temporary or permanent
123 physical disability are not required to be accompanied by an
124 affidavit but shall be witnessed and signed by a person eighteen
125 (18) years of age or older. * * *

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



128 23-15-719. * * * Upon receipt of a properly completed
129 application form by an elector qualified to vote absentee as
130 provided in this article, the registrar shall * * * send the
131 absent voter an absentee ballot within one (1) business day, or as
132 soon as the absentee ballot is prepared and available, containing
133 the names of all the candidates and propositions, if any, to be
134 voted on in the election. The registrar shall include with the
135 absentee ballot an official envelope that complies with the
136 provisions of this article. The registrar shall not personally
137 hand deliver ballots to voters * * *.

138 After * * * the absentee voter has sealed the envelope, he or
139 she shall subscribe and swear to an affidavit * * * and mail the
140 ballot to the address provided on the application. Ballots
141 requested under Section 23-15-713 shall be mailed to the voter's
142 address outside of the county in which he or she is registered.

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

145 23-15-625. (1) The registrar shall be responsible for
146 providing applications for absentee voting as provided in this
147 section. At least sixty (60) days * * * before any election in
148 which absentee voting is provided for by law, the registrar shall
149 provide a sufficient number of applications. In the event a
150 special election is called and set at a date which makes it
151 impractical or impossible to prepare applications for absent
152 elector's ballot sixty (60) days * * * before the election, the



153 registrar shall provide applications as soon as practicable after
154 the election is called. The registrar shall fill in the date of
155 the particular election on the application for which the
156 application will be used.

157 (2) The registrar shall be authorized to disburse
158 applications for absentee ballots to any qualified elector within
159 the county where he or she serves. Any person who presents to the
160 registrar an oral or written request for an absentee ballot
161 application for a voter entitled to vote absentee by mail, other
162 than the elector who seeks to vote by absentee ballot, shall, in
163 the presence of the registrar, sign the application and print on
164 the application his or her name and address and the name of the
165 elector for whom the application is being requested in the place
166 provided for on the application for that purpose. However, if for
167 any reason such person is unable to write the information
168 required, then the registrar shall write the information on a
169 printed form which has been prescribed by the Secretary of State.
170 The form shall provide a place for such person to place his or her
171 mark after the form has been filled out by the registrar.

172 (3) It shall be unlawful for any person to solicit absentee
173 ballot applications or absentee ballots for persons staying in any
174 skilled nursing facility as defined in Section 41-7-173 * * *
175 unless the person soliciting the absentee ballot applications or
176 absentee ballots is:



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

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

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

185 (4) The registrar in the county wherein a voter is qualified
186 to vote upon receiving by mail the envelope containing the
187 absentee ballots shall keep an accurate list of all persons
188 preparing such ballots * * *. The list shall be kept in a
189 conspicuous place accessible to the public near the entrance
190 to * * * the registrar's office. The registrar shall also furnish
191 to each precinct manager a list of the names of all persons in
192 each respective precinct voting absentee * * * to be posted in a
193 conspicuous place at the polling place for public notice. The
194 application on file with the registrar and the envelopes
195 containing the ballots that voters mailed to the registrar shall
196 be kept by the registrar and * * * in his or her office. At the
197 time such boxes are delivered to the election commissioners or
198 managers, the registrar shall also turn over a list of all such
199 persons who have voted and whose mailed ballots are in * * * the
200 registrar's office.



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

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

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

213 23-15-627. The registrar shall be responsible for furnishing
214 an absentee ballot application form to any elector authorized to
215 receive an absentee ballot. Except as otherwise provided in
216 Section 23-15-625, absentee ballot applications shall be furnished
217 to a person only upon the oral or written request of the elector
218 who seeks to vote by absentee ballot; however, the parent, child,
219 spouse, sibling, legal guardian, those empowered with a power of
220 attorney for that elector's affairs or agent of the elector, who
221 is designated in writing and witnessed by a resident of this state
222 who shall write his or her physical address on such designation,
223 may orally request an absentee ballot application on behalf of the
224 elector. The written designation shall be valid for one (1) year
225 after the date of the designation. An absentee ballot application



226 must have the seal of the circuit or municipal clerk affixed to it
227 and be initialed by the registrar or his or her deputy in order to
228 be * * * used to obtain an absentee ballot. A reproduction of an
229 absentee ballot application shall not be valid unless it is a
230 reproduction provided by the office of the registrar of the
231 jurisdiction in which the election is being held and which
232 contains the seal and initials required by this section. Such
233 application shall be substantially in the following form:

234 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

246 () I am a member of the Merchant Marine or the American Red
247 Cross and am a citizen of Mississippi or spouse or dependent of
248 such member.



249 () I am a disabled war veteran who is a patient in any
250 hospital and am a citizen of Mississippi or spouse or dependent of
251 such veteran.

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

256 () I am a citizen of Mississippi temporarily residing
257 outside the territorial limits of the United States and the
258 District of Columbia.

259 () I am a student, teacher or administrator at a college,
260 university, junior or community college, high, junior high,
261 elementary or grade school, whose studies or employment at such
262 institution necessitates my absence from the county of my voting
263 residence or spouse or dependent of such student, teacher or
264 administrator who maintains a common domicile outside the county
265 of my voting residence with such student, teacher or
266 administrator.

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

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

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

270 () I am the parent, spouse or dependent of a person with a
271 temporary or permanent physical disability who is hospitalized
272 outside his or her county of residence or more than fifty (50)



273 miles away from his or her residence, and I will be with such
274 person on election day.

275 () I am a member of the congressional delegation, or spouse
276 or dependent of a member of the congressional delegation.

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

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

281 Mail 'Absent Elector's Ballot' to me at the following address
282 _____ * * *.

283 I realize that I can be fined up to Five Thousand Dollars
284 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
285 for making a false statement in this application and for selling
286 my vote and violating the Mississippi Absentee Voter Law. (This
287 sentence is to be in bold print.)

288 If you are temporarily or permanently disabled, you are not
289 required to have this application notarized or signed by an
290 official authorized to administer oaths for absentee balloting.
291 You are required to sign this application in the proper place and
292 have a person eighteen (18) years of age or older witness your
293 signature and sign this application in the proper place.

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

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



298

299

(Signature of absent elector)

300

SWORN TO AND SUBSCRIBED before me this the ____ day of _____,

301

2____.

302

303

(Official authorized to administer oaths

304

for absentee balloting.)

305

TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY

306

DISABLED:

307

I HEREBY CERTIFY that this application for an absent

308

elector's ballot was signed by the above-named disabled elector in

309

my presence and that I am at least eighteen (18) years of age,

310

this the ____ day of _____, 2____.

311

312

(Signature of witness)

313

CERTIFICATE OF DELIVERY

314

I hereby certify that _____ (print name of voter)

315

has requested that I, _____ (print name of person

316

delivering application), deliver to the voter this absentee ballot

317

application.

318

319

(Signature of person delivering application)

320

321

(Address of person delivering application)"



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

324 23-15-629. (1) The application for an absentee ballot of a
325 person who is permanently physically disabled shall be accompanied
326 by a statement signed by such person's physician, or nurse
327 practitioner, which statement must show that the person signing
328 the statement is a licensed, practicing medical doctor or nurse
329 practitioner and must indicate that the person applying for the
330 absentee ballot is permanently physically disabled to such a
331 degree that it is difficult for him or her to vote in person.

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

337 (3) The registrar of each county shall keep an accurate list
338 of the names and addresses of all persons whose applications for
339 absentee ballot are accompanied by the statement set forth in
340 subsection (1) of this section. Sixty (60) days * * * before each
341 election, the registrar shall deliver such list to the election
342 commissioners * * * who shall examine the list and delete from it
343 the names of all persons listed who are no longer qualified
344 electors of the county. Upon completion of such examination, the
345 election commissioners * * * shall return the list to the



346 registrar by no later than forty-five (45) days * * * before the
347 election.

348 (4) The registrar shall * * * mail a ballot to all persons
349 who are determined by the election commissioners * * * to be
350 qualified electors pursuant to subsection (3) of this section by
351 no later than forty (40) days * * * before the election.

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

354 23-15-631. (1) The registrar shall enclose with each
355 ballot * * * mailed to an absent elector separate printed
356 instructions furnished by the registrar containing the following:

357 * * *

358 (* * * a) Upon receipt of the enclosed ballot, you will
359 not mark the ballot except in view or sight of the attesting
360 witness. In the sight or view of the attesting witness, mark the
361 ballot according to instructions.

362 (* * * b) After marking the ballot, fill out and sign
363 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
364 the signature is across the flap of the envelope to ensure the
365 integrity of the ballot. All absent electors shall have the
366 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
367 the flap on the back of the envelope. Place the necessary postage
368 on the envelope and deposit it in the post office or some
369 government receptacle provided for deposit of mail so that the
370 absent elector's ballot, excepting presidential absentee ballots,



371 will * * * be postmarked by the date of the election and received
372 by the registrar no more than five (5) business days after the
373 election.

374 Any notary public, United States postmaster, assistant United
375 States postmaster, United States postal supervisor, clerk in
376 charge of a contract postal station, or other officer having
377 authority to administer an oath or take an acknowledgment may be
378 an attesting witness; provided, however, that in the case of an
379 absent elector who is temporarily or permanently physically
380 disabled, the attesting witness may be any person eighteen (18)
381 years of age or older and such person is not required to have the
382 authority to administer an oath. If a postmaster, assistant
383 postmaster, postal supervisor, or clerk in charge of a contract
384 postal station acts as an attesting witness, his or her signature
385 on the elector's certificate must be authenticated by the
386 cancellation stamp of their respective post offices. If an
387 officer having authority to administer an oath or take an
388 acknowledgement acts as attesting witness, his or her signature on
389 the elector's certificate, together with his or her title and
390 address, but no seal, shall be required. Any affidavits made by
391 an absent elector who is in the Armed Forces may be executed
392 before a commissioned officer, warrant officer, or noncommissioned
393 officer not lower in grade than sergeant rating or any person
394 authorized to administer oaths.



395 (* * *c) When the application accompanies the ballot
396 it shall not be returned in the same envelope as the ballot but
397 shall be returned in a separate preaddressed envelope provided by
398 the registrar.

399 (* * *d) A candidate for public office, or the spouse,
400 parent or child of a candidate for public office, may not be an
401 attesting witness for any absentee ballot upon which the
402 candidate's name appears, unless the voter is related within the
403 first degree to the candidate or the spouse, parent or child of
404 the candidate.

405 (* * *e) Any voter casting an absentee ballot who
406 declares that he or she requires assistance to vote by reason of
407 blindness, temporary or permanent physical disability or inability
408 to read or write, shall be entitled to receive assistance in the
409 marking of his or her absentee ballot and in completing the
410 affidavit on the absentee ballot envelope. The voter may be given
411 assistance by anyone of the voter's choice other than a candidate
412 whose name appears on the absentee ballot being marked, the
413 spouse, parent or child of a candidate whose name appears on the
414 absentee ballot being marked or the voter's employer, an agent of
415 that employer or a union representative; however, a candidate
416 whose name is on the ballot or the spouse, parent or child of such
417 candidate may provide assistance upon request to any voter who is
418 related within the first degree. In order to ensure the integrity
419 of the ballot, any person who provides assistance to an absentee



420 voter shall be required to sign and complete the "Certificate of
421 Person Providing Voter Assistance" on the absentee ballot
422 envelope.

423 (2) The foregoing instructions required to be provided by
424 the registrar to the elector shall also constitute the substantive
425 law pertaining to the handling of absentee ballots by the elector
426 and registrar.

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

430 **SECTION 10.** Section 23-15-635, Mississippi Code of 1972, is
431 amended as follows:

432 23-15-635. (1) The form of the elector's certificate,
433 attesting witness certification and certificate of person
434 providing voter assistance on the back of the envelope used by
435 absentee voters * * * who are not absent voters as defined in
436 Section 23-15-673, shall be as follows:

437 "ELECTOR'S CERTIFICATE

438 STATE OF _____

439 COUNTY * * * OF _____

440 I, _____, under penalty of perjury do solemnly swear
441 that this envelope contains the ballot marked by me indicating my
442 choice of the candidates or propositions to be submitted at the
443 election to be held on the ___ day of _____, 2____, and I
444 hereby authorize the registrar to place this envelope in the



445 ballot box on my behalf, and I further authorize the election
446 managers to open this envelope and place my ballot among the other
447 ballots cast before such ballots are counted, and record my name
448 on the poll list as if I were present in person and voted.

449 I further swear that I marked the enclosed ballot in secret.
450 **Penalties for vote fraud are up to five (5) years in prison and a**
451 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
452 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
453 **to one (1) year in jail and a fine of up to One Thousand Dollars**
454 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

455 _____
456 (Signature of voter)

457 CERTIFICATE OF ATTESTING WITNESS

458 Under penalty of perjury I affirm that the above named voter
459 personally appeared before me, on this the ___ day of _____,
460 2____, and is known by me to be the person named, and who, after
461 being duly sworn or having affirmed, subscribed the foregoing oath
462 or affirmation. That the voter exhibited to me his or her blank
463 ballot; that the ballot was not marked or voted before the voter
464 exhibited the ballot to me; that the voter was not solicited or
465 advised by me to vote for any candidate, question or issue, and
466 that the voter, after marking his or her ballot, placed it in the
467 envelope, closed and sealed the envelope in my presence, and
468 signed and swore or affirmed the above certificate.

469 _____



470 (Attesting witness) (Address)
471 _____
472 (Official title) (City and State)

473 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

474 (To be completed only if the voter has received assistance in
475 marking the enclosed ballot.) I, under penalty of perjury, hereby
476 certify that the above-named voter declared to me that he or she
477 is blind, temporarily or permanently physically disabled, or
478 cannot read or write, and that the voter requested that I assist
479 the voter in marking the enclosed absentee ballot. I hereby
480 certify that the ballot preferences on the enclosed ballot are
481 those communicated by the voter to me, and that I have marked the
482 enclosed ballot in accordance with the voter's instructions.

483 **Penalties for vote fraud are up to five (5) years in prison and a**
484 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
485 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
486 **to one (1) year in jail and a fine of up to One Thousand Dollars**
487 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

488 _____
489 Signature of person providing assistance

490 _____
491 Printed name of person providing assistance

492 _____
493 Address of person providing assistance

494 _____



495 Date and time assistance provided

496 _____

497 Family relationship to voter (if any)"

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

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

506 23-15-639. (1) In elections in which direct recording
507 electronic voting systems are not * * * used, the examination and
508 counting of absentee ballots received by mail or with a regular
509 paper ballot shall be conducted as follows:

510 (a) At the close of the regular balloting and at the
511 close of the polls, the election managers of each voting precinct
512 shall first take the envelopes containing the absentee ballots of
513 such electors from the * * * secure location at the circuit
514 clerk's office, and the name, address and precinct inscribed on
515 each envelope shall be announced by the election managers.

516 (b) The signature on the application shall then be
517 compared with the signature on the back of the envelope. If it
518 corresponds and the affidavit, if one is required, is sufficient
519 and the election managers find that the applicant is a registered



520 and qualified voter or otherwise qualified to vote, * * * the
521 envelope shall then be opened and the ballot removed from the
522 envelope, without its being unfolded, or permitted to be unfolded
523 or examined.

524 (c) Having observed and found the ballot to be regular
525 as far as can be observed from its official endorsement, the
526 election managers shall deposit it in the ballot box with the
527 other ballots before counting any ballots and enter the voter's
528 name in the receipt book provided for that purpose and mark
529 "VOTED" in the pollbook or poll list as if he or she had been
530 present and voted in person. If voting machines are used at the
531 precinct, all absentee ballots shall be * * * counted * * * at the
532 circuit clerk's office by the election managers in each
533 precinct * * * immediately * * * and * * * then added to the votes
534 cast in the voting machine or device.

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

538 (a) At the close of the regular balloting and at the
539 close of the polls, the election managers of each voting precinct
540 shall first take the envelopes containing the absentee ballots of
541 such electors from the * * * secure location, and the name,
542 address and precinct inscribed on each envelope shall be announced
543 by the election managers.



544 (b) The signature on the application shall then be
545 compared with the signature on the back of the envelope. If it
546 corresponds and the affidavit, if one is required, is sufficient
547 and the election managers find that the applicant is a registered
548 and qualified voter or otherwise qualified to vote, * * * the
549 unopened envelope shall be marked "ACCEPTED" and the election
550 managers shall enter the voter's name in the receipt book provided
551 for that purpose and mark "VOTED" in the pollbook or poll list as
552 if he or she had been present and voted in person.

553 (c) All absentee ballot envelopes shall then be placed
554 in the secure ballot transfer case and delivered to the officials
555 in charge of conducting the election at the central tabulation
556 point of the county. The official in charge of the election shall
557 open the envelopes marked "ACCEPTED" and remove the ballot from
558 the envelope.

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

564 When there is a conflict between an electronic voting system
565 and a paper record, then there is a rebuttable presumption that
566 the paper record is correct.



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

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

572 23-15-641. (1) For all absentee votes received by mail, if
573 an affidavit or the certificate of the officer before whom the
574 affidavit is taken is required and such affidavit or certificate
575 is found to be insufficient, or if it is found that the signatures
576 do not correspond, or that the applicant is not a duly qualified
577 elector in the precinct, or otherwise qualified to vote, or that
578 the ballot envelope is open or has been opened and resealed, or
579 the voter is not eligible to vote absentee * * *, the previously
580 cast vote shall not be allowed. Without opening the voter's
581 envelope the election commissioners * * *, designated executive
582 committee members or election managers, as appropriate, shall mark
583 across its face "REJECTED", with the reason therefor, and the
584 registrar shall promptly notify the voter of such rejection.

585 (2) For all absentee votes received by mail, if the ballot
586 envelope contains more than one (1) ballot of any kind, the ballot
587 shall not be counted but shall be marked "REJECTED", with the
588 reason therefor, and the registrar shall promptly notify the voter
589 of such rejection. The voter's envelopes and affidavits, and the
590 voter's envelope with its contents unopened, when such vote is
591 rejected, shall be retained and preserved in the same manner as



592 other ballots at the election. Such votes may be challenged in
593 the same manner and for the same reasons that any other vote cast
594 in such election may be challenged.

595 * * *

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

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

602 23-15-647. The registrar shall keep safely and unopened all
603 official absentee ballots which are received by mail * * * after
604 the applicable cutoff period establishing its validity. Upon
605 receipt of such ballot, the registrar shall write the day and hour
606 of the receipt of the ballot on its envelope. All such absentee
607 ballots returned to the registrar after the cutoff time shall be
608 safely kept unopened by the registrar for the period of time
609 required for the preservation of ballots used in the election, and
610 shall then, without being opened, be destroyed in like manner as
611 the used ballots of the election.

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

614 23-15-713. For the purpose of this subarticle, any duly
615 qualified elector may vote by absentee ballot to be received by
616 the elector and returned by mail to the registrar of the elector's



617 county of residence as provided in this subarticle if * * * the
618 elector falls within one (1) of the following categories:

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

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

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

637 (d) Any person who has a temporary or permanent
638 physical disability and who, because of such disability, is unable
639 to vote in person without substantial hardship to himself, herself
640 or others, or whose attendance at the voting place could
641 reasonably cause danger to himself, herself or others.



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

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

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

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

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

657 23-15-721. (1) Electors temporarily residing outside the
658 county and obtaining an absentee ballot under the provisions
659 of * * * Section 23-15-715 shall appear before any official
660 authorized to administer oaths or other official authorized to
661 witness absentee balloting as provided in this * * * article. The
662 elector shall exhibit to such official his or her absentee ballot
663 unmarked and thereupon proceed in secret to fill in * * * the
664 ballot. After the elector has properly marked the ballot and
665 properly folded it, he or she shall deposit it in the envelope
666 furnished him or her. After * * * the elector has sealed the



667 envelope he or she shall deliver it to the official before whom he
668 or she is appearing and shall subscribe and swear to the elector's
669 certificate provided for in Section 23-15-635, which affidavit
670 shall be printed on the back of the envelope as provided for in
671 Section 23-15-635 containing the elector's ballot.

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

676 (3) After the completion of the requirements of this
677 section, the elector shall mail the envelope containing the ballot
678 to the registrar in the county wherein * * * the elector is
679 qualified to vote. Except as otherwise provided by Section
680 23-15-699 and excluding presidential ballots as provided for in
681 Sections 23-15-731 and 23-15-733, the ballots must be * * *
682 postmarked by the date of the election and received by the
683 registrar no more than five (5) business days after the election
684 to be counted.

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

687 23-15-731. Any presidential absentee ballots received in the
688 mail by the registrar * * * after the delivery of ballot boxes to
689 the election managers and * * * before the time for the closing of
690 the polls on election day shall be retained by the registrar and
691 shall be delivered, together with the applications of the



692 qualified absentee elector to an election official designated to
693 receive them. The registrar shall receive a receipt from the
694 designated election official for all such ballots and applications
695 delivered. The designated election officials shall, upon the
696 canvassing of the returns, count such ballots as if delivered to
697 the proper precincts and such ballots shall be considered valid
698 for all purposes as if they had been actually deposited in the
699 proper precinct ballot boxes. The appropriate election officials
700 shall examine the affidavit of each envelope. If the officials
701 are satisfied that the affidavit is sufficient and that the
702 absentee voter is otherwise qualified to vote, an official shall
703 announce the name of the voter and shall give any person present
704 an opportunity to challenge in like manner and for the same cause
705 as the voter could have been challenged had he or she presented
706 himself or herself personally in such precinct to vote. The
707 ineligibility of the voter to vote by absentee ballot shall be a
708 ground for a challenge. The officials shall consider any absentee
709 voter challenged when a person has previously filed a written
710 challenge of such voter's right to vote. The election officials
711 shall handle any such challenge in the same manner as other
712 challenged ballots are handled, and if the challenge is not
713 affirmed, the officials shall then open the envelope. The
714 officials shall then open the envelope in such manner as not to
715 destroy the affidavit printed thereon and shall deposit the ballot
716 marked "OFFICIAL ABSENTEE BALLOT," in a ballot box reserved for



717 absentee ballots. The commissioners shall endorse on their
718 pollbooks a proper notation to indicate that the absentee voter
719 has voted in such election by absentee ballot.

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

722 23-15-735. Absentee ballots shall not be delivered in person
723 to an absentee voter or to any other person * * *.

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

