MISSISSIPPI LEGISLATURE

By: Representative Beckett

To: Apportionment and Elections

HOUSE BILL NO. 1521
(As Sent to Governor)

ABSENTEE VOTER BALLOT; TO PROVIDE CERTAIN CONDITIONS ON COUNTING
ABSENTEE BALLOTS BY THE RESOLUTION BOARD; TO AMEND SECTIONS
23-15-735, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

23-15-637. (1) (a) Absentee ballots and applications
received by mail, except * * * for fax or electronically
transmitted ballots as otherwise provided by Section 23-15-699 for
UOCAVA ballots, must be * * * postmarked on or before the date of
the election and received by the registrar no more than five (5)
business days after the election; any received after such time
shall be handled as provided in Section 23-15-647 and shall not be
counted.

(b) All ballots cast by the absent elector appearing in
person in the office of the registrar shall be cast with an
absentee paper ballot and deposited into a sealed ballot box by
the voter, not later than 12:00 noon, or 5:00 p.m. during the year
2020 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. At the close of business each day
at the office of the registrar, the ballot box used shall be
sealed and not unsealed until the beginning of the next business
day, and the seal number shall be recorded with the number of
ballots cast which shall be stored in a secure location in the registrar's office.

(2) The registrar shall deposit all absentee ballots which have been timely cast and received by mail in * * * a secured and sealed box in a designated location in the registrar's office upon receipt. The registrar shall not send any absentee ballots to the precinct polling locations.

(3) The Secretary of State shall promulgate rules and regulations necessary to ensure that when a qualified elector who is qualified to vote absentee votes by absentee ballot, either by mail or in person with a regular paper ballot, that person's absentee vote is final and he or she may not vote at the polling place on election day. Notwithstanding any other provisions of law to the contrary, the Secretary of State shall promulgate rules and regulations necessary to ensure that absentee ballots shall remain in the registrar's office for counting and not be taken to the precincts on election day.

SECTION 2. Section 23-15-651, Mississippi Code of 1972, is amended as follows:

23-15-651. The results of the vote by absentee balloting shall be announced simultaneously with the vote cast on election day; provided that absentee ballots received after 7:00 p.m. the day before the election shall be kept in a secured and sealed ballot box, and shall be announced after the five-business-day period for receiving absentee ballots.
SECTION 3. Section 23-15-645, Mississippi Code of 1972, is amended as follows:

23-15-645. (1) Absentee ballots cast in the registrar's office and received by mail that are deposited into a sealed ballot box shall be processed on election day but not tallied until after closing of the polls 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.

(3) Notwithstanding any other provision of law to the contrary, for federal and presidential general, special or primary elections, packages of protested, void and wholly blank ballots, voted ballots, open packages of unused ballots, sealed packages of unused ballots, and all absentee and military ballots and ballot envelopes, if any, shall be preserved for twenty-two (22) months after the date of any such general, special or primary election. For all other statewide, county or municipal elections, sealed packages of unused ballots, packages of protested, void and wholly blank ballots, open packages of unused ballots and all absentee and military ballots and ballot envelopes shall be retained for four (4) months, and may then be destroyed, provided a certificate articulating the election district identifying data and numbers of such ballots is filed with the balance of ballots described in...
this section, for the balance of the twenty-two-month retention period.

SECTION 4. Section 23-15-649, Mississippi Code of 1972, is amended as follows:

23-15-649. For all elections, * * * the election officials shall prepare and print, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days * * * before the election, whichever is later, official ballots 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 or with a header of different tint.

SECTION 5. Section 23-15-627, Mississippi Code of 1972, is amended as follows:

23-15-627. Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the office of the registrar in the county in which he or she resides. 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 attorney for that elector's affairs or agent of the elector, who is designated in writing and witnessed by a resident of this state who shall write his or her physical address on such designation, may orally request an absentee ballot application on behalf of the elector. The written designation shall be valid for one (1) year after the date of the designation. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his or her deputy in order to be used to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section. Such application shall be substantially in the following form:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

( ) (PRESIDENTIAL APPLICANT ONLY:) I am currently a resident of Mississippi or have moved therefrom within thirty (30) days of the coming presidential election.
( ) I am an enlisted or commissioned member, male or female, of any component of the United States Armed Forces and am a citizen of Mississippi, or spouse or dependent of such member.

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

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

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

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

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

( ) I will be outside the county on election day.
I have a temporary or permanent physical disability, which may include, but is not limited to, a physician-imposed quarantine due to COVID-19 during the year 2020. Or, I am caring for a dependent that is under a physician-imposed quarantine due to COVID-19 beginning with the effective date of this act and the same being repealed on December 31, 2020.

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

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

I am a member of the congressional delegation, or spouse or dependent of a member of the congressional delegation.

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

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

Mail 'Absent Elector's Ballot' to me at the following address

_________________ * * *.

I wish to receive an absentee ballot for the runoff election ________________________________.

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

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

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

IN WITNESS WHEREOF I have hereunto set my hand and seal this
the ___ day of ______, 2___.

_________________________________________________________
(Signature of absent elector)

SWORN TO AND SUBSCRIBED before me this the ___ day of _____,
2___.

_________________________________________________________
(Official authorized to administer oaths
for absentee balloting.)

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

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

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~ OFFICIAL ~
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CERTIFICATE OF DELIVERY

I hereby certify that _________________ (print name of voter) 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 6. 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 as provided in this subarticle if * * * the elector falls within at least 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 * * * 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. For
purposes of this paragraph (d), "temporary physical disability"
shall include any qualified elector who is under a
physician-imposed quarantine due to COVID-19 during the year 2020
or is caring for a dependent who is under a physician-imposed
quarantine due to COVID-19 beginning with the effective date of
this act and the same being repealed on December 31, 2020.

(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. For purposes of this paragraph (e), "temporary physical disability" shall include any qualified elector who is under a physician-imposed quarantine due to COVID-19 during the year 2020 or is caring for a dependent who is under a physician-imposed quarantine due to COVID-19 beginning with the effective date of this act and the same being repealed on December 31, 2020.

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

23-15-715. Any elector desiring 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, or 5:00 p.m. during the year 2020, 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.

(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 applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

(c) Except when the voter has requested a runoff ballot on the initial absentee ballot application, upon request for a runoff ballot pursuant to Section 23-15-719, the registrar shall mail together the absentee ballot application and the absentee ballot to the absent voter for the runoff election.
SECTION 8. Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. (1) *** Except where the registrar has already mailed a ballot with an application, upon receipt of a properly completed application form by an elector qualified to vote absentee as provided in this article, the registrar shall mail the absent voter an absentee ballot within one (1) business day, or as soon as the absentee ballot is prepared and available, containing the names of all the candidates and propositions, if any, to be voted on in the election. The registrar shall include with the absentee ballot an official envelope that complies with the provisions of this article, as well as information to comply with Section 23-15-641(3) related to the status of the elector's ballot. The registrar shall identify the applicant by requiring him to present identification as required by Section 23-15-563, and shall then deliver the ballots to the applicant by mail or to the applicant in the registrar's office. The registrar shall not personally hand deliver ballots to voters ***. After the applicant has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him by the registrar.

After *** the absentee voter has sealed the envelope, he or she shall subscribe and swear to an affidavit and mail the ballot to the address provided on the absentee ballot official envelope. The affidavit shall be in the following form, which shall be
printed on the back of the envelope containing the applicant's ballot:

"STATE OF MISSISSIPPI
COUNTY OF __________

I, __________, do solemnly swear that this envelope contains the ballot marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the ___ day of __________, 2__, and I hereby authorize the registrar to place this envelope in the ballot box on my behalf, and I further authorize the election managers to open this envelope and place my ballot among the other ballots cast before such ballots are counted, and record my name on the poll list as if I were present in person and voted.

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

_______________________
(Signature of voter)

SWORN TO AND SUBSCRIBED before me, __________, this the ___ day of __________, 2__.

(Registrar) _______________________
(Registrar)"

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

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

"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(To be completed only if the voter has received assistance in marking the enclosed ballot.) I 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.

______________________________
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."

SECTION 9. 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
section. At least sixty (60) days ** before any election in
which absentee voting is provided for by law, the registrar shall
provide a sufficient number of applications. In the event a
special election is called and set at a date which makes it
impractical or impossible to prepare applications for absent
elector's ballot sixty (60) days ** before the election, the
registrar shall provide applications as soon as practicable after
the election is called. The registrar shall fill in the date of
the particular election on the application for which the
application will be used.

(2) The registrar shall be authorized to disburse
applications for absentee ballots to any qualified elector within
the county where he or she serves. Any person who presents to the
registrar an oral or written request for an absentee ballot
application for a voter entitled to vote absentee by mail, other
than the elector who seeks to vote by absentee ballot, shall, in
the presence of the registrar, sign the application and print on
the application his or her name and address and the name of the
elector for whom the application is being requested in the place provided for on the application for that purpose. However, if for any reason such person is unable to write the information required, then the registrar shall write the information on a printed form which has been prescribed by the Secretary of State. The form shall provide a place for such person to place his or her 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 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. The list shall be kept in a conspicuous place accessible to the public near the entrance
to * * * 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 * * * by mail and in person 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 * * * in his or her office in a secure location. 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 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 as well as those who voted absentee in person from qualified voters by processing such ballots using the Statewide Election Management System.

SECTION 10. 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

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

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

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

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

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

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

(c) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on the back of the envelope so that the signature is across the flap of the envelope to ensure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on the back of the envelope. Place the necessary postage
on the envelope and deposit it in the post office or some
government receptacle provided for deposit of mail so that the
absent elector's ballot will be postmarked on or
before the date of the election and received by the registrar no
more than five (5) business days after the election.

Any notary public, United States postmaster, assistant United
States postmaster, United States postal supervisor, clerk in
charge of a contract postal station, or other officer having
authority to administer an oath or take an acknowledgment may be
an attesting witness; provided, however, that in the case of an
absent elector who is temporarily or permanently physically
disabled, the attesting witness may be any person eighteen (18)
years of age or older and such person is not required to have the
authority to administer an oath. If a postmaster, assistant
postmaster, postal supervisor, or clerk in charge of a contract
postal station acts as an attesting witness, his or her signature
on the elector's certificate must be authenticated by the
cancellation stamp of their respective post offices. If an
officer having authority to administer an oath or take an
acknowledgement acts as attesting witness, his or her signature on
the elector's certificate, together with his or her title and
address, but no seal, shall be required. Any affidavits made by
an absent elector who is in the Armed Forces may be executed
before a commissioned officer, warrant officer, or noncommissioned
585 officer not lower in grade than sergeant rating or any person
586 authorized to administer oaths.
587 (d) When the application accompanies the ballot it
588 shall not be returned in the same envelope as the ballot but shall
589 be returned in a separate preaddressed envelope provided by the
590 registrar.
591 (e) A candidate for public office, or the spouse,
592 parent or child of a candidate for public office, may not be an
593 attesting witness for any absentee ballot upon which the
594 candidate's name appears, unless the voter is related within the
595 first degree to the candidate or the spouse, parent or child of
596 the candidate.
597 (f) Any voter casting an absentee ballot who declares
598 that he or she requires assistance to vote by reason of blindness,
599 temporary or permanent physical disability or inability to read or
600 write, shall be entitled to receive assistance in the marking of
601 his or her absentee ballot and in completing the affidavit on the
602 absentee ballot envelope. The voter may be given assistance by
603 anyone of the voter's choice other than a candidate whose name
604 appears on the absentee ballot being marked, the spouse, parent or
605 child of a candidate whose name appears on the absentee ballot
606 being marked or the voter's employer, an agent of that employer or
607 a union representative; however, a candidate whose name is on the
608 ballot or the spouse, parent or child of such candidate may
609 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 12. Section 23-15-635, Mississippi Code of 1972, is amended as follows:

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

"ELECTOR'S CERTIFICATE

STATE OF __________
COUNTY * * * OF __________

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

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

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 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.
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
(2) The envelope * * * 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 13. Section 23-15-639, Mississippi Code of 1972, is amended as follows:

23-15-639. (1) * * * The examination and counting of all absentee ballots shall be conducted as follows:

(a) At the * * * opening of the regular balloting and at the * * * opening of the polls, the * * * resolution board established under Section 23-15-523 and trained in the process of canvassing absentee ballots shall first take the envelopes containing the absentee ballots of such electors from the * * * secure location at the circuit clerk's office, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the * * * resolution board find that the applicant is a
registered and qualified voter or otherwise qualified to vote, * * * the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined.

(c) Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the * * * resolution board shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose. * * * All absentee ballots received prior to 7:00 p.m. the day before the election shall be counted in the registrar's office by the resolution board when the polls close and then added to the votes cast in each precinct. All absentee ballots received after 7:00 p.m. the day before the election but not later than the fifth business day after the election shall be processed by the resolution board. * * *

( * * *2) The * * * resolution board shall also take such action as may be prescribed by the Secretary of State to ensure compliance with the identification requirements of Section 23-15-641.

(3) The resolution board shall process the absentee ballots using the procedure provided in subsection (1) of this section.

SECTION 14. Section 23-15-641, Mississippi Code of 1972, is amended as follows:
23-15-641. (1) For all absentee votes received by mail, if an affidavit or the certificate of the officer before whom the affidavit is taken is required and such affidavit or certificate 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 *, the previously cast vote shall not be allowed. Without opening the voter's envelope the ** resolution board shall mark across its face "REJECTED", with the reason therefor.

(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.

(4) 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.

(5) All electors voting absentee shall be provided with
written information to inform the person how to ascertain whether
his or her ballot was counted and, if rejected, the reason
therefor.

SECTION 15. 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 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.

amended as follows:
(1) Absent voters who have requested to receive absentee ballots and balloting materials may choose to receive such ballots and balloting materials by mail, facsimile device (FAX) or electronic mail delivery (e-mail). The Secretary of State shall establish procedures that allow an absent voter to make the choice authorized by this subsection.

(2) Consistent with the choice that the absent voter exercises pursuant to subsection (1) of this section, the registrar shall, in addition to mail, be authorized to use electronic facsimile (FAX) devices and electronic mail delivery (e-mail) to transmit balloting materials and absentee ballots. If the absent voter does not indicate a preference, delivery of such information shall be by mail.

(3) The registrar is authorized to receive by electronic facsimile (FAX) devices and electronic mail delivery (e-mail):
   (a) Voted absentee ballots;
   (b) Completed federal postcard applications as described in Section 23-15-677, which shall serve to request absentee ballots or to register to vote or to do both simultaneously; and
   (c) Completed Federal Write-In-Absentee Ballots as described in Section 23-15-692.

(4) Once the registrar has received a voted absentee ballot pursuant to this section, he shall place the ballot in an absentee ballot envelope designated for absentee ballots under this
subarticle and fill out the required information on the envelope. The registrar shall then notate on the envelope that the ballot was received under this section and a signature across the flap of the envelope shall not be required. Except as provided in this section, absentee ballots received under this subsection shall be treated in the same manner as other absentee ballots received under this subarticle.

(5) Access to voted absentee ballots before they are placed in an absentee ballot envelope shall be strictly limited to election officials who must process the ballot and any election official who views the ballots before they are placed in the envelope shall have the duty to protect the secrecy of the ballot choices; however, the failure of an election official to comply with this subsection shall not invalidate the ballot.

(6) Each circuit clerk shall furnish a suitable electronic mail delivery (e-mail) address that can be used to allow absent voters to comply with the provisions of this subarticle. Absentee ballots returned by mail by any absent voter as defined in Section 23-15-673 must be received by the registrar by the deadline for receipt of mail absentee ballots provided for in Section 23-15-637.

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

23-15-721. (1) Absentee ballots requested under the provisions of Section 23-15-715 for electors temporarily residing...
outside the county * of residence shall be mailed to the
elector's address outside of the county in which he or she is
registered, and such electors shall appear before any official
authorized to administer oaths or other official authorized to
witness absentee balloting as provided in this * article. The
elector shall exhibit to such official his or her absentee ballot
unmarked and thereupon proceed in secret to fill in * the
ballot. After the elector has properly marked the ballot and
properly folded it, he or she shall deposit it in the envelope
furnished him or her. After the elector has sealed the
envelope he or she shall deliver it to the official before whom he
or she is appearing and shall subscribe and swear to the elector's
certificate provided for in Section 23-15-635, which affidavit
shall be printed on the back of the envelope as provided for in
Section 23-15-635 containing the elector's ballot.

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

(3) After the completion of the requirements of this
section, the elector shall mail the envelope containing the ballot
to the registrar in the county wherein * the elector is
qualified to vote. * The ballots must be * postmarked by
the date of the election and received by the registrar no more
than five (5) business days after the election to be counted; any
received after such time shall be handled as provided in Section 23-15-647 and shall not be counted.

SECTION 18. Section 23-15-731, Mississippi Code of 1972, is amended as follows:

23-15-731. Any presidential absentee ballots received in the mail by the registrar after the delivery of ballot boxes to the election managers and before the deadline for receipt of absentee ballots provided for in Section 23-15-637 shall be retained by the registrar and shall be delivered, together with the applications of the qualified absentee elector to an election official designated to receive them. The registrar shall receive a receipt from the designated election official for all such ballots and applications delivered. The designated election officials shall, upon the canvassing of the returns, count such ballots as if delivered to the proper precincts and such ballots shall be considered valid for all purposes as if they had been actually deposited in the proper precinct ballot boxes. The appropriate election officials shall examine the affidavit of each envelope. If the officials are satisfied that the affidavit is sufficient and that the absentee voter is otherwise qualified to vote, an official shall announce the name of the voter and shall give any person present an opportunity to challenge in like manner and for the same cause as the voter could have been challenged had he or she presented himself or herself personally in such precinct to vote. The ineligibility of the voter to vote by absentee
ballot shall be a ground for a challenge. The officials shall consider any absentee voter challenged when a person has previously filed a written challenge of such voter's right to vote. The election officials shall handle any such challenge in the same manner as other challenged ballots are handled, and if the challenge is not affirmed, the officials shall then open the envelope. The officials shall then open the envelope in such manner as not to destroy the affidavit printed thereon and shall deposit the ballot marked "OFFICIAL ABSENTEE BALLOT," in a ballot box reserved for absentee ballots. The commissioners shall endorse on their pollbooks a proper notation to indicate that the absentee voter has voted in such election by absentee ballot.

SECTION 19. Section 23-15-733, Mississippi Code of 1972, is amended as follows:

23-15-733. The registrar shall keep safely and unopened all official presidential absentee ballots which are received subsequent to the * * * deadline for receipt of mail absentee ballots provided for in Section 23-15-637. 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 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.
Such information shall be processed through the Statewide Election Management System.

SECTION 20. Section 23-15-735, Mississippi Code of 1972, is amended as follows:

23-15-735. Except for ballots voted in person at the office of the registrar, absentee ballots shall not be delivered in person to an absentee voter or to any other person * * *.

SECTION 21. This act shall take effect and be in force from and after its passage.