

By: Senator(s) Blount, Simmons (12th),
Norwood, Jordan

To: Rules

SENATE BILL NO. 3062

1 AN ACT TO AMEND SECTION 23-15-713, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE ALL DULY QUALIFIED ELECTORS TO VOTE BY ABSENTEE
3 BALLOT IN PERSON FOR THE 2020 GENERAL ELECTION DUE TO THE COVID-19
4 PANDEMIC; TO AMEND SECTIONS 23-15-627, 23-15-631, 23-15-635,
5 23-15-641, 23-15-719, 23-15-721, MISSISSIPPI CODE OF 1972, TO
6 REMOVE THE NOTARY REQUIREMENT FOR MAIL-IN APPLICATIONS AND
7 BALLOTS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 23-15-713, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-713. (1) For the purpose of this subarticle, any duly
12 qualified elector may vote as provided in this subarticle if the
13 elector falls within at least one (1) of the following categories:

14 (a) Any qualified elector who is a bona fide student,
15 teacher or administrator at any college, university, junior
16 college, high, junior high, or elementary grade school whose
17 studies or employment at such institution necessitates his or her
18 absence from the county of his or her voting residence on the date
19 of any primary, general or special election, or the spouse and
20 dependents of that student, teacher or administrator if such



21 spouse or dependent(s) maintain a common domicile, outside of the
22 county of his or her voting residence, with such student, teacher
23 or administrator.

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

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

32 (d) Any person who has a temporary or permanent
33 physical disability and who, because of such disability, is unable
34 to vote in person without substantial hardship to himself, herself
35 or others, or whose attendance at the voting place could
36 reasonably cause danger to himself, herself or others. * * *

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

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



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

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

50 (2) Notwithstanding subsection (1) of this section, any duly
51 qualified elector may vote as provided in this subarticle for the
52 2020 general election due to the COVID-19 pandemic.

53 **SECTION 2.** Section 23-15-627, Mississippi Code of 1972, is
54 amended as follows:

55 23-15-627. Any elector described in Section 23-15-713 may
56 request an absentee ballot application and vote in person at the
57 office of the registrar in the county in which he or she resides.
58 The registrar shall be responsible for furnishing an absentee
59 ballot application form to any elector authorized to receive an
60 absentee ballot. Except as otherwise provided in Section
61 23-15-625, absentee ballot applications shall be furnished to a
62 person only upon the oral or written request of the elector who
63 seeks to vote by absentee ballot; however, the parent, child,
64 spouse, sibling, legal guardian, those empowered with a power of
65 attorney for that elector's affairs or agent of the elector, who
66 is designated in writing and witnessed by a resident of this state
67 who shall write his or her physical address on such designation,
68 may orally request an absentee ballot application on behalf of the



69 elector. The written designation shall be valid for one (1) year
70 after the date of the designation. An absentee ballot application
71 must have the seal of the circuit or municipal clerk affixed to it
72 and be initialed by the registrar or his or her deputy in order to
73 be used to obtain an absentee ballot. A reproduction of an
74 absentee ballot application shall not be valid unless it is a
75 reproduction provided by the office of the registrar of the
76 jurisdiction in which the election is being held and which
77 contains the seal and initials required by this section. Such
78 application shall be substantially in the following form:

79 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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



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

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

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

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

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

113 () I have a temporary or permanent physical disability,
114 which may include, but is not limited to, * * * a concern for my
115 health due to COVID-19 during the year 2020. Or, I am caring for
116 a dependent that is * * * concerned for his or her health due to
117 COVID-19 beginning with the effective date of this act and the
118 same being repealed on December 31, 2020.



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

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

125 () I am a member of the congressional delegation, or spouse
126 or dependent of a member of the congressional delegation.

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

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

131 Mail 'Absent Elector's Ballot' to me at the following address
132 _____.

133 () I wish to receive an absentee ballot for the runoff
134 election _____.

135 I realize that I can be fined up to Five Thousand Dollars
136 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
137 for making a false statement in this application and for selling
138 my vote and violating the Mississippi Absentee Voter Law. (This
139 sentence is to be in bold print.)

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



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

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

148 IN WITNESS WHEREOF, I have hereunto set my hand * * * this
149 the ____ day of _____, 2__.

150 _____
151 (Signature of absent elector)

152 * * *

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

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

159 _____
160 (Signature of witness)

161 CERTIFICATE OF DELIVERY

162 I hereby certify that _____ (print name of voter)
163 has requested that I, _____ (print name of person
164 delivering application), deliver to the voter this absentee ballot
165 application.

166 _____
167 (Signature of person delivering application)

168 _____



169 (Address of person delivering application)"

170 **SECTION 3.** Section 23-15-631, Mississippi Code of 1972, is
171 amended as follows:

172 23-15-631. (1) The registrar shall enclose with each ballot
173 mailed to an absent elector separate printed instructions
174 furnished by the registrar containing the following:

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

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

187 (c) After marking the ballot, fill out and sign the
188 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
189 signature is across the flap of the envelope to ensure the
190 integrity of the ballot. All absent electors shall have the
191 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
192 the flap on the back of the envelope. Place the necessary postage
193 on the envelope and deposit it in the post office or some



194 government receptacle provided for deposit of mail so that the
195 absent elector's ballot will be postmarked on or before the date
196 of the election and received by the registrar no more than five
197 (5) business days after the election.

198 * * * Any person eighteen (18) years of age or older may be
199 an attesting witness and such person is not required to have the
200 authority to administer an oath. * * *

201 (d) When the application accompanies the ballot it
202 shall not be returned in the same envelope as the ballot but shall
203 be returned in a separate preaddressed envelope provided by the
204 registrar.

205 (e) A candidate for public office, or the spouse,
206 parent or child of a candidate for public office, may not be an
207 attesting witness for any absentee ballot upon which the
208 candidate's name appears, unless the voter is related within the
209 first degree to the candidate or the spouse, parent or child of
210 the candidate.

211 (f) Any voter casting an absentee ballot who declares
212 that he or she requires assistance to vote by reason of blindness,
213 temporary or permanent physical disability or inability to read or
214 write, shall be entitled to receive assistance in the marking of
215 his or her absentee ballot and in completing the affidavit on the
216 absentee ballot envelope. The voter may be given assistance by
217 anyone of the voter's choice other than a candidate whose name
218 appears on the absentee ballot being marked, the spouse, parent or



219 child of a candidate whose name appears on the absentee ballot
220 being marked or the voter's employer, an agent of that employer or
221 a union representative; however, a candidate whose name is on the
222 ballot or the spouse, parent or child of such candidate may
223 provide assistance upon request to any voter who is related within
224 the first degree. In order to ensure the integrity of the ballot,
225 any person who provides assistance to an absentee voter shall be
226 required to sign and complete the "Certificate of Person Providing
227 Voter Assistance" on the absentee ballot envelope.

228 (2) The foregoing instructions required to be provided by
229 the registrar to the elector shall also constitute the substantive
230 law pertaining to the handling of absentee ballots by the elector
231 and registrar.

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

235 **SECTION 4.** Section 23-15-635, Mississippi Code of 1972, is
236 amended as follows:

237 23-15-635. * * * The form of the elector's certificate,
238 attesting witness certification and certificate of person
239 providing voter assistance on the back of the envelope used by
240 absentee voters who are not absent voters as defined in Section
241 23-15-673, shall be as follows:

242 "ELECTOR'S CERTIFICATE

243 STATE OF MISSISSIPPI



244 COUNTY OF _____

245 I, _____, under penalty of perjury, do solemnly * * *
246 certify that this envelope contains the ballot marked by me
247 indicating my choice of the candidates or propositions to be
248 submitted at the election to be held on the ___ day of _____,
249 2____, and I hereby authorize the registrar to place this envelope
250 in the ballot box on my behalf, and I further authorize the
251 election managers to open this envelope and place my ballot among
252 the other ballots cast before such ballots are counted, and record
253 my name on the poll list as if I were present in person and voted.

254 I further * * * certify that I marked the enclosed ballot in
255 secret.

256 **Penalties for vote fraud are up to five (5) years in prison**
257 **and a fine of up to Five Thousand Dollars (\$5,000.00) * * * _**
258 **(Miss. Code. Ann. Section 23-15-753.) Penalties for voter**
259 **intimidation are up to one (1) year in jail and a fine of up to**
260 **One Thousand Dollars (\$1,000.00) * * * _ (Miss. Code. Ann. Section**
261 **97-13-37.)**

262 _____
263 (Signature of voter)

264 CERTIFICATE OF ATTESTING WITNESS

265 Under penalty of perjury, I affirm that the above-named voter
266 personally appeared before me, on this the ___ day of _____,
267 2____, and is known by me to be the person named, and who * * *
268 subscribed the foregoing oath or affirmation. That the voter



269 exhibited to me his or her blank ballot; that the ballot was not
270 marked or voted before the voter exhibited the ballot to me; that
271 the voter was not solicited or advised by me to vote for any
272 candidate, question or issue, and that the voter, after marking
273 his or her ballot, placed it in the envelope, closed and sealed
274 the envelope in my presence, and signed and swore or affirmed the
275 above certificate.

276 _____
277 (Attesting witness) (Address)

278 _____
279 (* * * Title) (City and State)

280 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

281 (To be completed only if the voter has received assistance in
282 marking the enclosed ballot.) I, under penalty of perjury, hereby
283 certify that the above-named voter declared to me that he or she
284 is blind, temporarily or permanently physically disabled, or
285 cannot read or write, and that the voter requested that I assist
286 the voter in marking the enclosed absentee ballot. I hereby
287 certify that the ballot preferences on the enclosed ballot are
288 those communicated by the voter to me, and that I have marked the
289 enclosed ballot in accordance with the voter's instructions.

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



294 **One Thousand Dollars (\$1,000.00) * * * (Miss. Code. Ann. Section**
295 **97-13-37.)**

296 _____

297 Signature of person providing assistance

298 _____

299 Printed name of person providing assistance

300 _____

301 Address of person providing assistance

302 _____

303 Date and time assistance provided

304 _____

305 Family relationship to voter (if any)"

306 * * *

307 **SECTION 5.** Section 23-15-641, Mississippi Code of 1972, is
308 amended as follows:

309 23-15-641. (1) For all absentee votes received by mail,
310 if * * * it is found that the signatures do not correspond, or
311 that the applicant is not a duly qualified elector in the
312 precinct, or otherwise qualified to vote, or that the ballot
313 envelope is open or has been opened and resealed, or the voter is
314 not eligible to vote absentee, the previously cast vote shall not
315 be allowed. Without opening the voter's envelope the resolution
316 board shall mark across its face "REJECTED", with the reason
317 therefor.



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

328 (3) If * * * the officials find that the absentee voter is
329 otherwise disqualified to vote, the envelope shall not be opened
330 and a commissioner or executive committee member shall write
331 across the face of the envelope "REJECTED" giving the reason
332 therefor, and the registrar shall promptly notify the voter of
333 such rejection.

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

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



342 **SECTION 6.** Section 23-15-719, Mississippi Code of 1972, is
343 amended as follows:

344 23-15-719. (1) Except where the registrar has already
345 mailed a ballot with an application, upon receipt of a properly
346 completed application form by an elector qualified to vote
347 absentee as provided in this subarticle, the registrar shall mail
348 the absent voter an absentee ballot within one (1) business day,
349 or as soon as the absentee ballot is prepared and available,
350 containing the names of all the candidates and propositions, if
351 any, to be voted on in the election. The registrar shall include
352 with the absentee ballot an official envelope that complies with
353 the provisions of this subarticle, as well as information to
354 comply with Section 23-15-641(3) related to the status of the
355 elector's ballot. The registrar shall identify the applicant by
356 requiring him to present identification as required by Section
357 23-15-563, and shall then deliver the ballots to the applicant by
358 mail or to the applicant in the registrar's office. The registrar
359 shall not personally hand deliver ballots to voters. After the
360 applicant has properly marked the ballot and properly folded it,
361 he shall deposit it in the envelope furnished him by the
362 registrar.

363 After the absentee voter has sealed the envelope, he or she
364 shall subscribe and * * * affirm a certificate and mail the ballot
365 to the address provided on the absentee ballot official envelope.
366 The * * * certificate shall be in the following form, which shall



367 be printed on the back of the envelope containing the applicant's
368 ballot:

369 "ELECTORS CERTIFICATE

370 * * *STATE OF MISSISSIPPI

371 COUNTY OF _____

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

381 I further * * * certify that I marked the enclosed ballot in
382 secret.

383 _____
384 (Signature of voter)"

385 * * *

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

389 (2) If the voter has received assistance in marking his
390 ballot, the person providing the assistance shall complete the



391 following form which shall be printed on the back of the envelope
392 containing the applicant's ballot:

393 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE
394 (To be completed only if the voter has received assistance in
395 marking the enclosed ballot.) I hereby certify that the
396 above-named voter declared to me that he or she is blind,
397 temporarily or permanently physically disabled, or cannot read or
398 write, and that the voter requested that I assist the voter in
399 marking the enclosed absentee ballot. I hereby certify that the
400 ballot preferences on the enclosed ballot are those communicated
401 by the voter to me, and that I have marked the enclosed ballot in
402 accordance with the voter's instructions.

403 _____
404 Signature of person providing assistance

405 _____
406 Printed name of person providing assistance

407 _____
408 Address of person providing assistance

409 _____
410 Date and time assistance provided

411 _____
412 Family relationship to voter (if any)"

413 (3) The envelope used pursuant to this section shall not
414 contain the form prescribed by Section 23-15-635 and shall have
415 printed on the flap on the back of the envelope in bold print and



416 in a distinguishing color, the following: "YOUR VOTE WILL BE
417 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE
418 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."

419 SECTION 7. Section 23-15-721, Mississippi Code of 1972, is
420 amended as follows:

421 23-15-721. (1) Absentee ballots requested under the
422 provisions of Section 23-15-715 for electors temporarily residing
423 outside the county of residence shall be mailed to the elector's
424 address outside of the county in which he or she is
425 registered * * *. The elector shall exhibit to * * * an attesting
426 witness his or her absentee ballot unmarked and thereupon proceed
427 in secret to fill in the ballot. After the elector has properly
428 marked the ballot and properly folded it, he or she shall deposit
429 it in the envelope furnished him or her. After the elector has
430 sealed the envelope he or she shall deliver or mail it to the
431 registrar in the county wherein the elector is qualified to
432 vote * * * and shall subscribe and * * * affirm to the * * *
433 following certificate * * *:

434 "ELECTOR'S CERTIFICATE

435 STATE OF MISSISSIPPI

436 COUNTY OF

437 I, _____, under penalty of perjury, do solemnly certify
438 that this envelope contains the ballot marked by me indicating my
439 choice of the candidates or propositions to be submitted at the
440 election to be held on the _____ day of _____, 20____, and I



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

446 I further certify that I marked the enclosed ballot in
447 secret.

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

453 _____
454 (Signature of voter)

455 CERTIFICATE OF ATTESTING WITNESS

456 Under penalty of perjury, I certify that the above-named
457 voter personally appeared before me, on this the _____ day of
458 _____, 20____, and is known by me to be the person named, and
459 who subscribed the foregoing certification. That the voter
460 exhibited to me his or her blank ballot; that the ballot was not
461 marked or voted before the voter exhibited the ballot to me; that
462 the voter was not solicited or advised by me to vote for any
463 candidate, question or issue, and that the voter, after marking
464 his or her ballot, placed it in the envelope, closed and sealed
465 the envelope in my presence, and signed the above certificate.



466 _____
467 (Attesting witness) _____ (Address)
468 _____
469 (Title) _____ (City and State)

470 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

485 _____
486 Signature of person providing assistance
487 _____
488 Printed name of person providing assistance
489 _____
490 Address of person providing assistance



491

Date and time assistance provided

493

Family relationship to voter (if any)"

495 * * *

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

504 **SECTION 8.** This act shall take effect and be in force from
505 and after its passage.

