

Senate Amendments to House Bill No. 1521

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

46 **SECTION 1.** Section 23-15-637, Mississippi Code of 1972, is
47 amended as follows:
48 23-15-637. (1) (a) Absentee ballots and applications
49 received by mail, except * * * for fax or electronically
50 transmitted ballots as otherwise provided by Section 23-15-699 for
51 UOCAVA ballots, must be * * * postmarked on or before the date of
52 the election and received by the registrar no more than five (5)
53 business days after the election; any received after such time
54 shall be handled as provided in Section 23-15-647 and shall not be
55 counted.
56 (b) All ballots cast by the absent elector appearing in
57 person in the office of the registrar shall be cast with an
58 absentee paper ballot that is fed through an optical mark reading
59 equipment machine or digital scanner, or if no scanner is
60 available deposited into a sealed ballot box by the voter, not
61 later than 12:00 noon, or 5:00 p.m. during a State of Emergency
62 declared by the Governor due to the concern that a COVID-19 public

63 health risk exists and such appearance may result in exposure to
64 such risk or the exposure of other persons to such risks, on the
65 Saturday immediately preceding elections held on Tuesday, the
66 Thursday immediately preceding elections held on Saturday, or the
67 second day immediately preceding the date of elections held on
68 other days. At the close of business each day at the office of
69 the registrar, the voting system used shall be sealed and not
70 unsealed until the beginning of the next business day, and the
71 seal number shall be recorded with the number of ballots cast
72 which shall be stored in a secure location in the registrar's
73 office.

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

79 (3) The Secretary of State shall promulgate rules and
80 regulations necessary to ensure that when a qualified elector who
81 is qualified to vote absentee votes by absentee ballot, either by
82 mail or in person with a regular paper ballot or on either a
83 direct recording electronic voting system or a ballot that is fed
84 through an optical mark reading equipment machine or digital
85 scanner at the registrar's office, that person's absentee vote is
86 final and he or she may not vote at the polling place on election
87 day. Notwithstanding any other provisions of law to the contrary,
88 the Secretary of State shall promulgate rules and regulations

89 necessary to ensure that absentee ballots shall remain in the
90 registrar's office for counting and not be taken to the precincts
91 on election day.

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

94 23-15-651. The results of the vote by absentee balloting
95 shall be announced simultaneously with the vote cast on election
96 day; provided that absentee ballots received after 7:00 p.m. the
97 day before the election shall be kept in a secured and sealed
98 ballot box, and shall be announced after the five-business-day
99 period for receiving absentee ballots. These ballots may be
100 processed as early as 7:00 a.m. on the date following the election
101 but not after the fifth business day following the election.

102 **SECTION 3.** Section 23-15-645, Mississippi Code of 1972, is
103 amended as follows:

104 23-15-645. (1) Absentee votes cast in the registrar's
105 office on an absentee paper ballot that is fed through either a
106 direct recording electronic voting system or an optical mark
107 reading equipment machine or digital scanner shall be tallied on
108 election day after closing of the polls and announced
109 simultaneously with all other votes cast on election day.

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

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

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

132 23-15-649. (1) For all elections, * * * the election
133 officials shall prepare and print, as soon as the deadline for the
134 qualification of candidates has passed or forty-five (45)
135 days * * * before the election, whichever is later, official
136 ballots to be mailed for each voting precinct to be known as
137 absentee voter ballots, which ballots shall be prepared and
138 printed in the same form and shall be of the same size and texture
139 as the regular official ballot except that they shall be printed

on tinted paper of a tint different from that of the regular official ballot.

(2) For all elections, the election officials shall prepare, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days before the election, whichever is later, either regular paper ballots or official ballots for the direct recording electronic voting system or an official ballot that is fed through an optical mark reading equipment machine or digital scanner as provided in Sections 23-15-503 through 23-15-525 and Sections 23-15-531 through 23-15-531.12.

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 the concern of a COVID-19 public health risk, during such a time as a State of Emergency is declared by the Governor due to COVID-19. Or, I am caring for a dependent that is a physician-imposed quarantine due to the concern of a COVID-19

public health risk, during such a time as a State of Emergency is
declared by the Governor due to COVID-19.

() 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 have a general public health concern about COVID-19
and I am under a State of Emergency declared by the Governor due
to the concern of a COVID-19 public health risk or am caring for a
family member or dependent under such circumstances.

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 opt out of receiving 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

241 my vote and violating the Mississippi Absentee Voter Law. (This
242 sentence is to be in bold print.)

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

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

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

253 _____
254 (Signature of absent elector)

255 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
256 2____.

257 _____
258 (Official authorized to administer oaths
259 for absentee balloting.)

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

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

266 _____

(Signature of witness)

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.

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

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

301 (d) Any person who has a temporary or permanent
302 physical disability and who, because of such disability, is unable
303 to vote in person without substantial hardship to himself, herself
304 or others, or whose attendance at the voting place could
305 reasonably cause danger to himself, herself or others. For
306 purposes of this paragraph (d), "temporary physical disability"
307 shall include any qualified elector unable to appear personally at
308 the polling place of the election district in which he or she is a
309 qualified elector because the elector is under a physician-imposed
310 quarantine due to the concern of a COVID-19 public health risk or
311 is caring for a dependent that is under a physician-imposed
312 quarantine due to the concern of a COVID-19 public health risk,
313 during such a time as a State of Emergency is declared by the
314 Governor due to COVID-19.

315 (e) The parent, spouse or dependent of a person with a
316 temporary or permanent physical disability who is hospitalized
317 outside of his or her county of residence or more than fifty (50)
318 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 unable to appear personally at the polling place of the election district in which he or she is a qualified elector because the elector is under a physician-imposed quarantine due to the concern of a COVID-19 public health risk or is caring for a dependent that is under a physician-imposed quarantine due to the concern of a COVID-19 public health risk, during such a time as a State of Emergency is declared by the Governor due to COVID-19.

(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.

(i) Any elector who is under a State of Emergency declared by the Governor due to COVID-19 and who has a general public health concern about COVID-19.

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:

344 (a) Not more than forty-five (45) days nor later than
345 12:00 noon, or 5:00 p.m. during a State of Emergency declared by
346 the Governor due to the concern of a COVID-19 public health risk
347 and such appearance may result in exposure to such risk or the
348 exposure of other persons to such risks, on the Saturday
349 immediately preceding elections held on Tuesday, the Thursday
350 immediately preceding elections held on Saturday, or the second
351 day immediately preceding the date of elections held on other
352 days, he shall appear in person before the registrar of the county
353 in which he resides, or for municipal elections he shall appear in
354 person before the city clerk of the municipality in which he
355 resides and, when the elector so appears, he shall execute and
356 file an application as provided in Section 23-15-627 and vote by
357 absentee ballot, except that if the ballot has not been printed by
358 forty-five (45) days preceding the election, the elector may
359 appear and file an application anytime before the election. Then
360 the absentee ballot shall be mailed by the circuit clerk to the
361 elector as soon as the ballot has been printed.

362 (b) Within forty-five (45) days next prior to any
363 election, any elector who cannot comply with paragraph (a) of this
364 section by reason of temporarily residing outside the county, or
365 any person who has a temporary or permanent physical disability,
366 persons who are sixty-five (65) years of age or older, or any
367 person who is the parent, spouse or dependent of a temporarily or
368 permanently physically disabled person who is hospitalized outside
369 of his county of residence or more than fifty (50) miles away from

370 his residence and such parent, spouse or dependent will be with
371 such person on election day, may make application for an absentee
372 ballot by mailing the appropriate application to the registrar.
373 Only persons temporarily residing out of the county of their
374 residence, persons having a temporary or permanent physical
375 disability, persons who are sixty-five (65) years of age or older,
376 or any person who is the parent, spouse or dependent of a
377 temporarily or permanently physically disabled person who is
378 hospitalized outside of his county of residence or more than fifty
379 (50) miles away from his residence, and such parent, spouse or
380 dependent will be with such person on election day, may obtain
381 absentee ballots by mail under the provisions of this subsection
382 and as provided by Section 23-15-713. Applications of persons
383 temporarily residing outside the county shall be sworn to and
384 subscribed before an official who is authorized to administer
385 oaths or other official authorized to witness absentee balloting
386 as provided in this chapter, said application to be accompanied by
387 such verifying affidavits as required by this chapter. The
388 applications of persons having a temporary or permanent physical
389 disability shall not be required to be accompanied by an affidavit
390 but shall be witnessed and signed by a person eighteen (18) years
391 of age or older. The registrar shall send to such absent voter a
392 proper absentee voter ballot within twenty-four (24) hours, or as
393 soon thereafter as the ballots are available, containing the names
394 of all candidates who qualify or the proposition to be voted on in
395 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) For all voters who vote absentee by mail, the registrar shall automatically mail the voter an absentee ballot for any corresponding runoff election without the need for an additional application, unless the voter specifically opts out of the same on his or her initial absentee application. Except where the registrar has automatically sent out absentee ballots for any runoff election, upon request by a qualified absent voter, the registrar shall mail together the absentee ballot application and the absentee ballot to the absent voter.

SECTION 8. Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. * * * 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. The registrar shall not personally hand deliver ballots to voters * * *.

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
envelop.

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 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) 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.

(* * * b) *After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on the back 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

550 authority to administer an oath. If a postmaster, assistant
551 postmaster, postal supervisor, or clerk in charge of a contract
552 postal station acts as an attesting witness, his or her signature
553 on the elector's certificate must be authenticated by the
554 cancellation stamp of their respective post offices. If an
555 officer having authority to administer an oath or take an
556 acknowledgement acts as attesting witness, his or her signature on
557 the elector's certificate, together with his or her title and
558 address, but no seal, shall be required. Any affidavits made by
559 an absent elector who is in the Armed Forces may be executed
560 before a commissioned officer, warrant officer, or noncommissioned
561 officer not lower in grade than sergeant rating or any person
562 authorized to administer oaths.

563 (* * *c) When the application accompanies the ballot
564 it shall not be returned in the same envelope as the ballot but
565 shall be returned in a separate preaddressed envelope provided by
566 the registrar.

567 (* * *d) A candidate for public office, or the spouse,
568 parent or child of a candidate for public office, may not be an
569 attesting witness for any absentee ballot upon which the
570 candidate's name appears, unless the voter is related within the
571 first degree to the candidate or the spouse, parent or child of
572 the candidate.

573 (* * *e) Any voter casting an absentee ballot who
574 declares that he or she requires assistance to vote by reason of
575 blindness, temporary or permanent physical disability or inability

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

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

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

SECTION 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

602 providing voter assistance on the back of the envelope used by
603 absentee voters * * * who are not absent voters as defined in
604 Section 23-15-673, shall be as follows:

605 "ELECTOR'S CERTIFICATE

606 STATE OF _____

607 COUNTY * * * OF _____

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

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

618 **Penalties for vote fraud are up to five (5) years in prison and a**
619 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
620 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
621 **to one (1) year in jail and a fine of up to One Thousand Dollars**
622 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

623 _____

624 (Signature of voter)

625 CERTIFICATE OF ATTESTING WITNESS

626 Under penalty of perjury I affirm that the above named voter
627 personally appeared before me, on this the ____ day of _____,

628 2____, and is known by me to be the person named, and who, after
629 being duly sworn or having affirmed, subscribed the foregoing oath
630 or affirmation. That the voter exhibited to me his or her blank
631 ballot; that the ballot was not marked or voted before the voter
632 exhibited the ballot to me; that the voter was not solicited or
633 advised by me to vote for any candidate, question or issue, and
634 that the voter, after marking his or her ballot, placed it in the
635 envelope, closed and sealed the envelope in my presence, and
636 signed and swore or affirmed the above certificate.

637 _____	_____
638 (Attesting witness)	(Address)
639 _____	_____
640 (Official title)	(City and State)

641 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

642 (To be completed only if the voter has received assistance in
643 marking the enclosed ballot.) I, under penalty of perjury, hereby
644 certify that the above-named voter declared to me that he or she
645 is blind, temporarily or permanently physically disabled, or
646 cannot read or write, and that the voter requested that I assist
647 the voter in marking the enclosed absentee ballot. I hereby
648 certify that the ballot preferences on the enclosed ballot are
649 those communicated by the voter to me, and that I have marked the
650 enclosed ballot in accordance with the voter's instructions.

651 **Penalties for vote fraud are up to five (5) years in prison and a**
652 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
653 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**

to one (1) year in jail and a fine of up to One Thousand Dollars (\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance

Date and time assistance provided

Family relationship to voter (if any)"

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

SECTION 13. Section 23-15-639, Mississippi Code of 1972, is amended as follows:

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

(a) At the * * * opening of the regular balloting and at the * * * opening of the polls, the * * * absentee resolution

680 board established under Section 23-15-523 shall first take the
681 envelopes containing the absentee ballots of such electors from
682 the * * * secure location at the circuit clerk's office, and the
683 name, address and precinct inscribed on each envelope shall be
684 announced by the election managers.

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

693 (c) Having observed and found the ballot to be regular
694 as far as can be observed from its official endorsement, the * * *
695 absentee resolution board shall deposit it in the ballot box with
696 the other ballots before counting any ballots and enter the
697 voter's name in the receipt book provided for that purpose and
698 mark "VOTED" in the pollbook or poll list as if he or she had been
699 present and voted in person. If voting machines are used at the
700 precinct, all absentee ballots shall be * * * counted * * * at the
701 circuit clerk's office by the * * * absentee resolution board
702 immediately * * * and * * * then added to the votes cast in the
703 voting machine or device.

704 * * *

(* * *2) The * * * absentee 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 23-15-563.

(3) The absentee resolution board charged with the conduct of the election shall process the absentee ballots received after 7:00 p.m. the day before the election using the procedures provided in subsection (1) of this section, as appropriate. These ballots may be processed as early as 7:00 a.m. on the date following the election but not after the fifth business day following the election.

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 * * * absentee resolution board shall mark across its face "REJECTED", with the reason therefor, and the registrar shall promptly notify the voter of such rejection and the reason therefor by mail.

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

SECTION 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.

SECTION 16. Section 23-15-699, Mississippi Code of 1972, is amended as follows:

23-15-699. (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

834 than five (5) business days after the election to be counted; any
835 received after such time shall be handled as provided in Section
836 23-15-647 and shall not be counted.

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

839 23-15-731. Any presidential absentee ballots received in the
840 mail by the registrar * * * after the delivery of ballot boxes to
841 the election managers and * * * before the deadline for receipt of
842 absentee ballots provided for in Section 23-15-637 shall be
843 retained by the registrar and shall be delivered, together with
844 the applications of the qualified absentee elector to an election
845 official designated to receive them. The registrar shall receive
846 a receipt from the designated election official for all such
847 ballots and applications delivered. The designated election
848 officials shall, upon the canvassing of the returns, count such
849 ballots as if delivered to the proper precincts and such ballots
850 shall be considered valid for all purposes as if they had been
851 actually deposited in the proper precinct ballot boxes. The
852 appropriate election officials shall examine the affidavit of each
853 envelope. If the officials are satisfied that the affidavit is
854 sufficient and that the absentee voter is otherwise qualified to
855 vote, an official shall announce the name of the voter and shall
856 give any person present an opportunity to challenge in like manner
857 and for the same cause as the voter could have been challenged had
858 he or she presented himself or herself personally in such precinct
859 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.

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

888 23-15-735. Except for ballots voted in person at the office
889 of the registrar, absentee ballots shall not be delivered in
890 person to an absentee voter or to any other person * * *.

891 **SECTION 21.** This act shall take effect and be in force from
892 and after July 1, 2020, and shall stand repealed on June 30, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 23-15-637 AND 23-15-651, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT ALL ABSENTEE BALLOTS CAST IN THE
3 OFFICE OF THE REGISTRAR MAY BE CAST ON A BALLOT THAT IS FED
4 THROUGH AN OPTICAL MARK READING EQUIPMENT MACHINE OR DIGITAL
5 SCANNER AND SHALL BE DEPOSITED IN A SECURED AND SEALED BOX IN THE
6 CIRCUIT CLERK'S OFFICE UPON RECEIPT; TO PROVIDE THAT THE VOTING
7 SYSTEM USED SHALL BE SEALED AT THE CLOSE OF EACH BUSINESS DAY AND
8 SHALL REMAIN SEALED UNTIL THE BEGINNING OF THE NEXT BUSINESS DAY;
9 TO PROVIDE THAT ALL VOTES CAST BY ABSENTEE BALLOT SHALL BE FINAL;
10 TO PROVIDE THAT NO PERSON WHO VOTES ABSENTEE BEFORE THE ELECTION
11 SHALL BE ALLOWED TO VOTE IN PERSON ON ELECTION DAY; TO PROVIDE
12 THAT ABSENTEE BALLOTS RECEIVED BY MAIL MUST BE POSTMARKED BY THE
13 DATE OF THE ELECTION AND RECEIVED BY THE REGISTRAR NO MORE THAN
14 FIVE BUSINESS DAYS AFTER THE ELECTION; TO AUTHORIZE THE SECRETARY
15 OF STATE TO ISSUE CERTAIN RULES RELATING TO ABSENTEE BALLOTS; TO
16 AMEND SECTION 23-15-645, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
17 ABSENTEE VOTES CAST IN THE REGISTRAR'S OFFICE SHALL BE TALLIED ON
18 ELECTION DAY AND ANNOUNCED SIMULTANEOUSLY WITH ALL OTHER VOTES
19 CAST ON ELECTION DAY; TO PROVIDE FOR THE RETENTION AND DESTRUCTION
20 OF PACKAGES OF PROTESTED, VOID AND WHOLLY BLANK BALLOTS, OPEN
21 PACKAGES OF UNUSED BALLOTS, SEALED PACKAGES OF UNUSED BALLOTS, AND
22 ALL ABSENTEE AND MILITARY BALLOTS AND BALLOT ENVELOPES; TO AMEND
23 SECTION 23-15-649, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, FOR
24 ALL ELECTIONS, THE ELECTION OFFICIALS SHALL PREPARE EITHER
25 OFFICIAL BALLOTS FOR THE DIRECT RECORDING ELECTRONIC VOTING SYSTEM
26 OR OFFICIAL BALLOTS TO BE FED THROUGH THE OPTICAL MARK READING
27 EQUIPMENT OR DIGITAL SCANNER; TO AMEND SECTIONS 23-15-627 AND
28 23-15-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE ELIGIBILITY FOR
29 ABSENTEE VOTING IN PERSON OR BY MAIL TO ANY PERSON UNABLE TO
30 APPEAR PERSONALLY AT THE POLLING PLACE OF THE ELECTION DISTRICT IN
31 WHICH HE OR SHE IS A QUALIFIED VOTER BECAUSE OF A
32 PHYSICIAN-IMPOSED QUARANTINE DURING A STATE OF EMERGENCY DECLARED

33 BY THE GOVERNOR DUE TO THE CONCERN OF A COVID-19 PUBLIC HEALTH
34 RISK AND SUCH APPEARANCE MAY RESULT IN EXPOSURE TO SUCH RISK OR
35 THAT VOTING IN PERSON MAY EXPOSE OTHER PERSONS TO A PUBLIC HEALTH
36 RISK OR THE VOTER IS CARING FOR A PERSON WHO MAY BE EXPOSED TO
37 SUCH RISK; TO AMEND SECTIONS 23-15-715 AND 23-15-719, MISSISSIPPI
38 CODE OF 1972, TO PROVIDE THAT FOR ALL ELECTIONS THE REGISTRAR
39 SHALL MAIL TOGETHER TO THE ABSENTEE VOTER THE APPLICATION AND
40 PROPER ABSENTEE VOTER BALLOT; TO AMEND SECTIONS 23-15-625,
41 23-15-629, 23-15-631, 23-15-635, 23-15-639, 23-15-641, 23-15-647,
42 23-15-699, 23-15-721, 23-15-731, 23-15-733 AND 23-15-735,
43 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
44 ACT; AND FOR RELATED PURPOSES.

SS26\HB1521PS.J

Eugene S. Clarke
Secretary of the Senate