HOUSE BILL NO. 349


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

SECTION 1. (1) At any election, a qualified voter may vote in person by an absentee ballot for any reason. A qualified voter who votes in person by an absentee ballot shall not be required to complete an absentee ballot application before casting his or her absentee ballot. These provisions shall not apply to absentee ballots received by mail.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), all absentee votes cast in person at the office of the registrar as provided in subsection (1) of this
section shall be cast on either a direct recording electronic voting system or on a ballot that is fed through an optical mark reading equipment machine not later than 5:00 p.m. 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 voting system used shall be sealed and not unsealed until the beginning of the next business day. For each election, the election officials shall prepare either official ballots for the direct recording electronic voting system or an official ballot that is fed through an optical mark reading equipment machine. Such ballots shall comply with the provisions of this section.

(b) If the registrar of any county determines that conducting absentee voting in the office of the registrar as provided in subsection (1) of this section with either a direct recording electronic voting system or with an official ballot that is fed through an optical mark reading equipment machine will be too expensive or inefficient, that registrar may choose to conduct the absentee voting in the office of the registrar with absentee paper ballots that shall be voted and placed inside the official envelope provided by the registrar and then deposited into the sealed ballot box not later than 5:00 p.m. 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 shall be sealed and not unsealed until
the beginning of the next business day. For each election, the
election officials shall prepare absentee paper ballots and
official envelopes that comply with the provisions of this
section.

(3) The Secretary of State shall promulgate rules and
regulations as necessary to implement the provisions of this
section.

(4) The provisions of this section shall supersede any other
law to the contrary.

SECTION 2. 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 by mail as provided in
this section. Qualified voters voting in person at the office of
the registrar as provided in Section 1 of this act shall not be
required to complete an absentee ballot application. 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 for those who will vote absentee by mail.
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 who is qualified to vote absentee by mail. 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 * * * be authorized to mail one (1) application to any qualified elector of the county, who is eligible to vote by absentee ballot by mail, 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 3. 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 * * * by mail * * * . The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot by mail. 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) and need to be mailed an absentee ballot application:

( ) (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 July 8, 2020, 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___.

_________________________________
(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 4. 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 by mail 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 ballots 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 5. 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 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 officer not lower in grade than sergeant rating or any person authorized to administer oaths.

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

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

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

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

(3) The Secretary of State shall prepare instructions on how absent voters who vote by mail may comply with the identification requirements of Section 23-15-635.

SECTION 6. 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 and who vote absentee by mail, 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 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 * * * Three Thousand Dollars ($3,000.00). (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.

_________________________  ____________________________
(Attesting witness)  (Address)

_________________________  ____________________________
(Official title)  (City and State)

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for voter intimidation are up to one (1) year in jail and a fine of up to * * * Three Thousand Dollars ($3,000.00). (Miss. Code. Ann. Section 97-13-37.)
(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 7. 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 as provided in Section 1 of this act.

(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 as provided in Section 1 of this act, 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 8. 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) For mailed ballots, 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 finds that the applicant is a registered and qualified voter or otherwise qualified to vote absentee by mail, 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 *** by mail before 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 by mail 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 23-15-563.

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

SECTION 9. 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 * * * insufficient, the signatures do not correspond, * * * the applicant is not a duly qualified elector in the precinct, or otherwise qualified to vote, * * * the ballot envelope is open or has been opened and resealed, or the voter is not eligible to vote absentee by mail, 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) The mailed 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 * * *.

( * * *4) All electors voting absentee by mail 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 10. Section 23-15-643, Mississippi Code of 1972, is amended as follows:

23-15-643. If an affidavit is required, the appropriate election officials shall examine the affidavit of each absentee ballot 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 presented himself personally in such precinct to vote. The ineligibility of the voter to vote by absentee ballot by mail shall be a ground for a challenge. Also, 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.

SECTION 11. Section 23-15-645, Mississippi Code of 1972, is
amended as follows:

23-15-645. (1) Absentee ballots cast in the registrar's
office as provided in Section 1 of this act and absentee ballots
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 mailed applications, envelopes and the list of absent
voters along with the mailed 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 12. 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 receipt by mail
for each voting precinct to be known as absentee mailed voter
ballots ** ** **. For all elections, the election officials shall
also prepare, 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 no-excuse absentee voting
as provided in Section 1 of this act. All 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 13. Section 23-15-657, Mississippi Code of 1972, is
amended as follows:
23-15-657. The registrar is authorized to accept requests for absentee ballots that are to be mailed by telephone. When a telephone request that an absentee ballot application be mailed by the registrar to an elector is made, the registrar shall ascertain the name and complete address of the person making the telephone request and shall print upon the absentee ballot application the name and complete address of the requestor and the relation of such person to the voter if requested by a person other than the voter and the date such request was made. Such requests shall be processed through the Statewide Election Management System.

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

23-15-713. For the purpose of this subarticle, any duly qualified elector may vote by mail as provided in this subarticle and Section 1 of this act 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 July 8, 2020, 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 July 8, 2020, 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 15. Section 23-15-715, Mississippi Code of 1972, is amended as follows:

23-15-715. Any elector described in Section 23-15-713 and desiring an absentee ballot by mail as provided in this subarticle may secure same if * * * within forty-five (45) days * * * before any election day the elector applies for an absentee ballot by mail as provided in the provisions of this act. * * * All applications, other than those of persons having a temporary or permanent physical disability, 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 article. The application must be accompanied by a verifying affidavit as required by this article. The applications of persons having a temporary or permanent physical disability are not required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. * * *

* * * 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 16. Section 23-15-717, Mississippi Code of 1972, is amended as follows:

23-15-717. Any elector listed in Section 23-15-713 applying for an absentee ballot by mail shall complete an application form as provided in Section 23-15-627, and the elector shall fill in the application as is appropriate for his particular situation. Any elector listed in Section 1 of this act shall not be required to complete an absentee ballot application.

SECTION 17. 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 by mail 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 or her to present identification as required by Section 23-15-563, and shall then deliver the ballots to the applicant by mail ** *. Except as otherwise provided in Section 1 of this act, 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 or her 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 __________

H. B. No. 349
21/HR31/R6
PAGE 29 (ENK\JAB)
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 * * * mail the envelope containing the ballot to the registrar.

(2) If the voter has received assistance in marking his or her 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 18. 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, in view of the official before whom he or she is appearing, 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 19.** 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 as provided in Section 1 of this act, absentee ballots shall not be delivered in person to an absentee voter or to any other person.

**SECTION 20.** This act shall take effect and be in force from and after July 1, 2021.