

By: Representatives Summers, Denton, Stamps,
Hines, Crudup, McCray

To: Apportionment and
Elections

HOUSE BILL NO. 349

1 AN ACT TO PROVIDE NO-EXCUSE ABSENTEE VOTING FOR ANY QUALIFIED
2 VOTER WHO VOTES IN PERSON AT THE OFFICE OF THE REGISTRAR; TO
3 PROVIDE THAT ALL ABSENTEE VOTES CAST IN PERSON AT THE OFFICE OF
4 THE REGISTRAR SHALL BE CAST ON EITHER A DIRECT RECORDING
5 ELECTRONIC VOTING SYSTEM OR USING AN OPTICAL MARK READING
6 EQUIPMENT MACHINE UNLESS THE REGISTRAR DETERMINES THAT THOSE
7 METHODS WOULD BE TOO EXPENSIVE OR INEFFICIENT, IN WHICH CASE
8 ABSENTEE PAPER BALLOTS MAY BE USED; TO AMEND SECTIONS 23-15-625,
9 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639,
10 23-15-641, 23-15-643, 23-15-645, 23-15-649, 23-15-657, 23-15-713,
11 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-735,
12 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
13 ACT; AND FOR RELATED PURPOSES.

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

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

21 (2) (a) Except as otherwise provided in paragraph (b) of
22 this subsection (2), all absentee votes cast in person at the
23 office of the registrar as provided in subsection (1) of this



24 section shall be cast on either a direct recording electronic
25 voting system or on a ballot that is fed through an optical mark
26 reading equipment machine not later than 5:00 p.m. on the Saturday
27 immediately preceding elections held on Tuesday, the Thursday
28 immediately preceding elections held on Saturday, or the second
29 day immediately preceding the date of elections held on other
30 days. At the close of business each day at the office of the
31 registrar, the voting system used shall be sealed and not unsealed
32 until the beginning of the next business day. For each election,
33 the election officials shall prepare either official ballots for
34 the direct recording electronic voting system or an official
35 ballot that is fed through an optical mark reading equipment
36 machine. Such ballots shall comply with the provisions of this
37 section.

38 (b) If the registrar of any county determines that
39 conducting absentee voting in the office of the registrar as
40 provided in subsection (1) of this section with either a direct
41 recording electronic voting system or with an official ballot that
42 is fed through an optical mark reading equipment machine will be
43 too expensive or inefficient, that registrar may choose to conduct
44 the absentee voting in the office of the registrar with absentee
45 paper ballots that shall be voted and placed inside the official
46 envelope provided by the registrar and then deposited into the
47 sealed ballot box not later than 5:00 p.m. on the Saturday
48 immediately preceding elections held on Tuesday, the Thursday



49 immediately preceding elections held on Saturday, or the second
50 day immediately preceding the date of elections held on other
51 days. At the close of business each day at the office of the
52 registrar, the ballot box shall be sealed and not unsealed until
53 the beginning of the next business day. For each election, the
54 election officials shall prepare absentee paper ballots and
55 official envelopes that comply with the provisions of this
56 section.

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

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

62 **SECTION 2.** Section 23-15-625, Mississippi Code of 1972, is
63 amended as follows:

64 23-15-625. (1) The registrar shall be responsible for
65 providing applications for absentee voting by mail as provided in
66 this section. Qualified voters voting in person at the office of
67 the registrar as provided in Section 1 of this act shall not be
68 required to complete an absentee ballot application. At least
69 sixty (60) days before any election in which absentee voting is
70 provided for by law, the registrar shall provide a sufficient
71 number of applications for those who will vote absentee by mail.
72 In the event a special election is called and set at a date which
73 makes it impractical or impossible to prepare applications for



74 absent elector's ballot sixty (60) days before the election, the
75 registrar shall provide applications as soon as practicable after
76 the election is called. The registrar shall fill in the date of
77 the particular election on the application for which the
78 application will be used.

79 (2) The registrar shall be authorized to disburse
80 applications for absentee ballots to any qualified elector within
81 the county where he or she serves who is qualified to vote
82 absentee by mail. Any person who presents to the registrar an
83 oral or written request for an absentee ballot application for a
84 voter entitled to vote absentee by mail, other than the elector
85 who seeks to vote by absentee ballot, shall, in the presence of
86 the registrar, sign the application and print on the application
87 his or her name and address and the name of the elector for whom
88 the application is being requested in the place provided for on
89 the application for that purpose. However, if for any reason such
90 person is unable to write the information required, then the
91 registrar shall write the information on a printed form which has
92 been prescribed by the Secretary of State. The form shall provide
93 a place for such person to place his or her mark after the form
94 has been filled out by the registrar.

95 (3) It shall be unlawful for any person to solicit absentee
96 ballot applications or absentee ballots for persons staying in any
97 skilled nursing facility as defined in Section 41-7-173 unless the



98 person soliciting the absentee ballot applications or absentee
99 ballots is:

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

102 (b) A person designated by the person for whom the
103 absentee ballot application or absentee ballot is sought, the
104 registrar or the deputy registrar.

105 As used in this subsection, "family member" means a spouse,
106 parent, grandparent, sibling, adult child, grandchild or legal
107 guardian.

108 (4) The registrar in the county wherein a voter is qualified
109 to vote upon receiving by mail the envelope containing the
110 absentee ballots shall keep an accurate list of all persons
111 preparing such ballots. The list shall be kept in a conspicuous
112 place accessible to the public near the entrance to the
113 registrar's office. The registrar shall also furnish to each
114 precinct manager a list of the names of all persons in each
115 respective precinct voting absentee by mail and in person to be
116 posted in a conspicuous place at the polling place for public
117 notice. The application on file with the registrar and the
118 envelopes containing the ballots that voters mailed to the
119 registrar shall be kept by the registrar in his or her office in a
120 secure location. At the time such boxes are delivered to the
121 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.



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

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

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

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

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

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

194 () I have a temporary or permanent physical disability,
195 which may include, but is not limited to, a physician-imposed
196 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.)



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.



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

305 Any notary public, United States postmaster, assistant United
306 States postmaster, United States postal supervisor, clerk in
307 charge of a contract postal station, or other officer having
308 authority to administer an oath or take an acknowledgment may be
309 an attesting witness; provided, however, that in the case of an
310 absent elector who is temporarily or permanently physically
311 disabled, the attesting witness may be any person eighteen (18)
312 years of age or older and such person is not required to have the
313 authority to administer an oath. If a postmaster, assistant
314 postmaster, postal supervisor, or clerk in charge of a contract
315 postal station acts as an attesting witness, his or her signature
316 on the elector's certificate must be authenticated by the
317 cancellation stamp of their respective post offices. If an
318 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



344 spouse, parent or child of a candidate whose name appears on the
345 absentee ballot being marked or the voter's employer, an agent of
346 that employer or a union representative; however, a candidate
347 whose name is on the ballot or the spouse, parent or child of such
348 candidate may provide assistance upon request to any voter who is
349 related within the first degree. In order to ensure the integrity
350 of the ballot, any person who provides assistance to an absentee
351 voter shall be required to sign and complete the "Certificate of
352 Person Providing Voter Assistance" on the absentee ballot
353 envelope.

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

358 (3) The Secretary of State shall prepare instructions on how
359 absent voters who vote by mail may comply with the identification
360 requirements of Section 23-15-563.

361 **SECTION 6.** Section 23-15-635, Mississippi Code of 1972, is
362 amended as follows:

363 23-15-635. (1) The form of the elector's certificate,
364 attesting witness certification and certificate of person
365 providing voter assistance on the back of the envelope used by
366 absentee voters who are not absent voters as defined in Section
367 23-15-673 and who vote absentee by mail, shall be as follows:

368 "ELECTOR'S CERTIFICATE



369 STATE OF _____

370 COUNTY OF _____

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

379 I further swear that I marked the enclosed ballot in secret.
380 **Penalties for vote fraud are up to five (5) years in prison and a**
381 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
382 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
383 **to one (1) year in jail and a fine of up to * * * Three Thousand**
384 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

385 _____
386 (Signature of voter)

387 CERTIFICATE OF ATTESTING WITNESS

388 Under penalty of perjury I affirm that the above named voter
389 personally appeared before me, on this the ____ day of _____,
390 2____, and is known by me to be the person named, and who, after
391 being duly sworn or having affirmed, subscribed the foregoing oath
392 or affirmation. That the voter exhibited to me his or her blank
393 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.)



419 Signature of person providing assistance
420 _____
421 Printed name of person providing assistance
422 _____
423 Address of person providing assistance
424 _____
425 Date and time assistance provided
426 _____
427 Family relationship to voter (if any)"

428 (2) The envelope shall have printed on the flap on the back
429 of the envelope in bold print and in a distinguishing color, the
430 following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS**
431 **ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND**
432 **AN ATTESTING WITNESS."**

433 **SECTION 7.** Section 23-15-637, Mississippi Code of 1972, is
434 amended as follows:

435 23-15-637. (1) (a) Absentee ballots and applications
436 received by mail, except for fax or electronically transmitted
437 ballots as otherwise provided by Section 23-15-699 for UOCAVA
438 ballots, must be postmarked on or before the date of the election
439 and received by the registrar no more than five (5) business days
440 after the election; any received after such time shall be handled
441 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



615 county of his or her voting residence, with such student, teacher
616 or administrator.

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

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

625 (d) Any person who has a temporary or permanent
626 physical disability and who, because of such disability, is unable
627 to vote in person without substantial hardship to himself, herself
628 or others, or whose attendance at the voting place could
629 reasonably cause danger to himself, herself or others. For
630 purposes of this paragraph (d), "temporary physical disability"
631 shall include any qualified elector who is under a
632 physician-imposed quarantine due to COVID-19 during the year 2020
633 or is caring for a dependent who is under a physician-imposed
634 quarantine due to COVID-19 beginning with July 8, 2020, and the
635 same being repealed on December 31, 2020.

636 (e) The parent, spouse or dependent of a person with a
637 temporary or permanent physical disability who is hospitalized
638 outside of his or her county of residence or more than fifty (50)
639 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



690 absentee by mail as provided in this article, the registrar shall
691 mail the absent voter an absentee ballot within one (1) business
692 day, or as soon as the absentee ballot is prepared and available,
693 containing the names of all the candidates and propositions, if
694 any, to be voted on in the election. The registrar shall include
695 with the absentee ballot an official envelope that complies with
696 the provisions of this article, as well as information to comply
697 with Section 23-15-641(3) related to the status of the elector's
698 ballot. The registrar shall identify the applicant by requiring
699 him or her to present identification as required by Section
700 23-15-563, and shall then deliver the ballots to the applicant by
701 mail * * *. Except as otherwise provided in Section 1 of this
702 act, the registrar shall not personally hand deliver ballots to
703 voters. After the applicant has properly marked the ballot and
704 properly folded it, he shall deposit it in the envelope furnished
705 him or her by the registrar.

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

712 "STATE OF MISSISSIPPI
713 COUNTY OF _____



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

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

724 _____
725 (Signature of voter)

726 SWORN TO AND SUBSCRIBED before me, _____, this the ____
727 day of _____, 2____.

728 (Registrar) _____
729 (Registrar)"

730 After the completion of the requirements of this section, the
731 elector shall * * * mail the envelope containing the ballot to the
732 registrar.

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

737 "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."**



763 **SECTION 18.** Section 23-15-721, Mississippi Code of 1972, is
764 amended as follows:

765 23-15-721. (1) Absentee ballots requested under the
766 provisions of Section 23-15-715 for electors temporarily residing
767 outside the county of residence shall be mailed to the elector's
768 address outside of the county in which he or she is registered,
769 and such electors shall appear before any official authorized to
770 administer oaths or other official authorized to witness absentee
771 balloting as provided in this article. The elector shall exhibit
772 to such official his or her absentee ballot unmarked and thereupon
773 proceed in secret to fill in the ballot. After the elector has
774 properly marked the ballot and properly folded it, he or she shall
775 deposit it in the envelope furnished him or her. After the
776 elector has sealed the envelope he or she shall * * *, in view of
777 the official before whom he or she is appearing * * *, subscribe
778 and swear to the elector's certificate provided for in Section
779 23-15-635, which affidavit shall be printed on the back of the
780 envelope as provided for in Section 23-15-635 containing the
781 elector's ballot.

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

786 (3) After the completion of the requirements of this
787 section, the elector shall mail the envelope containing the ballot



788 to the registrar in the county wherein the elector is qualified to
789 vote. The ballots must be postmarked by the date of the election
790 and received by the registrar no more than five (5) business days
791 after the election to be counted; any received after such time
792 shall be handled as provided in Section 23-15-647 and shall not be
793 counted.

794 **SECTION 19.** Section 23-15-735, Mississippi Code of 1972, is
795 amended as follows:

796 23-15-735. Except for ballots voted in person at the office
797 of the registrar as provided in Section 1 of this act, absentee
798 ballots shall not be delivered in person to an absentee voter or
799 to any other person.

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

