

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2796

1 AN ACT TO AMEND SECTION 23-15-641, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE REGISTRAR TO NOTIFY A VOTER OF A PROVISIONAL
3 REJECTION OF AN ABSENTEE BALLOT BASED ON A DISCREPANCY BETWEEN THE
4 SIGNATURE ON THE ABSENTEE APPLICATION AND THE ABSENTEE BALLOT
5 ENVELOPE; TO REQUIRE THAT IF THE REGISTRAR SENDS A NOTICE TO THE
6 VOTER THAT THE NOTICE INFORM THE VOTER OF THE DEFICIENCY AND THE
7 PROCESS TO CURE THE DEFICIENCY BY A CERTAIN DATE; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 23-15-641, Mississippi Code of 1972, is
11 amended as follows:

12 23-15-641. (1) For all absentee votes received by mail, if
13 an affidavit or the certificate of the officer before whom the
14 affidavit is taken is required and such affidavit or certificate
15 is found to be insufficient, or if it is found that the signatures
16 do not correspond, or that the applicant is not a duly qualified
17 elector in the precinct, or otherwise qualified to vote, or that
18 the ballot envelope is open or has been opened and resealed, or
19 the voter is not eligible to vote absentee, the previously cast
20 vote shall not be allowed. Without opening the voter's envelope



21 the resolution board shall mark across its face "REJECTED", with
22 the reason therefor.

23 (2) For all absentee votes received by mail, if the ballot
24 envelope contains more than one (1) ballot of any kind, the ballot
25 shall not be counted but shall be marked "REJECTED", with the
26 reason therefor, and the registrar shall promptly notify the voter
27 of such rejection. The voter's envelopes and affidavits, and the
28 voter's envelope with its contents unopened, when such vote is
29 rejected, shall be retained and preserved in the same manner as
30 other ballots at the election. Such votes may be challenged in
31 the same manner and for the same reasons that any other vote cast
32 in such election may be challenged.

33 (3) If an affidavit is required and the officials find that
34 the affidavit is insufficient, or if the officials find that the
35 absentee voter is otherwise disqualified to vote, the envelope
36 shall not be opened and a commissioner or executive committee
37 member shall write across the face of the envelope "REJECTED"
38 giving the reason therefor, and the registrar shall promptly
39 notify the voter of such rejection.

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

44 (5) All electors voting absentee shall be provided with
45 written information to inform the person how to ascertain whether



46 his or her ballot was counted and, if rejected, the reason
47 therefor.

48 (6) (a) If a voter's absentee ballot is rejected under
49 Section 23-15-639 for the signatures not corresponding between the
50 absentee application and the absentee ballot envelope, the
51 registrar may notify the voter within one (1) business day of the
52 election that the voter's absentee ballot has been provisionally
53 rejected.

54 (b) If the notice is sent to the voter, the notice must
55 inform the voter:

56 (i) Of why the absentee ballot has been
57 tentatively rejected and how the voter may cure the deficiency;
58 and

59 (ii) That if the voter does not cure the
60 deficiency by noon on the fifth business day post-election, the
61 voter's ballot will not be counted.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2021.

