

By: Representative Hobgood-Wilkes

To: Apportionment and Elections

HOUSE BILL NO. 646

1 AN ACT TO PROVIDE THAT AN OFFICER OR EMPLOYEE OF THIS STATE  
 2 OR OF A POLITICAL SUBDIVISION OF THIS STATE MAY NOT DISTRIBUTE, OR  
 3 USE PUBLIC FUNDS TO CAUSE TO BE DISTRIBUTED, AN ABSENTEE BALLOT OR  
 4 AN ABSENTEE BALLOT APPLICATION TO A PERSON WHO DID NOT REQUEST A  
 5 BALLOT OR APPLICATION; TO PROVIDE THAT NO OFFICER OR EMPLOYEE OF  
 6 THIS STATE, OR ANY POLITICAL SUBDIVISION OF THIS STATE, MAY  
 7 ESTABLISH BALLOT DROP BOXES OR ANY SIMILAR RECEPTACLE FOR THE  
 8 COLLECTION OF BALLOTS; TO REVISE THE ABSENTEE BALLOT ENVELOPE; TO  
 9 PROVIDE PENALTIES; TO AMEND SECTIONS 23-15-623, 23-15-625,  
 10 23-15-627, 23-15-631, 23-15-657, 23-15-715 AND 23-15-755,  
 11 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS  
 12 ACT; TO BRING FORWARD SECTIONS 23-15-629, 23-15-641, 23-15-721 AND  
 13 23-15-751, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
 14 AMENDMENT; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) Except as otherwise provided in this act, an  
 17 officer or employee of this state or of a political subdivision of  
 18 this state may not distribute an absentee ballot or an absentee  
 19 ballot application to a person who did not request a ballot or  
 20 application as provided in Sections 23-15-621 through 23-15-657  
 21 and Sections 23-15-711 through 23-15-755.

22 (2) An officer or employee of this state or of a political  
 23 subdivision of this state may not use public funds to cause an  
 24 absentee ballot or absentee ballot application to be distributed



25 to a person who did not request a ballot or application as  
26 provided in Sections 23-15-621 through 23-15-657 and Sections  
27 23-15-711 through 23-15-755.

28 (3) No person, except an officer or employee of this state or  
29 a political subdivision of this state and as authorized by this  
30 section, may distribute an application form for an absentee ballot  
31 or an absentee ballot to any person requesting the same.

32 (4) No officer or employee of this state, or any political  
33 subdivision of this state, may establish ballot drop boxes or any  
34 similar receptacle for the collection of ballots.

35 **SECTION 2.** (1) Any person who violates the provisions of  
36 this act shall be guilty of a felony and, upon conviction, shall  
37 be sentenced to pay a fine of up to Five Thousand Dollars  
38 (\$5,000.00), or by imprisonment in the county jail for no more  
39 than one (1) year, or by both fine and imprisonment, or by being  
40 sentenced to the State Penitentiary for not less than one (1) year  
41 nor more than ten (10) years.

42 (2) The provisions of this act shall not apply to Sections  
43 23-15-671 through 23-15-701, the Armed Services Absentee Voting  
44 Law.

45 (3) The Secretary of State shall promulgate any rules and  
46 regulations as necessary to effectuate the provisions of this act.

47 **SECTION 3.** It is the intent of the Legislature that every  
48 provision of this section shall operate with equal force and shall  
49 be severable one from the other and that, in the event that any



50 provision of this section shall be held invalid or unenforceable  
51 by a court of competent jurisdiction, that provision shall be  
52 deemed severable and the remaining provisions of this act deemed  
53 fully enforceable.

54 **SECTION 4.** Section 23-15-623, Mississippi Code of 1972, is  
55 amended as follows:

56 23-15-623. Except as otherwise provided in Sections 1  
57 through 3 of this act, all absentee ballots as authorized in  
58 Sections 23-15-671 through 23-15-697, in Sections 23-15-711  
59 through 23-15-721, and Sections 23-15-731 and 23-15-733, shall be  
60 handled as provided in Sections 23-15-621 through 23-15-653.

61 **SECTION 5.** Section 23-15-625, Mississippi Code of 1972, is  
62 amended as follows:

63 23-15-625. (1) The registrar shall be responsible for  
64 providing applications for absentee voting as provided in this  
65 section and Sections 1 through 3 of this act. At least sixty (60)  
66 days before any election in which absentee voting is provided for  
67 by law, the registrar shall provide a sufficient number of  
68 applications. In the event a special election is called and set  
69 at a date which makes it impractical or impossible to prepare  
70 applications for absent elector's ballot sixty (60) days before  
71 the election, the registrar shall provide applications as soon as  
72 practicable after the election is called. The registrar shall  
73 fill in the date of the particular election on the application for  
74 which the application will be used.



75           (2) The registrar shall be authorized to disburse  
76 applications for absentee ballots to any qualified elector within  
77 the county where he or she serves and as provided in Sections 1  
78 through 3 of this act. Any person who presents to the registrar  
79 an oral or written request for an absentee ballot application for  
80 a voter entitled to vote absentee by mail, other than the elector  
81 who seeks to vote by absentee ballot, shall, in the presence of  
82 the registrar, sign the application and print on the application  
83 his or her name and address and the name of the elector for whom  
84 the application is being requested in the place provided for on  
85 the application for that purpose. However, if for any reason such  
86 person is unable to write the information required, then the  
87 registrar shall write the information on a printed form which has  
88 been prescribed by the Secretary of State. The form shall provide  
89 a place for such person to place his or her mark after the form  
90 has been filled out by the registrar.

91           (3) It shall be unlawful for any person to solicit absentee  
92 ballot applications or absentee ballots for persons staying in any  
93 skilled nursing facility as defined in Section 41-7-173 unless the  
94 person soliciting the absentee ballot applications or absentee  
95 ballots is:

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



98           (b) A person designated by the person for whom the  
99 absentee ballot application or absentee ballot is sought, the  
100 registrar or the deputy registrar.

101           As used in this subsection, "family member" means a spouse,  
102 parent, grandparent, sibling, adult child, grandchild or legal  
103 guardian.

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

120           (5) The registrar shall also be authorized to mail one (1)  
121 application to any qualified elector of the county, who is



122 eligible to vote by absentee ballot, for use in a particular  
123 election.

124 (6) The registrar shall process all applications for  
125 absentee ballots by using the Statewide Election Management  
126 System. The registrar shall account for all absentee ballots  
127 delivered to and received by mail as well as those who voted  
128 absentee in person from qualified voters by processing such  
129 ballots using the Statewide Election Management System.

130 **SECTION 6.** Section 23-15-627, Mississippi Code of 1972, is  
131 amended as follows:

132 23-15-627. Any elector described in Section 23-15-713 may  
133 request an absentee ballot application and vote in person at the  
134 office of the registrar in the county in which he or she resides.  
135 The registrar shall be responsible for furnishing an absentee  
136 ballot application form to any elector authorized to receive an  
137 absentee ballot. Except as otherwise provided in Section  
138 23-15-625 and Sections 1 through 3 of this act, absentee ballot  
139 applications shall be furnished to a person only upon the oral or  
140 written request of the elector who seeks to vote by absentee  
141 ballot; however, the parent, child, spouse, sibling, legal  
142 guardian, those empowered with a power of attorney for that  
143 elector's affairs or agent of the elector, who is designated in  
144 writing and witnessed by a resident of this state who shall write  
145 his or her physical address on such designation, may orally  
146 request an absentee ballot application on behalf of the elector.



147 The written designation shall be valid for one (1) year after the  
148 date of the designation. An absentee ballot application must have  
149 the seal of the circuit or municipal clerk affixed to it and be  
150 initialed by the registrar or his or her deputy in order to be  
151 used to obtain an absentee ballot. A reproduction of an absentee  
152 ballot application shall not be valid unless it is a reproduction  
153 provided by the office of the registrar of the jurisdiction in  
154 which the election is being held and which contains the seal and  
155 initials required by this section. Such application shall be  
156 substantially in the following form:

157 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

158 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
159 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
160 the purview of the definition 'ABSENT ELECTOR' will be absent from  
161 the county of my residence on election day, or unable to vote in  
162 person because (check appropriate reason):

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

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

169 ( ) I am a member of the Merchant Marine or the American Red  
170 Cross and am a citizen of Mississippi or spouse or dependent of  
171 such member.



172           ( ) I am a disabled war veteran who is a patient in any  
173 hospital and am a citizen of Mississippi or spouse or dependent of  
174 such veteran.

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

179           ( ) I am a citizen of Mississippi temporarily residing  
180 outside the territorial limits of the United States and the  
181 District of Columbia.

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

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

191           ( ) I have a temporary or permanent physical  
192 disability \* \* \*.

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

194           ( ) I am the parent, spouse or dependent of a person with a  
195 temporary or permanent physical disability who is hospitalized  
196 outside his or her county of residence or more than fifty (50)





197 miles away from his or her residence, and I will be with such  
198 person on election day.

199       ( ) I am a member of the congressional delegation, or spouse  
200 or dependent of a member of the congressional delegation.

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

203       I hereby make application for an official ballot, or ballots,  
204 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

205       Mail 'Absent Elector's Ballot' to me at the following address  
206 \_\_\_\_\_.

207       ( ) I wish to receive an absentee ballot for the runoff  
208 election \_\_\_\_\_.

209       I realize that I can be fined up to Five Thousand Dollars  
210 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
211 for making a false statement in this application and for selling  
212 my vote and violating the Mississippi Absentee Voter Law. (This  
213 sentence is to be in bold print.)

214       If you are temporarily or permanently disabled, you are not  
215 required to have this application notarized or signed by an  
216 official authorized to administer oaths for absentee balloting.  
217 You are required to sign this application in the proper place and  
218 have a person eighteen (18) years of age or older witness your  
219 signature and sign this application in the proper place.

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



222 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
223 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_.

224 \_\_\_\_\_  
225 (Signature of absent elector)

226 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
227 2\_\_.

228 \_\_\_\_\_  
229 (Official authorized to administer oaths  
230 for absentee balloting.)

231 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
232 DISABLED:

233 I HEREBY CERTIFY that this application for an absent  
234 elector's ballot was signed by the above-named elector in my  
235 presence and that I am at least eighteen (18) years of age, this  
236 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_.

237 \_\_\_\_\_  
238 (Signature of witness)

239 CERTIFICATE OF DELIVERY

240 I hereby certify that \_\_\_\_\_ (print name of voter)  
241 has requested that I, \_\_\_\_\_ (print name of person  
242 delivering application), deliver to the voter this absentee ballot  
243 application.

244 \_\_\_\_\_  
245 (Signature of person delivering application)

246 \_\_\_\_\_



247 (Address of person delivering application)"

248 **SECTION 7.** Section 23-15-631, Mississippi Code of 1972, is  
249 amended as follows:

250 23-15-631. (1) The registrar shall enclose with each ballot  
251 mailed to an absent elector separate printed instructions  
252 furnished by the registrar containing the following:

253 (a) All absentee voters, excepting those with temporary  
254 or permanent physical disabilities or those who are sixty-five  
255 (65) years of age or older, who mark their ballots in the county  
256 of the residence shall use the registrar of that county as the  
257 witness. The absentee voter shall come to the office of the  
258 registrar and neither the registrar nor his or her deputy shall be  
259 required to go out of the registrar's office to serve as an  
260 attesting witness.

261 (b) Upon receipt of the enclosed ballot, you will not  
262 mark the ballot except in view or sight of the attesting witness.  
263 In the sight or view of the attesting witness, mark the ballot  
264 according to instructions.

265 (c) After marking the ballot, fill out and sign the  
266 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the  
267 signature is across the flap of the envelope to ensure the  
268 integrity of the ballot. All absent electors shall have the  
269 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
270 the flap on the back of the envelope. Place the necessary postage  
271 on the envelope and deposit it in the post office or some



272 government receptacle provided for deposit of mail so that the  
273 absent elector's ballot will be postmarked on or before the date  
274 of the election and received by the registrar no more than five  
275 (5) business days after the election. No officer or employee of  
276 this state, or any political subdivision of this state, may  
277 establish ballot drop boxes or any similar receptacle for the  
278 collection of ballots.

279 Any notary public, United States postmaster, assistant United  
280 States postmaster, United States postal supervisor, clerk in  
281 charge of a contract postal station, or other officer having  
282 authority to administer an oath or take an acknowledgment may be  
283 an attesting witness; provided, however, that in the case of an  
284 absent elector who is temporarily or permanently physically  
285 disabled, the attesting witness may be any person eighteen (18)  
286 years of age or older and such person is not required to have the  
287 authority to administer an oath. If a postmaster, assistant  
288 postmaster, postal supervisor, or clerk in charge of a contract  
289 postal station acts as an attesting witness, his or her signature  
290 on the elector's certificate must be authenticated by the  
291 cancellation stamp of their respective post offices. If an  
292 officer having authority to administer an oath or take an  
293 acknowledgement acts as attesting witness, his or her signature on  
294 the elector's certificate, together with his or her title and  
295 address, but no seal, shall be required. Any affidavits made by  
296 an absent elector who is in the Armed Forces may be executed



297 before a commissioned officer, warrant officer, or noncommissioned  
298 officer not lower in grade than sergeant rating or any person  
299 authorized to administer oaths.

300 (d) When the application accompanies the ballot it  
301 shall not be returned in the same envelope as the ballot but shall  
302 be returned in a separate preaddressed envelope provided by the  
303 registrar.

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

310 (f) Any voter casting an absentee ballot who declares  
311 that he or she requires assistance to vote by reason of blindness,  
312 temporary or permanent physical disability or inability to read or  
313 write, shall be entitled to receive assistance in the marking of  
314 his or her absentee ballot and in completing the affidavit on the  
315 absentee ballot envelope. The voter may be given assistance by  
316 anyone of the voter's choice other than a candidate whose name  
317 appears on the absentee ballot being marked, the spouse, parent or  
318 child of a candidate whose name appears on the absentee ballot  
319 being marked or the voter's employer, an agent of that employer or  
320 a union representative; however, a candidate whose name is on the  
321 ballot or the spouse, parent or child of such candidate may



322 provide assistance upon request to any voter who is related within  
323 the first degree. In order to ensure the integrity of the ballot,  
324 any person who provides assistance to an absentee voter shall be  
325 required to sign and complete the "Certificate of Person Providing  
326 Voter Assistance" on the absentee ballot envelope.

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

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

334 **SECTION 8.** Section 23-15-657, Mississippi Code of 1972, is  
335 amended as follows:

336 23-15-657. Except as otherwise provided by Sections 1  
337 through 3 of this act, the registrar is authorized to accept  
338 requests for absentee ballots by telephone. When a telephone  
339 request that an absentee ballot application be mailed by the  
340 registrar to an elector is made, the registrar shall ascertain the  
341 name and complete address of the person making the telephone  
342 request and shall print upon the absentee ballot application the  
343 name and complete address of the requestor and the relation of  
344 such person to the voter if requested by a person other than the  
345 voter and the date such request was made. Such requests shall be  
346 processed through the Statewide Election Management System.



347           **SECTION 9.** Section 23-15-715, Mississippi Code of 1972, is  
348 amended as follows:

349           23-15-715. Except as otherwise provided in Sections 1  
350 through 3 of this act, any elector desiring an absentee ballot as  
351 provided in this subarticle may secure same if:

352           (a) Not more than forty-five (45) days nor later than  
353 12:00 noon \* \* \* on the Saturday immediately preceding elections  
354 held on Tuesday, the Thursday immediately preceding elections held  
355 on Saturday, or the second day immediately preceding the date of  
356 elections held on other days, he shall appear in person before the  
357 registrar of the county in which he resides, or for municipal  
358 elections he shall appear in person before the city clerk of the  
359 municipality in which he resides and, when the elector so appears,  
360 he shall execute and file an application as provided in Section  
361 23-15-627 and vote by absentee ballot, except that if the ballot  
362 has not been printed by forty-five (45) days preceding the  
363 election, the elector may appear and file an application anytime  
364 before the election. Then the absentee ballot shall be mailed by  
365 the circuit clerk to the elector as soon as the ballot has been  
366 printed.

367           (b) Within forty-five (45) days next prior to any  
368 election, any elector who cannot comply with paragraph (a) of this  
369 section by reason of temporarily residing outside the county, or  
370 any person who has a temporary or permanent physical disability,  
371 persons who are sixty-five (65) years of age or older, or any



372 person who is the parent, spouse or dependent of a temporarily or  
373 permanently physically disabled person who is hospitalized outside  
374 of his county of residence or more than fifty (50) miles away from  
375 his residence and such parent, spouse or dependent will be with  
376 such person on election day, may make application for an absentee  
377 ballot by mailing the appropriate application to the registrar.  
378 Only persons temporarily residing out of the county of their  
379 residence, persons having a temporary or permanent physical  
380 disability, persons who are sixty-five (65) years of age or older,  
381 or any person who is the parent, spouse or dependent of a  
382 temporarily or permanently physically disabled person who is  
383 hospitalized outside of his county of residence or more than fifty  
384 (50) miles away from his residence, and such parent, spouse or  
385 dependent will be with such person on election day, may obtain  
386 absentee ballots by mail under the provisions of this subsection  
387 and as provided by Section 23-15-713. Applications of persons  
388 temporarily residing outside the county shall be sworn to and  
389 subscribed before an official who is authorized to administer  
390 oaths or other official authorized to witness absentee balloting  
391 as provided in this chapter, said application to be accompanied by  
392 such verifying affidavits as required by this chapter. The  
393 applications of persons having a temporary or permanent physical  
394 disability shall not be required to be accompanied by an affidavit  
395 but shall be witnessed and signed by a person eighteen (18) years  
396 of age or older. The registrar shall send to such absent voter a





397 proper absentee voter ballot within twenty-four (24) hours, or as  
398 soon thereafter as the ballots are available, containing the names  
399 of all candidates who qualify or the proposition to be voted on in  
400 such election, and with such ballot there shall be sent an  
401 official envelope containing upon it in printed form the recitals  
402 and data hereinafter required.

403 (c) Except when the voter has requested a runoff ballot  
404 on the initial absentee ballot application, upon request for a  
405 runoff ballot pursuant to Section 23-15-719, the registrar shall  
406 mail together the absentee ballot application and the absentee  
407 ballot to the absent voter for the runoff election.

408 **SECTION 10.** Section 23-15-755, Mississippi Code of 1972, is  
409 amended as follows:

410 23-15-755. All of the provisions of Sections 23-15-621  
411 through 23-15-735, and Sections 1 through 3 of this act, shall be  
412 applicable, insofar as possible, to municipal, primary,  
413 preferential, general and special elections, and wherever herein  
414 any duty is imposed or any power or authority is conferred upon  
415 the county registrar, county election commissioners, or county  
416 executive committee with reference to a state and county election,  
417 such duty shall likewise be imposed and such power and authority  
418 shall likewise be conferred upon the municipal registrar,  
419 municipal election commission or municipal executive committee  
420 with reference to any municipal election. Any duty, obligation or  
421 responsibility imposed upon the registrar or upon the election



422 commissioners, when applicable, shall likewise be conferred upon  
423 and devolved upon the appropriate party, executive committee or  
424 officials in any party primary.

425         **SECTION 11.** Section 23-15-629, Mississippi Code of 1972, is  
426 brought forward as follows:

427         23-15-629. (1) The application for an absentee ballot of a  
428 person who is permanently physically disabled shall be accompanied  
429 by a statement signed by such person's physician, or nurse  
430 practitioner, which statement must show that the person signing  
431 the statement is a licensed, practicing medical doctor or nurse  
432 practitioner and must indicate that the person applying for the  
433 absentee ballot is permanently physically disabled to such a  
434 degree that it is difficult for him or her to vote in person.

435         (2) An application accompanied by the statement provided for  
436 in subsection (1) of this section shall entitle such permanently  
437 physically disabled person to automatically receive an absentee  
438 ballot for all elections on a continuing basis without the  
439 necessity for reapplication.

440         (3) The registrar of each county shall keep an accurate list  
441 of the names and addresses of all persons whose applications for  
442 absentee ballot are accompanied by the statement set forth in  
443 subsection (1) of this section. Sixty (60) days before each  
444 election, the registrar shall deliver such list to the election  
445 commissioners who shall examine the list and delete from it the  
446 names of all persons listed who are no longer qualified electors



447 of the county. Upon completion of such examination, the election  
448 commissioners shall return the list to the registrar by no later  
449 than forty-five (45) days before the election.

450 (4) The registrar shall mail a ballot to all persons who are  
451 determined by the election commissioners to be qualified electors  
452 pursuant to subsection (3) of this section by no later than forty  
453 (40) days before the election.

454 **SECTION 12.** Section 23-15-641, Mississippi Code of 1972, is  
455 brought forward as follows:

456 23-15-641. (1) For all absentee votes received by mail, if  
457 an affidavit or the certificate of the officer before whom the  
458 affidavit is taken is required and such affidavit or certificate  
459 is found to be insufficient, or if it is found that the signatures  
460 do not correspond, or that the applicant is not a duly qualified  
461 elector in the precinct, or otherwise qualified to vote, or that  
462 the ballot envelope is open or has been opened and resealed, or  
463 the voter is not eligible to vote absentee, the previously cast  
464 vote shall not be allowed. Without opening the voter's envelope  
465 the resolution board shall mark across its face "REJECTED", with  
466 the reason therefor.

467 (2) For all absentee votes received by mail, if the ballot  
468 envelope contains more than one (1) ballot of any kind, the ballot  
469 shall not be counted but shall be marked "REJECTED", with the  
470 reason therefor, and the registrar shall promptly notify the voter  
471 of such rejection. The voter's envelopes and affidavits, and the



472 voter's envelope with its contents unopened, when such vote is  
473 rejected, shall be retained and preserved in the same manner as  
474 other ballots at the election. Such votes may be challenged in  
475 the same manner and for the same reasons that any other vote cast  
476 in such election may be challenged.

477 (3) If an affidavit is required and the officials find that  
478 the affidavit is insufficient, or if the officials find that the  
479 absentee voter is otherwise disqualified to vote, the envelope  
480 shall not be opened and a commissioner or executive committee  
481 member shall write across the face of the envelope "REJECTED"  
482 giving the reason therefor, and the registrar shall promptly  
483 notify the voter of such rejection.

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

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

492 **SECTION 13.** Section 23-15-721, Mississippi Code of 1972, is  
493 brought forward as follows:

494 23-15-721. (1) Absentee ballots requested under the  
495 provisions of Section 23-15-715 for electors temporarily residing  
496 outside the county of residence shall be mailed to the elector's



497 address outside of the county in which he or she is registered,  
498 and such electors shall appear before any official authorized to  
499 administer oaths or other official authorized to witness absentee  
500 balloting as provided in this article. The elector shall exhibit  
501 to such official his or her absentee ballot unmarked and thereupon  
502 proceed in secret to fill in the ballot. After the elector has  
503 properly marked the ballot and properly folded it, he or she shall  
504 deposit it in the envelope furnished him or her. After the  
505 elector has sealed the envelope he or she shall deliver it to the  
506 official before whom he or she is appearing and shall subscribe  
507 and swear to the elector's certificate provided for in Section  
508 23-15-635, which affidavit shall be printed on the back of the  
509 envelope as provided for in Section 23-15-635 containing the  
510 elector's ballot.

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

515 (3) After the completion of the requirements of this  
516 section, the elector shall mail the envelope containing the ballot  
517 to the registrar in the county wherein the elector is qualified to  
518 vote. The ballots must be postmarked by the date of the election  
519 and received by the registrar no more than five (5) business days  
520 after the election to be counted; any received after such time



521 shall be handled as provided in Section 23-15-647 and shall not be  
522 counted.

523         **SECTION 14.** Section 23-15-751, Mississippi Code of 1972, is  
524 brought forward as follows:

525         23-15-751. If any registrar or commissioner of elections  
526 shall refuse or neglect to perform any of the duties prescribed by  
527 Sections 23-15-621 through 23-15-735, or shall knowingly permit  
528 any person to sign a false affidavit or otherwise knowingly permit  
529 any person to violate Sections 23-15-621 through 23-15-735, or  
530 shall violate any of the provisions thereof, or if any officer  
531 taking the affidavits as provided in said acts shall make any  
532 false statement in his certificate thereto attached, he shall,  
533 upon conviction, be deemed guilty of a crime and shall be punished  
534 by a fine not exceeding One Thousand Dollars (\$1,000.00) or by  
535 imprisonment in the Penitentiary not exceeding one (1) year, and  
536 shall be removed from office.

537         **SECTION 15.** This act shall take effect and be in force from  
538 and after July 1, 2022.

