

By: Representatives Karriem, Taylor

To: Apportionment and
Elections; Judiciary B

HOUSE BILL NO. 850

1 AN ACT TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT A QUALIFIED ELECTOR CURRENTLY DETAINED BEFORE
 3 TRIAL, BUT WHO HAS NOT BEEN CONVICTED, AND WILL BE DETAINED ON
 4 ELECTION DAY DURING THE TIME WHICH THE POLLS WILL BE OPEN SHALL BE
 5 ENTITLED TO VOTE BY ABSENTEE BALLOT; TO AMEND SECTION 23-15-631,
 6 23-15-713 AND 23-15-715, MISSISSIPPI CODE OF 1972, TO CONFORM TO
 7 THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION 23-15-721,
 8 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
 9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-627, Mississippi Code of 1972, is
 12 amended as follows:

13 23-15-627. Any elector described in Section 23-15-713 may
 14 request an absentee ballot application and vote in person at the
 15 office of the registrar in the county in which he or she resides.
 16 The registrar shall be responsible for furnishing an absentee
 17 ballot application form to any elector authorized to receive an
 18 absentee ballot. Except as otherwise provided in Section
 19 23-15-625, absentee ballot applications shall be furnished to a
 20 person only upon the oral or written request of the elector who
 21 seeks to vote by absentee ballot; however, the parent, child,



22 spouse, sibling, legal guardian, those empowered with a power of
23 attorney for that elector's affairs or agent of the elector, who
24 is designated in writing and witnessed by a resident of this state
25 who shall write his or her physical address on such designation,
26 may orally request an absentee ballot application on behalf of the
27 elector. The written designation shall be valid for one (1) year
28 after the date of the designation. An absentee ballot application
29 must have the seal of the circuit or municipal clerk affixed to it
30 and be initialed by the registrar or his or her deputy in order to
31 be used to obtain an absentee ballot. A reproduction of an
32 absentee ballot application shall not be valid unless it is a
33 reproduction provided by the office of the registrar of the
34 jurisdiction in which the election is being held and which
35 contains the seal and initials required by this section. Such
36 application shall be substantially in the following form:

37 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

38 I, _____, duly qualified and registered in the ____ Precinct
39 of the County of _____, and State of Mississippi, coming within
40 the purview of the definition 'ABSENT ELECTOR' will be absent from
41 the county of my residence on election day, or unable to vote in
42 person because (check appropriate reason):

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



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

49 () I am a member of the Merchant Marine or the American Red
50 Cross and am a citizen of Mississippi or spouse or dependent of
51 such member.

52 () I am a disabled war veteran who is a patient in any
53 hospital and am a citizen of Mississippi or spouse or dependent of
54 such veteran.

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

59 () I am a citizen of Mississippi temporarily residing
60 outside the territorial limits of the United States and the
61 District of Columbia.

62 () I am a student, teacher or administrator at a college,
63 university, junior or community college, high, junior high,
64 elementary or grade school, whose studies or employment at such
65 institution necessitates my absence from the county of my voting
66 residence or spouse or dependent of such student, teacher or
67 administrator who maintains a common domicile outside the county
68 of my voting residence with such student, teacher or
69 administrator.

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



71 () I have a temporary or permanent physical
72 disability * * *.

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

74 () I am the parent, spouse or dependent of a person with a
75 temporary or permanent physical disability who is hospitalized
76 outside his or her county of residence or more than fifty (50)
77 miles away from his or her residence, and I will be with such
78 person on election day.

79 () I am a member of the congressional delegation, or spouse
80 or dependent of a member of the congressional delegation.

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

83 () I am currently detained before my trial, but have not
84 been convicted, and will be detained on election day during the
85 time which the polls will be open.

86 I hereby make application for an official ballot, or ballots,
87 to be voted by me at the election to be held in _____, on _____.

88 Mail 'Absent Elector's Ballot' to me at the following address
89 _____.

90 () I wish to receive an absentee ballot for the runoff
91 election _____.

92 I realize that I can be fined up to Five Thousand Dollars
93 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
94 for making a false statement in this application and for selling



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

97 If you are temporarily or permanently disabled, or if you are
98 detained before trial, but have not been convicted, you are not
99 required to have this application notarized or signed by an
100 official authorized to administer oaths for absentee balloting.
101 You are required to sign this application in the proper place and
102 have a person eighteen (18) years of age or older witness your
103 signature and sign this application in the proper place.

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

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

108 _____
109 (Signature of absent elector)

110 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
111 2__.

112 _____
113 (Official authorized to administer oaths
114 for absentee balloting.)

115 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
116 DISABLED:

117 I HEREBY CERTIFY that this application for an absent
118 elector's ballot was signed by the above-named elector in my



119 presence and that I am at least eighteen (18) years of age, this
120 the _____ day of _____, 2____.

121 _____
122 (Signature of witness)

123 CERTIFICATE OF DELIVERY

124 I hereby certify that _____ (print name of voter)
125 has requested that I, _____ (print name of person
126 delivering application), deliver to the voter this absentee ballot
127 application.

128 _____
129 (Signature of person delivering application)

130 _____
131 (Address of person delivering application)

132 TO BE SIGNED BY WITNESS FOR VOTERS DETAINED BEFORE TRIAL:

133 I HEREBY CERTIFY that this application for an absent
134 elector's ballot was signed by the above-named detained elector in
135 my presence and that I am at least eighteen (18) years of age,
136 this the _____ day of _____, 2_____.

137 _____
138 (Signature of witness)

139 CERTIFICATE OF DELIVERY

140 I hereby certify that _____ (print name of voter) has
141 requested that I, _____ (print name of person delivering
142 application), deliver to the voter this absentee ballot
143 application.



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(Signature of person delivering application)

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(Address of person delivering application)"

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SECTION 2. Section 23-15-631, Mississippi Code of 1972, is

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amended as follows:

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23-15-631. (1) The registrar shall enclose with each ballot

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mailed to an absent elector separate printed instructions

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furnished by the registrar containing the following:

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(a) All absentee voters, excepting those with temporary

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or permanent physical disabilities * * *, those who are sixty-five

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(65) years of age or older * * * or those who are detained before

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trial, who mark their ballots in the county of the residence shall

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use the registrar of that county as the witness. The absentee

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voter shall come to the office of the registrar and neither the

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registrar nor his or her deputy shall be required to go out of the

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registrar's office to serve as an attesting witness.

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(b) Upon receipt of the enclosed ballot, you will not

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mark the ballot except in view or sight of the attesting witness.

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In the sight or view of the attesting witness, mark the ballot

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according to instructions.

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(c) After marking the ballot, fill out and sign the

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"ELECTOR'S CERTIFICATE" on the back of the envelope so that the

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signature is across the flap of the envelope to ensure the

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integrity of the ballot. All absent electors shall have the



169 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
170 the flap on the back of the envelope. Place the necessary postage
171 on the envelope and deposit it in the post office or some
172 government receptacle provided for deposit of mail so that the
173 absent elector's ballot will be postmarked on or before the date
174 of the election and received by the registrar no more than five
175 (5) business days after the election.

176 Any notary public, United States postmaster, assistant United
177 States postmaster, United States postal supervisor, clerk in
178 charge of a contract postal station, or other officer having
179 authority to administer an oath or take an acknowledgment may be
180 an attesting witness; provided, however, that in the case of an
181 absent elector who is temporarily or permanently physically
182 disabled or detained before trial, the attesting witness may be
183 any person eighteen (18) years of age or older and such person is
184 not required to have the authority to administer an oath. If a
185 postmaster, assistant postmaster, postal supervisor, or clerk in
186 charge of a contract postal station acts as an attesting witness,
187 his or her signature on the elector's certificate must be
188 authenticated by the cancellation stamp of their respective post
189 offices. If an officer having authority to administer an oath or
190 take an acknowledgement acts as attesting witness, his or her
191 signature on the elector's certificate, together with his or her
192 title and address, but no seal, shall be required. Any affidavits
193 made by an absent elector who is in the Armed Forces may be



194 executed before a commissioned officer, warrant officer, or
195 noncommissioned officer not lower in grade than sergeant rating or
196 any person authorized to administer oaths.

197 (d) When the application accompanies the ballot it
198 shall not be returned in the same envelope as the ballot but shall
199 be returned in a separate preaddressed envelope provided by the
200 registrar.

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

207 (f) Any voter casting an absentee ballot who declares
208 that he or she requires assistance to vote by reason of blindness,
209 temporary or permanent physical disability or inability to read or
210 write, shall be entitled to receive assistance in the marking of
211 his or her absentee ballot and in completing the affidavit on the
212 absentee ballot envelope. The voter may be given assistance by
213 anyone of the voter's choice other than a candidate whose name
214 appears on the absentee ballot being marked, the spouse, parent or
215 child of a candidate whose name appears on the absentee ballot
216 being marked or the voter's employer, an agent of that employer or
217 a union representative; however, a candidate whose name is on the
218 ballot or the spouse, parent or child of such candidate may



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

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

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

231 **SECTION 3.** Section 23-15-713, Mississippi Code of 1972, is
232 amended as follows:

233 23-15-713. For the purpose of this subarticle, any duly
234 qualified elector may vote as provided in this subarticle if the
235 elector falls within at least one (1) of the following categories:

236 (a) Any qualified elector who is a bona fide student,
237 teacher or administrator at any college, university, junior
238 college, high, junior high, or elementary grade school whose
239 studies or employment at such institution necessitates his or her
240 absence from the county of his or her voting residence on the date
241 of any primary, general or special election, or the spouse and
242 dependents of that student, teacher or administrator if such
243 spouse or dependent(s) maintain a common domicile, outside of the



244 county of his or her voting residence, with such student, teacher
245 or administrator.

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

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

254 (d) Any person who has a temporary or permanent
255 physical disability and who, because of such disability, is unable
256 to vote in person without substantial hardship to himself, herself
257 or others, or whose attendance at the voting place could
258 reasonably cause danger to himself, herself or others. * * *

259 (e) The parent, spouse or dependent of a person with a
260 temporary or permanent physical disability who is hospitalized
261 outside of his or her county of residence or more than fifty (50)
262 miles distant from his or her residence, if the parent, spouse or
263 dependent will be with such person on election day. * * *

264 (f) Any person who is sixty-five (65) years of age or
265 older.

266 (g) Any member of the Mississippi congressional
267 delegation absent from Mississippi on election day, and the spouse
268 and dependents of such member of the congressional delegation.



269 (h) Any qualified elector who will be unable to vote in
270 person because he or she is required to be at work on election day
271 during the times at which the polls will be open.

272 (i) Any qualified elector who will be detained before
273 his or her trial, but has not been convicted, and will be detained
274 on election day during the times at which the polls will be open.

275 **SECTION 4.** Section 23-15-715, Mississippi Code of 1972, is
276 amended as follows:

277 23-15-715. Any elector desiring an absentee ballot as
278 provided in this subarticle may secure same if:

279 (a) Not more than forty-five (45) days nor later than
280 12:00 noon, or 5:00 p.m. during the year 2020, on the Saturday
281 immediately preceding elections held on Tuesday, the Thursday
282 immediately preceding elections held on Saturday, or the second
283 day immediately preceding the date of elections held on other
284 days, he or she shall appear in person before the registrar of the
285 county in which he or she resides, or for municipal elections he
286 or she shall appear in person before the city clerk of the
287 municipality in which he or she resides and, when the elector so
288 appears, he or she shall execute and file an application as
289 provided in Section 23-15-627 and vote by absentee ballot, except
290 that if the ballot has not been printed by forty-five (45) days
291 preceding the election, the elector may appear and file an
292 application anytime before the election. Then the absentee ballot



293 shall be mailed by the circuit clerk to the elector as soon as the
294 ballot has been printed.

295 (b) Within forty-five (45) days next * * * before any
296 election, any elector who cannot comply with paragraph (a) of this
297 section by reason of temporarily residing outside the county, or
298 any person who has a temporary or permanent physical disability,
299 persons who are sixty-five (65) years of age or older, * * * any
300 person who is the parent, spouse or dependent of a temporarily or
301 permanently physically disabled person who is hospitalized outside
302 of his or her county of residence or more than fifty (50) miles
303 away from his or her residence and such parent, spouse or
304 dependent will be with such person on election day, or any person
305 who will be detained before his or her trial, but has not been
306 convicted, and will be detained on election day during the times
307 at which the polls will be open, may make application for an
308 absentee ballot by mailing the appropriate application to the
309 registrar. Only persons temporarily residing out of the county of
310 their residence, persons having a temporary or permanent physical
311 disability, persons who are sixty-five (65) years of age or
312 older, * * * any person who is the parent, spouse or dependent of
313 a temporarily or permanently physically disabled person who is
314 hospitalized outside of his or her county of residence or more
315 than fifty (50) miles away from his or her residence, and such
316 parent, spouse or dependent will be with such person on election
317 day, or any person who will be detained before his or her trial,



318 but has not been convicted, and will be detained on election day
319 during the times as which the polls will be open, may obtain
320 absentee ballots by mail under the provisions of this subsection
321 and as provided by Section 23-15-713. Applications of persons
322 temporarily residing outside the county shall be sworn to and
323 subscribed before an official who is authorized to administer
324 oaths or other official authorized to witness absentee balloting
325 as provided in this chapter, * * * such application to be
326 accompanied by such verifying affidavits as required by this
327 chapter. The applications of persons having a temporary or
328 permanent physical disability or being detained before trial shall
329 not be required to be accompanied by an affidavit but shall be
330 witnessed and signed by a person eighteen (18) years of age or
331 older. The registrar shall send to such absent voter a proper
332 absentee voter ballot within twenty-four (24) hours, or as soon
333 thereafter as the ballots are available, containing the names of
334 all candidates who qualify or the proposition to be voted on in
335 such election, and with such ballot there shall be sent an
336 official envelope containing upon it in printed form the recitals
337 and data hereinafter required.

338 (c) Except when the voter has requested a runoff ballot
339 on the initial absentee ballot application, upon request for a
340 runoff ballot pursuant to Section 23-15-719, the registrar shall
341 mail together the absentee ballot application and the absentee
342 ballot to the absent voter for the runoff election.



343 **SECTION 5.** Section 23-15-721, Mississippi Code of 1972, is
344 brought forward as follows:

345 23-15-721. (1) Absentee ballots requested under the
346 provisions of Section 23-15-715 for electors temporarily residing
347 outside the county of residence shall be mailed to the elector's
348 address outside of the county in which he or she is registered,
349 and such electors shall appear before any official authorized to
350 administer oaths or other official authorized to witness absentee
351 balloting as provided in this article. The elector shall exhibit
352 to such official his or her absentee ballot unmarked and thereupon
353 proceed in secret to fill in the ballot. After the elector has
354 properly marked the ballot and properly folded it, he or she shall
355 deposit it in the envelope furnished him or her. After the
356 elector has sealed the envelope he or she shall deliver it to the
357 official before whom he or she is appearing and shall subscribe
358 and swear to the elector's certificate provided for in Section
359 23-15-635, which affidavit shall be printed on the back of the
360 envelope as provided for in Section 23-15-635 containing the
361 elector's ballot.

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

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



368 to the registrar in the county wherein the elector is qualified to
369 vote. The ballots must be postmarked by the date of the election
370 and received by the registrar no more than five (5) business days
371 after the election to be counted; any received after such time
372 shall be handled as provided in Section 23-15-647 and shall not be
373 counted.

374 **SECTION 6.** This act shall take effect and be in force from
375 and after July 1, 2022.

