

By: Representative Summers

To: Apportionment and
Elections

HOUSE BILL NO. 71

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 USING AN OPTICAL MARK READING
 5 EQUIPMENT MACHINE UNLESS THE REGISTRAR DETERMINES THAT THOSE
 6 METHODS WOULD BE TOO EXPENSIVE OR INEFFICIENT, IN WHICH CASE
 7 ABSENTEE PAPER BALLOTS MAY BE USED; TO AMEND SECTIONS 23-15-625,
 8 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639,
 9 23-15-641, 23-15-643, 23-15-645, 23-15-649, 23-15-657, 23-15-713,
 10 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-735,
 11 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
 12 ACT; AND FOR RELATED PURPOSES.

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

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

20 (2) (a) Except as otherwise provided in paragraph (b) of
 21 this subsection (2), all absentee votes cast in person at the
 22 office of the registrar as provided in subsection (1) of this
 23 section shall be cast on a ballot that is fed through an optical



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

34 (b) If the registrar of any county determines that
35 conducting absentee voting in the office of the registrar as
36 provided in subsection (1) of this section with an official ballot
37 that is fed through an optical mark reading equipment machine will
38 be too expensive or inefficient, that registrar may choose to
39 conduct the absentee voting in the office of the registrar with
40 absentee paper ballots that shall be voted and placed inside the
41 official envelope provided by the registrar and then deposited
42 into the sealed ballot box not later than 5:00 p.m. on the
43 Saturday immediately preceding elections held on Tuesday, the
44 Thursday immediately preceding elections held on Saturday, or the
45 second day immediately preceding the date of elections held on
46 other days. At the close of business each day at the office of
47 the registrar, the ballot box shall be sealed and not unsealed
48 until the beginning of the next business day. For each election,



49 the election officials shall prepare absentee paper ballots and
50 official envelopes that comply with the provisions of this
51 section.

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

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

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

59 23-15-625. (1) The registrar shall be responsible for
60 providing applications for absentee voting by mail as provided in
61 this section. Qualified voters voting in person at the office of
62 the registrar as provided in Section 1 of this act shall not be
63 required to complete an absentee ballot application. At least
64 sixty (60) days before any election in which absentee voting is
65 provided for by law, the registrar shall provide a sufficient
66 number of applications for those who will vote absentee by mail.
67 In the event a special election is called and set at a date which
68 makes it impractical or impossible to prepare applications for
69 absent elector's ballot sixty (60) days before the election, the
70 registrar shall provide applications as soon as practicable after
71 the election is called. The registrar shall fill in the date of
72 the particular election on the application for which the
73 application will be used.



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

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

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



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

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

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

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



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

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

129 **SECTION 3.** Section 23-15-627, Mississippi Code of 1972, is
130 amended as follows:

131 23-15-627. Any elector described in Section 23-15-713 may
132 request an absentee ballot application and vote * * * by
133 mail * * *. The registrar shall be responsible for furnishing an
134 absentee ballot application form to any elector authorized to
135 receive an absentee ballot by mail. Except as otherwise provided
136 in Section 23-15-625, absentee ballot applications shall be
137 furnished to a person only upon the oral or written request of the
138 elector who seeks to vote by absentee ballot; however, the parent,
139 child, spouse, sibling, legal guardian, those empowered with a
140 power of attorney for that elector's affairs or agent of the
141 elector, who is designated in writing and witnessed by a resident
142 of this state who shall write his or her physical address on such
143 designation, may orally request an absentee ballot application on
144 behalf of the elector. The written designation shall be valid for
145 one (1) year after the date of the designation. An absentee



146 ballot application must have the seal of the circuit or municipal
147 clerk affixed to it and be initialed by the registrar or his or
148 her deputy in order to be used to obtain an absentee ballot. A
149 reproduction of an absentee ballot application shall not be valid
150 unless it is a reproduction provided by the office of the
151 registrar of the jurisdiction in which the election is being held
152 and which contains the seal and initials required by this section.
153 Such application shall be substantially in the following form:

154 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

155 I, _____, duly qualified and registered in the ____ Precinct
156 of the County of _____, and State of Mississippi, coming within
157 the purview of the definition 'ABSENT ELECTOR' will be absent from
158 the county of my residence on election day, or unable to vote in
159 person because (check appropriate reason) and need to be mailed an
160 absentee ballot application:

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

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

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



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

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

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

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

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

189 () I have a temporary or permanent physical
190 disability * * *.

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

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



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

197 () I am a member of the congressional delegation, or spouse
198 or dependent of a member of the congressional delegation.

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

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

203 Mail 'Absent Elector's Ballot' to me at the following address
204 _____.

205 () I wish to receive an absentee ballot for the runoff
206 election _____.

207 I realize that I can be fined up to Five Thousand Dollars
208 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
209 for making a false statement in this application and for selling
210 my vote and violating the Mississippi Absentee Voter Law. (This
211 sentence is to be in bold print.)

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

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



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

222 _____
223 (Signature of absent elector)

224 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
225 2__.

226 _____
227 (Official authorized to administer oaths
228 for absentee balloting.)

229 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
230 DISABLED:

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

235 _____
236 (Signature of witness)

237 CERTIFICATE OF DELIVERY

238 I hereby certify that _____ (print name of voter)
239 has requested that I, _____ (print name of person
240 delivering application), deliver to the voter this absentee ballot
241 application.

242 _____
243 (Signature of person delivering application)

244 _____



245 (Address of person delivering application)"

246 **SECTION 4.** Section 23-15-629, Mississippi Code of 1972, is
247 amended as follows:

248 23-15-629. (1) The application for an absentee ballot of a
249 person who is permanently physically disabled shall be accompanied
250 by a statement signed by such person's physician, or nurse
251 practitioner, which statement must show that the person signing
252 the statement is a licensed, practicing medical doctor or nurse
253 practitioner and must indicate that the person applying for the
254 absentee ballot is permanently physically disabled to such a
255 degree that it is difficult for him or her to vote in person.

256 (2) An application accompanied by the statement provided for
257 in subsection (1) of this section shall entitle such permanently
258 physically disabled person to automatically receive an absentee
259 ballot by mail for all elections on a continuing basis without the
260 necessity for reapplication.

261 (3) The registrar of each county shall keep an accurate list
262 of the names and addresses of all persons whose applications for
263 absentee ballots are accompanied by the statement set forth in
264 subsection (1) of this section. Sixty (60) days before each
265 election, the registrar shall deliver such list to the election
266 commissioners who shall examine the list and delete from it the
267 names of all persons listed who are no longer qualified electors
268 of the county. Upon completion of such examination, the election



269 commissioners shall return the list to the registrar by no later
270 than forty-five (45) days before the election.

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

275 **SECTION 5.** Section 23-15-631, Mississippi Code of 1972, is
276 amended as follows:

277 23-15-631. (1) The registrar shall enclose with each ballot
278 mailed to an absent elector separate printed instructions
279 furnished by the registrar containing the following:

280 * * *

281 (* * *a) Upon receipt of the enclosed ballot, you will
282 not mark the ballot except in view or sight of the attesting
283 witness. In the sight or view of the attesting witness, mark the
284 ballot according to instructions.

285 (* * *b) After marking the ballot, fill out and sign
286 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
287 the signature is across the flap of the envelope to ensure the
288 integrity of the ballot. All absent electors shall have the
289 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
290 the flap on the back of the envelope. Place the necessary postage
291 on the envelope and deposit it in the post office or some
292 government receptacle provided for deposit of mail so that the
293 absent elector's ballot will be postmarked on or before the date



294 of the election and received by the registrar no more than five
295 (5) business days after the election.

296 Any notary public, United States postmaster, assistant United
297 States postmaster, United States postal supervisor, clerk in
298 charge of a contract postal station, or other officer having
299 authority to administer an oath or take an acknowledgment may be
300 an attesting witness; provided, however, that in the case of an
301 absent elector who is temporarily or permanently physically
302 disabled, the attesting witness may be any person eighteen (18)
303 years of age or older and such person is not required to have the
304 authority to administer an oath. If a postmaster, assistant
305 postmaster, postal supervisor, or clerk in charge of a contract
306 postal station acts as an attesting witness, his or her signature
307 on the elector's certificate must be authenticated by the
308 cancellation stamp of their respective post offices. If an
309 officer having authority to administer an oath or take an
310 acknowledgement acts as attesting witness, his or her signature on
311 the elector's certificate, together with his or her title and
312 address, but no seal, shall be required. Any affidavits made by
313 an absent elector who is in the Armed Forces may be executed
314 before a commissioned officer, warrant officer, or noncommissioned
315 officer not lower in grade than sergeant rating or any person
316 authorized to administer oaths.

317 (* * *c) When the application accompanies the ballot
318 it shall not be returned by mail in the same envelope as the



319 ballot but shall be returned in a separate preaddressed envelope
320 provided by the registrar.

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

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



343 Person Providing Voter Assistance" on the absentee ballot
344 envelope.

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

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

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

354 23-15-635. (1) The form of the elector's certificate,
355 attesting witness certification and certificate of person
356 providing voter assistance on the back of the envelope used by
357 absentee voters who are not absent voters as defined in Section
358 23-15-673 and who vote absentee by mail, shall be as follows:

359 "ELECTOR'S CERTIFICATE

360 STATE OF _____

361 COUNTY OF _____

362 I, _____, under penalty of perjury do solemnly swear
363 that this envelope contains the ballot marked by me indicating my
364 choice of the candidates or propositions to be submitted at the
365 election to be held on the ___ day of _____, 2____, and I
366 hereby authorize * * * the election managers to open this envelope
367 and place my ballot among the other ballots cast before such



368 ballots are counted, and record my name on the poll list as if I
369 were present in person and voted.

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

376 _____
377 (Signature of voter)

378 CERTIFICATE OF ATTESTING WITNESS

379 Under penalty of perjury I affirm that the above named voter
380 personally appeared before me, on this the ___ day of _____,
381 2____, and is known by me to be the person named, and who, after
382 being duly sworn or having affirmed, subscribed the foregoing oath
383 or affirmation. That the voter exhibited to me his or her blank
384 ballot; that the ballot was not marked or voted before the voter
385 exhibited the ballot to me; that the voter was not solicited or
386 advised by me to vote for any candidate, question or issue, and
387 that the voter, after marking his or her ballot, placed it in the
388 envelope, closed and sealed the envelope in my presence, and
389 signed and swore or affirmed the above certificate.

390 _____
391 (Attesting witness) (Address)
392 _____



393 (Official title) (City and State)

394 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

409 _____
410 Signature of person providing assistance

411 _____
412 Printed name of person providing assistance

413 _____
414 Address of person providing assistance

415 _____
416 Date and time assistance provided

417 _____



418 Family relationship to voter (if any)"

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

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

426 23-15-637. (1) (a) Absentee ballots and applications
427 received by mail, except for fax or electronically transmitted
428 ballots as otherwise provided by Section 23-15-699 for UOCAVA
429 ballots, must be postmarked on or before the date of the election
430 and received by the registrar no more than five (5) business days
431 after the election; any received after such time shall be handled
432 as provided in Section 23-15-647 and shall not be counted.

433 (b) All ballots cast by the absent elector appearing in
434 person in the office of the registrar shall be cast * * * as
435 provided in Section 1 of this act.

436 (2) The registrar shall deposit all absentee ballots which
437 have been timely cast and received by mail in a secured and sealed
438 box in a designated location in the registrar's office upon
439 receipt. The registrar shall not send any absentee ballots to the
440 precinct polling locations.

441 (3) The Secretary of State shall promulgate rules and
442 regulations necessary to ensure that when a qualified elector who



443 is qualified to vote absentee votes by absentee ballot, either by
444 mail or in person * * * as provided in Section 1 of this act, that
445 person's absentee vote is final and he or she may not vote at the
446 polling place on election day. Notwithstanding any other
447 provisions of law to the contrary, the Secretary of State shall
448 promulgate rules and regulations necessary to ensure that absentee
449 ballots shall remain in the registrar's office for counting and
450 not be taken to the precincts on election day.

451 **SECTION 8.** Section 23-15-639, Mississippi Code of 1972, is
452 amended as follows:

453 23-15-639. (1) The examination and counting of all absentee
454 ballots shall be conducted as follows:

455 (a) At the opening of the regular balloting and at the
456 opening of the polls, the resolution board established under
457 Section 23-15-523 and trained in the process of canvassing
458 absentee ballots shall first take the envelopes containing the
459 absentee ballots of such electors from the secure location at the
460 circuit clerk's office, and the name, address and precinct
461 inscribed on each envelope shall be announced by the election
462 managers.

463 (b) For mailed ballots, the signature on the
464 application shall then be compared with the signature on the back
465 of the envelope. If it corresponds and the affidavit, if one is
466 required, is sufficient and the resolution board finds that the
467 applicant is a registered and qualified voter or otherwise



468 qualified to vote absentee by mail, the envelope shall then be
469 opened and the ballot removed from the envelope, without its being
470 unfolded, or permitted to be unfolded or examined.

471 (c) Having observed and found the ballot to be regular
472 as far as can be observed from its official endorsement, the
473 resolution board shall deposit it in the ballot box with the other
474 ballots before counting any ballots and enter the voter's name in
475 the receipt book provided for that purpose. All absentee ballots
476 received * * * by mail before 7:00 p.m. the day before the
477 election shall be counted in the registrar's office by the
478 resolution board when the polls close and then added to the votes
479 cast in each precinct. All absentee ballots received by mail
480 after 7:00 p.m. the day before the election but not later than the
481 fifth business day after the election shall be processed by the
482 resolution board.

483 (2) The resolution board shall also take such action as may
484 be prescribed by the Secretary of State to ensure compliance with
485 the identification requirements of Section 23-15-563.

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

488 **SECTION 9.** Section 23-15-641, Mississippi Code of 1972, is
489 amended as follows:

490 23-15-641. (1) For all absentee votes received by mail, if
491 an affidavit or the certificate of the officer before whom the
492 affidavit is taken is required and such affidavit or certificate



493 is * * * insufficient, the signatures do not correspond, * * * the
494 applicant is not a duly qualified elector in the precinct, or
495 otherwise qualified to vote, * * * the ballot envelope is open or
496 has been opened and resealed, or the voter is not eligible to vote
497 absentee by mail, the previously cast vote shall not be allowed.
498 Without opening the voter's envelope the resolution board shall
499 mark across its face "REJECTED", with the reason therefor.

500 (2) For all absentee votes received by mail, if the ballot
501 envelope contains more than one (1) ballot of any kind, the ballot
502 shall not be counted but shall be marked "REJECTED", with the
503 reason therefor, and the registrar shall promptly notify the voter
504 of such rejection. The voter's envelopes and affidavits, and the
505 voter's envelope with its contents unopened, when such vote is
506 rejected, shall be retained and preserved in the same manner as
507 other ballots at the election. Such votes may be challenged in
508 the same manner and for the same reasons that any other vote cast
509 in such election may be challenged.

510 * * *

511 (* * *3) The mailed ballots marked "REJECTED" shall be
512 placed in a separate envelope in the secure ballot transfer case
513 and delivered to the officials in charge of conducting the
514 election * * *.

515 (* * *4) All electors voting absentee by mail shall be
516 provided with written information to inform the person how to



517 ascertain whether his or her ballot was counted and, if rejected,
518 the reason therefor.

519 **SECTION 10.** Section 23-15-643, Mississippi Code of 1972, is
520 amended as follows:

521 23-15-643. If an affidavit is required, the appropriate
522 election officials shall examine the affidavit of each absentee
523 ballot envelope. If the officials are satisfied that the
524 affidavit is sufficient and that the absentee voter is otherwise
525 qualified to vote, an official shall announce the name of the
526 voter and shall give any person present an opportunity to
527 challenge in like manner and for the same cause as the voter could
528 have been challenged had he presented himself personally in such
529 precinct to vote. The ineligibility of the voter to vote by
530 absentee ballot by mail shall be a ground for a challenge. Also,
531 the officials shall consider any absentee voter challenged when a
532 person has previously filed a written challenge of such voter's
533 right to vote. The election officials shall handle any such
534 challenge in the same manner as other challenged ballots are
535 handled.

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

538 23-15-645. (1) Absentee ballots cast in the registrar's
539 office as provided in Section 1 of this act and absentee ballots
540 received by mail that are deposited into a sealed ballot box shall
541 be processed on election day but not tallied until after closing



542 of the polls and announced simultaneously with all other votes
543 cast on election day.

544 (2) After the votes have been counted, the officials shall
545 preserve all mailed applications, envelopes and the list of absent
546 voters along with the mailed paper * * * ballots and other
547 election materials and return the same to the registrar.

548 (3) Notwithstanding any other provision of law to the
549 contrary, for federal and presidential general, special or primary
550 elections, packages of protested, void and wholly blank ballots,
551 voted ballots, open packages of unused ballots, sealed packages of
552 unused ballots, and all absentee and military ballots and ballot
553 envelopes, if any, shall be preserved for twenty-two (22) months
554 after the date of any such general, special or primary election.
555 For all other statewide, county or municipal elections, sealed
556 packages of unused ballots, packages of protested, void and wholly
557 blank ballots, open packages of unused ballots and all absentee
558 and military ballots and ballot envelopes shall be retained for
559 four (4) months, and may then be destroyed, provided a certificate
560 articulating the election district identifying data and numbers of
561 such ballots is filed with the balance of ballots described in
562 this section, for the balance of the twenty-two-month retention
563 period.

564 **SECTION 12.** Section 23-15-649, Mississippi Code of 1972, is
565 amended as follows:



566 23-15-649. For all elections, the election officials shall
567 prepare and print, as soon as the deadline for the qualification
568 of candidates has passed or forty-five (45) days before the
569 election, whichever is later, official ballots for receipt by mail
570 for each voting precinct to be known as absentee mailed voter
571 ballots * * *. For all elections, the election officials shall
572 also prepare, as soon as the deadline for the qualification of
573 candidates has passed or forty-five (45) days before the election,
574 whichever is later, official ballots for no-excuse absentee voting
575 as provided in Section 1 of this act. All ballots shall be
576 prepared and printed in the same form and shall be of the same
577 size and texture as the regular official ballot except that they
578 shall be printed on tinted paper of a tint different from that of
579 the regular official ballot or with a header of different tint.

580 **SECTION 13.** Section 23-15-657, Mississippi Code of 1972, is
581 amended as follows:

582 23-15-657. The registrar is authorized to accept requests
583 for absentee ballots that are to be mailed by telephone. When a
584 telephone request that an absentee ballot application be mailed by
585 the registrar to an elector is made, the registrar shall ascertain
586 the name and complete address of the person making the telephone
587 request and shall print upon the absentee ballot application the
588 name and complete address of the requestor and the relation of
589 such person to the voter if requested by a person other than the



590 voter and the date such request was made. Such requests shall be
591 processed through the Statewide Election Management System.

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

594 23-15-713. For the purpose of this subarticle, any duly
595 qualified elector may vote by mail as provided in this subarticle
596 and Section 1 of this act if the elector falls within at least one
597 (1) of the following categories:

598 (a) Any qualified elector who is a bona fide student,
599 teacher or administrator at any college, university, junior
600 college, high, junior high, or elementary grade school whose
601 studies or employment at such institution necessitates his or her
602 absence from the county of his or her voting residence on the date
603 of any primary, general or special election, or the spouse and
604 dependents of that student, teacher or administrator if such
605 spouse or dependent(s) maintain a common domicile, outside of the
606 county of his or her voting residence, with such student, teacher
607 or administrator.

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



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

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

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

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

628 (g) Any member of the Mississippi congressional
629 delegation absent from Mississippi on election day, and the spouse
630 and dependents of such member of the congressional delegation.

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

634 **SECTION 15.** Section 23-15-715, Mississippi Code of 1972, is
635 amended as follows:

636 23-15-715. Any elector described in Section 23-15-713 and
637 desiring an absentee ballot by mail as provided in this subarticle
638 may secure same if * * * within forty-five (45) days * * * before



639 any election day the elector applies for an absentee ballot by
640 mail as provided in the provisions of this act. * * * All
641 applications, other than those of persons having a temporary or
642 permanent physical disability, shall * * * be sworn to and
643 subscribed before an official who is authorized to administer
644 oaths or other official authorized to witness absentee balloting
645 as provided in this article. The application must be accompanied
646 by a verifying affidavit as required by this article. The
647 applications of persons having a temporary or permanent physical
648 disability are not required to be accompanied by an affidavit but
649 shall be witnessed and signed by a person eighteen (18) years of
650 age or older. * * *

651 * * * Except when the voter has requested a runoff
652 ballot on the initial absentee ballot application, upon request
653 for a runoff ballot pursuant to Section 23-15-719, the registrar
654 shall mail together the absentee ballot application and the
655 absentee ballot to the absent voter for the runoff election.

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

658 23-15-717. Any elector * * * listed in Section 23-15-713
659 applying for an absentee ballot by mail shall complete an
660 application form as provided in Section 23-15-627, and * * * the
661 elector shall fill in the application as is appropriate for his
662 particular situation. Any elector listed in Section 1 of this act
663 shall not be required to complete an absentee ballot application.



664 **SECTION 17.** Section 23-15-719, Mississippi Code of 1972, is
665 amended as follows:

666 23-15-719. (1) Except where the registrar has already
667 mailed a ballot with an application, upon receipt of a properly
668 completed application form by an elector qualified to vote
669 absentee by mail as provided in this article, the registrar shall
670 mail the absent voter an absentee ballot within one (1) business
671 day, or as soon as the absentee ballot is prepared and available,
672 containing the names of all the candidates and propositions, if
673 any, to be voted on in the election. The registrar shall include
674 with the absentee ballot an official envelope that complies with
675 the provisions of this article, as well as information to comply
676 with Section 23-15-641(3) related to the status of the elector's
677 ballot. The registrar shall identify the applicant by requiring
678 him or her to present identification as required by Section
679 23-15-563, and shall then deliver the ballots to the applicant by
680 mail * * *. Except as otherwise provided in Section 1 of this
681 act, the registrar shall not personally hand deliver ballots to
682 voters. After the applicant has properly marked the ballot and
683 properly folded it, he shall deposit it in the envelope furnished
684 him or her by the registrar.

685 After the absentee voter has sealed the envelope, he or she
686 shall subscribe and swear to an affidavit and mail the ballot to
687 the address provided on the absentee ballot official envelope.
688 The affidavit shall be in the following form, which shall be



689 printed on the back of the envelope containing the applicant's
690 ballot:

691 "STATE OF MISSISSIPPI

692 COUNTY OF _____

693 I, _____, do solemnly swear that this envelope contains
694 the ballot marked by me indicating my choice of the candidates or
695 propositions to be submitted at the election to be held on the ___
696 day of _____, 2___, and I hereby authorize the registrar to
697 place this envelope in the ballot box on my behalf, and I further
698 authorize the election managers to open this envelope and place my
699 ballot among the other ballots cast before such ballots are
700 counted, and record my name on the poll list as if I were present
701 in person and voted.

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

703 _____
704 (Signature of voter)

705 SWORN TO AND SUBSCRIBED before me, _____, this the ___
706 day of _____, 2___.

707 (Registrar) _____
708 (Registrar)"

709 After the completion of the requirements of this section, the
710 elector shall * * * mail the envelope containing the ballot to the
711 registrar.

712 (2) If the voter has received assistance in marking his or
713 her ballot, the person providing the assistance shall complete the



714 following form which shall be printed on the back of the envelope
715 containing the applicant's ballot:

716 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

726 _____

727 Signature of person providing assistance

728 _____

729 Printed name of person providing assistance

730 _____

731 Address of person providing assistance

732 _____

733 Date and time assistance provided

734 _____

735 Family relationship to voter (if any)"

736 (3) The envelope used pursuant to this section shall not
737 contain the form prescribed by Section 23-15-635 and shall have
738 printed on the flap on the back of the envelope in bold print and



739 in a distinguishing color, the following: **"YOUR VOTE WILL BE**
740 **REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE**
741 **FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

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

744 23-15-721. (1) Absentee ballots requested under the
745 provisions of Section 23-15-715 for electors temporarily residing
746 outside the county of residence shall be mailed to the elector's
747 address outside of the county in which he or she is registered,
748 and such electors shall appear before any official authorized to
749 administer oaths or other official authorized to witness absentee
750 balloting as provided in this article. The elector shall exhibit
751 to such official his or her absentee ballot unmarked and thereupon
752 proceed in secret to fill in the ballot. After the elector has
753 properly marked the ballot and properly folded it, he or she shall
754 deposit it in the envelope furnished him or her. After the
755 elector has sealed the envelope he or she shall * * *, in view of
756 the official before whom he or she is appearing * * *, subscribe
757 and swear to the elector's certificate provided for in Section
758 23-15-635, which affidavit shall be printed on the back of the
759 envelope as provided for in Section 23-15-635 containing the
760 elector's ballot.

761 (2) Electors who are temporarily or permanently physically
762 disabled shall sign the elector's certificate and the certificate



763 of attesting witness shall be signed by any person eighteen (18)
764 years of age or older.

765 (3) After the completion of the requirements of this
766 section, the elector shall mail the envelope containing the ballot
767 to the registrar in the county wherein the elector is qualified to
768 vote. The ballots must be postmarked by the date of the election
769 and received by the registrar no more than five (5) business days
770 after the election to be counted; any received after such time
771 shall be handled as provided in Section 23-15-647 and shall not be
772 counted.

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

775 23-15-735. Except for ballots voted in person at the office
776 of the registrar as provided in Section 1 of this act, absentee
777 ballots shall not be delivered in person to an absentee voter or
778 to any other person.

779 **SECTION 20.** This act shall take effect and be in force from
780 and after July 1, 2023.

