

By: Representatives Eubanks, Hopkins,  
Williamson

To: Apportionment and  
Elections

HOUSE BILL NO. 1308

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, 23-15-719, 23-15-755  
11 AND 23-15-641, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
12 PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS 23-15-629,  
13 23-15-721 AND 23-15-751, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE  
14 OF POSSIBLE 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.** Section 23-15-623, Mississippi Code of 1972, is  
48 amended as follows:



49           23-15-623. Except as otherwise provided in Sections 1 and 2  
50 of this act, all absentee ballots as authorized in Sections  
51 23-15-671 through 23-15-697, in Sections 23-15-711 through  
52 23-15-721, and Sections 23-15-731 and 23-15-733, shall be handled  
53 as provided in Sections 23-15-621 through 23-15-653.

54           **SECTION 4.** Section 23-15-625, Mississippi Code of 1972, is  
55 amended as follows:

56           23-15-625. (1) The registrar shall be responsible for  
57 providing applications for absentee voting as provided in this  
58 section and Sections 1 and 2 of this act. At least sixty (60)  
59 days before any election in which absentee voting is provided for  
60 by law, the registrar shall provide a sufficient number of  
61 applications. In the event a special election is called and set  
62 at a date which makes it impractical or impossible to prepare  
63 applications for absent elector's ballot sixty (60) days before  
64 the election, the registrar shall provide applications as soon as  
65 practicable after the election is called. The registrar shall  
66 fill in the date of the particular election on the application for  
67 which the application will be used.

68           (2) The registrar shall be authorized to disburse  
69 applications for absentee ballots to any qualified elector within  
70 the county where he or she serves and as provided in Sections 1  
71 and 2 of this act. Any person who presents to the registrar an  
72 oral or written request for an absentee ballot application for a  
73 voter entitled to vote absentee by mail, other than the elector



74 who seeks to vote by absentee ballot, shall, in the presence of  
75 the registrar, sign the application and print on the application  
76 his or her name and address and the name of the elector for whom  
77 the application is being requested in the place provided for on  
78 the application for that purpose. However, if for any reason such  
79 person is unable to write the information required, then the  
80 registrar shall write the information on a printed form which has  
81 been prescribed by the Secretary of State. The form shall provide  
82 a place for such person to place his or her mark after the form  
83 has been filled out by the registrar.

84 (3) It shall be unlawful for any person to solicit absentee  
85 ballot applications or absentee ballots for persons staying in any  
86 skilled nursing facility as defined in Section 41-7-173 unless the  
87 person soliciting the absentee ballot applications or absentee  
88 ballots is:

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

91 (b) A person designated by the person for whom the  
92 absentee ballot application or absentee ballot is sought, the  
93 registrar or the deputy registrar.

94 As used in this subsection, "family member" means a spouse,  
95 parent, grandparent, sibling, adult child, grandchild or legal  
96 guardian.

97 (4) The registrar in the county wherein a voter is qualified  
98 to vote upon receiving by mail the envelope containing the



99 absentee ballots shall keep an accurate list of all persons  
100 preparing such ballots. The list shall be kept in a conspicuous  
101 place accessible to the public near the entrance to the  
102 registrar's office. The registrar shall also furnish to each  
103 precinct manager a list of the names of all persons in each  
104 respective precinct voting absentee by mail and in person to be  
105 posted in a conspicuous place at the polling place for public  
106 notice. The application on file with the registrar and the  
107 envelopes containing the ballots that voters mailed to the  
108 registrar shall be kept by the registrar in his or her office in a  
109 secure location. At the time such boxes are delivered to the  
110 election commissioners or managers, the registrar shall also turn  
111 over a list of all such persons who have voted and whose mailed  
112 ballots are in the registrar's office.

113 (5) The registrar shall also be authorized to mail one (1)  
114 application to any qualified elector of the county, who is  
115 eligible to vote by absentee ballot, for use in a particular  
116 election.

117 (6) The registrar shall process all applications for  
118 absentee ballots by using the Statewide Election Management  
119 System. The registrar shall account for all absentee ballots  
120 delivered to and received by mail as well as those who voted  
121 absentee in person from qualified voters by processing such  
122 ballots using the Statewide Election Management System.



123           **SECTION 5.** Section 23-15-627, Mississippi Code of 1972, is  
124 amended as follows:

125           23-15-627. Any elector described in Section 23-15-713 may  
126 request an absentee ballot application and vote in person at the  
127 office of the registrar in the county in which he or she resides.  
128 The registrar shall be responsible for furnishing an absentee  
129 ballot application form to any elector authorized to receive an  
130 absentee ballot. Except as otherwise provided in Section  
131 23-15-625 and Sections 1 and 2 of this act, absentee ballot  
132 applications shall be furnished to a person only upon the oral or  
133 written request of the elector who seeks to vote by absentee  
134 ballot; however, the parent, child, spouse, sibling, legal  
135 guardian, those empowered with a power of attorney for that  
136 elector's affairs or agent of the elector, who is designated in  
137 writing and witnessed by a resident of this state who shall write  
138 his or her physical address on such designation, may orally  
139 request an absentee ballot application on behalf of the elector.  
140 The written designation shall be valid for one (1) year after the  
141 date of the designation. An absentee ballot application must have  
142 the seal of the circuit or municipal clerk affixed to it and be  
143 initialed by the registrar or his or her deputy in order to be  
144 used to obtain an absentee ballot. A reproduction of an absentee  
145 ballot application shall not be valid unless it is a reproduction  
146 provided by the office of the registrar of the jurisdiction in  
147 which the election is being held and which contains the seal and



148 initials required by this section. Such application shall be  
149 substantially in the following form:

150 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

162 ( ) I am a member of the Merchant Marine or the American Red  
163 Cross and am a citizen of Mississippi or spouse or dependent of  
164 such member.

165 ( ) I am a disabled war veteran who is a patient in any  
166 hospital and am a citizen of Mississippi or spouse or dependent of  
167 such veteran.

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



172           ( ) I am a citizen of Mississippi temporarily residing  
173 outside the territorial limits of the United States and the  
174 District of Columbia.

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

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

184           ( ) I have a temporary or permanent physical  
185 disability \* \* \*.

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

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

192           ( ) I am a member of the congressional delegation, or spouse  
193 or dependent of a member of the congressional delegation.

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





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

198 Mail 'Absent Elector's Ballot' to me at the following address  
199 \_\_\_\_\_.

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

202 I realize that I can be fined up to Five Thousand Dollars  
203 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
204 for making a false statement in this application and for selling  
205 my vote and violating the Mississippi Absentee Voter Law. (This  
206 sentence is to be in bold print.)

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

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

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

217 \_\_\_\_\_

218 (Signature of absent elector)

219 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
220 2\_\_\_\_.



221 \_\_\_\_\_  
222 (Official authorized to administer oaths  
223 for absentee balloting.)

224 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
225 DISABLED:

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

230 \_\_\_\_\_  
231 (Signature of witness)

232 CERTIFICATE OF DELIVERY

233 I hereby certify that \_\_\_\_\_ (print name of voter)  
234 has requested that I, \_\_\_\_\_ (print name of person  
235 delivering application), deliver to the voter this absentee ballot  
236 application.

237 \_\_\_\_\_  
238 (Signature of person delivering application)

239 \_\_\_\_\_  
240 (Address of person delivering application)"

241 **SECTION 6.** Section 23-15-631, Mississippi Code of 1972, is  
242 amended as follows:

243 23-15-631. (1) The registrar shall enclose with each ballot  
244 mailed to an absent elector separate printed instructions  
245 furnished by the registrar containing the following:



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

254 (b) All absentee voters shall provide the following  
255 identification in the space provided on the inside of the ballot  
256 envelope:

257 (i) The number of the voter's Mississippi driver's  
258 license. If the Mississippi driver's license is expired, the  
259 voter may still use the number if the license is otherwise valid;

260 (ii) The last four (4) digits of the voter's social  
261 security number; or

262 (iii) A copy of the identification required in  
263 Section 23-15-563.

264 ( \* \* \*c) Upon receipt of the enclosed ballot, you will  
265 not mark the ballot except in view or sight of the attesting  
266 witness. In the sight or view of the attesting witness, mark the  
267 ballot according to instructions.

268 ( \* \* \*d) After marking the ballot, fill out and sign  
269 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that  
270 the signature is across the flap of the envelope to ensure the



271 integrity of the ballot. All absent electors shall have the  
272 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
273 the flap on the back of the envelope. Place the necessary postage  
274 on the envelope and deposit it in the post office or some  
275 government receptacle provided for deposit of mail so that the  
276 absent elector's ballot will be postmarked on or before the date  
277 of the election and received by the registrar no more than five  
278 (5) business days after the election. No voter may return an  
279 absentee ballot other than his or her absentee ballot or the  
280 absentee ballot of a family member. For purposes of this  
281 paragraph (d), "family member" means a spouse, parent,  
282 grandparent, sibling, child, grandchild or legal guardian. No  
283 officer or employee of this state, or any political subdivision of  
284 this state, may establish ballot drop boxes or any similar  
285 receptacle for the collection of ballots.

286 Any notary public, United States postmaster, assistant United  
287 States postmaster, United States postal supervisor, clerk in  
288 charge of a contract postal station, or other officer having  
289 authority to administer an oath or take an acknowledgment may be  
290 an attesting witness; provided, however, that in the case of an  
291 absent elector who is temporarily or permanently physically  
292 disabled, the attesting witness may be any person eighteen (18)  
293 years of age or older and such person is not required to have the  
294 authority to administer an oath. If a postmaster, assistant  
295 postmaster, postal supervisor, or clerk in charge of a contract



296 postal station acts as an attesting witness, his or her signature  
297 on the elector's certificate must be authenticated by the  
298 cancellation stamp of their respective post offices. If an  
299 officer having authority to administer an oath or take an  
300 acknowledgement acts as attesting witness, his or her signature on  
301 the elector's certificate, together with his or her title and  
302 address, but no seal, shall be required. Any affidavits made by  
303 an absent elector who is in the Armed Forces may be executed  
304 before a commissioned officer, warrant officer, or noncommissioned  
305 officer not lower in grade than sergeant rating or any person  
306 authorized to administer oaths.

307 ( \* \* \*e) When the application accompanies the ballot  
308 it shall not be returned in the same envelope as the ballot but  
309 shall be returned in a separate preaddressed envelope provided by  
310 the registrar.

311 ( \* \* \*f) A candidate for public office, or the spouse,  
312 parent or child of a candidate for public office, may not be an  
313 attesting witness for any absentee ballot upon which the  
314 candidate's name appears, unless the voter is related within the  
315 first degree to the candidate or the spouse, parent or child of  
316 the candidate.

317 ( \* \* \*g) Any voter casting an absentee ballot who  
318 declares that he or she requires assistance to vote by reason of  
319 blindness, temporary or permanent physical disability or inability  
320 to read or write, shall be entitled to receive assistance in the



321 marking of his or her absentee ballot and in completing the  
322 affidavit on the absentee ballot envelope. The voter may be given  
323 assistance by anyone of the voter's choice other than a candidate  
324 whose name appears on the absentee ballot being marked, the  
325 spouse, parent or child of a candidate whose name appears on the  
326 absentee ballot being marked or the voter's employer, an agent of  
327 that employer or a union representative; however, a candidate  
328 whose name is on the ballot or the spouse, parent or child of such  
329 candidate may provide assistance upon request to any voter who is  
330 related within the first degree. In order to ensure the integrity  
331 of the ballot, any person who provides assistance to an absentee  
332 voter shall be required to sign and complete the "Certificate of  
333 Person Providing Voter Assistance" on the absentee ballot  
334 envelope.

335 (2) The foregoing instructions required to be provided by  
336 the registrar to the elector shall also constitute the substantive  
337 law pertaining to the handling of absentee ballots by the elector  
338 and registrar.

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

342 **SECTION 7.** Section 23-15-657, Mississippi Code of 1972, is  
343 amended as follows:

344 23-15-657. Except as otherwise provided by Sections 1 and 2  
345 of this act, the registrar is authorized to accept requests for



346 absentee ballots by telephone. When a telephone request that an  
347 absentee ballot application be mailed by the registrar to an  
348 elector is made, the registrar shall ascertain the name and  
349 complete address of the person making the telephone request and  
350 shall print upon the absentee ballot application the name and  
351 complete address of the requestor and the relation of such person  
352 to the voter if requested by a person other than the voter and the  
353 date such request was made. Such requests shall be processed  
354 through the Statewide Election Management System.

355 **SECTION 8.** Section 23-15-715, Mississippi Code of 1972, is  
356 amended as follows:

357 23-15-715. Except as otherwise provided in Sections 1 and 2  
358 of this act, any elector desiring an absentee ballot as provided  
359 in this subarticle may secure same if:

360 (a) Not more than forty-five (45) days nor later than  
361 12:00 noon \* \* \* on the Saturday immediately preceding elections  
362 held on Tuesday, the Thursday immediately preceding elections held  
363 on Saturday, or the second day immediately preceding the date of  
364 elections held on other days, he shall appear in person before the  
365 registrar of the county in which he resides, or for municipal  
366 elections he shall appear in person before the city clerk of the  
367 municipality in which he resides and, when the elector so appears,  
368 he shall execute and file an application as provided in Section  
369 23-15-627 and vote by absentee ballot, except that if the ballot  
370 has not been printed by forty-five (45) days preceding the



371 election, the elector may appear and file an application anytime  
372 before the election. Then the absentee ballot shall be mailed by  
373 the circuit clerk to the elector as soon as the ballot has been  
374 printed.

375 (b) Within forty-five (45) days next prior to any  
376 election, any elector who cannot comply with paragraph (a) of this  
377 section by reason of temporarily residing outside the county, or  
378 any person who has a temporary or permanent physical disability,  
379 persons who are sixty-five (65) years of age or older, or any  
380 person who is the parent, spouse or dependent of a temporarily or  
381 permanently physically disabled person who is hospitalized outside  
382 of his county of residence or more than fifty (50) miles away from  
383 his residence and such parent, spouse or dependent will be with  
384 such person on election day, may make application for an absentee  
385 ballot by mailing the appropriate application to the registrar.  
386 Only persons temporarily residing out of the county of their  
387 residence, persons having a temporary or permanent physical  
388 disability, persons who are sixty-five (65) years of age or older,  
389 or any person who is the parent, spouse or dependent of a  
390 temporarily or permanently physically disabled person who is  
391 hospitalized outside of his county of residence or more than fifty  
392 (50) miles away from his residence, and such parent, spouse or  
393 dependent will be with such person on election day, may obtain  
394 absentee ballots by mail under the provisions of this subsection  
395 and as provided by Section 23-15-713. Applications of persons





396 temporarily residing outside the county shall be sworn to and  
397 subscribed before an official who is authorized to administer  
398 oaths or other official authorized to witness absentee balloting  
399 as provided in this chapter, said application to be accompanied by  
400 such verifying affidavits as required by this chapter. The  
401 applications of persons having a temporary or permanent physical  
402 disability shall not be required to be accompanied by an affidavit  
403 but shall be witnessed and signed by a person eighteen (18) years  
404 of age or older. The registrar shall send to such absent voter a  
405 proper absentee voter ballot within twenty-four (24) hours, or as  
406 soon thereafter as the ballots are available, containing the names  
407 of all candidates who qualify or the proposition to be voted on in  
408 such election, and with such ballot there shall be sent an  
409 official envelope containing upon it in printed form the recitals  
410 and data hereinafter required.

411 (c) Except when the voter has requested a runoff ballot  
412 on the initial absentee ballot application, upon request for a  
413 runoff ballot pursuant to Section 23-15-719, the registrar shall  
414 mail together the absentee ballot application and the absentee  
415 ballot to the absent voter for the runoff election.

416 **SECTION 9.** Section 23-15-719, Mississippi Code of 1972, is  
417 amended as follows:

418 23-15-719. (1) (a) Except where the registrar has already  
419 mailed a ballot with an application, upon receipt of a properly  
420 completed application form by an elector qualified to vote



421 absentee as provided in this article, the registrar shall mail the  
422 absent voter an absentee ballot within one (1) business day, or as  
423 soon as the absentee ballot is prepared and available, containing  
424 the names of all the candidates and propositions, if any, to be  
425 voted on in the election. The registrar shall include with the  
426 absentee ballot an official envelope that complies with the  
427 provisions of this article, as well as information to comply with  
428 Section 23-15-641(3) related to the status of the elector's  
429 ballot. The registrar shall identify the applicant by requiring  
430 him to present identification as required by Section 23-15-563,  
431 and shall then deliver the ballots to the applicant by mail or to  
432 the applicant in the registrar's office. The registrar shall not  
433 personally hand deliver ballots to voters. After the applicant  
434 has properly marked the ballot and properly folded it, he shall  
435 deposit it in the envelope furnished him by the registrar.

436 (b) The ballot envelope shall include a space that is  
437 hidden from view when the envelope is sealed for the voter to  
438 enter the following information:

439 (i) The number of the voter's Mississippi driver's  
440 license. If the Mississippi driver's license is expired, the  
441 voter may still use the number if the license is otherwise valid;

442 (ii) The last four (4) digits of the voter's  
443 social security number; or

444 (iii) A copy of the identification required in  
445 Section 23-15-563.



446           (c) After the absentee voter has provided the  
447 identification information as required in paragraph (b) of this  
448 subsection and sealed the envelope, he or she shall subscribe and  
449 swear to an affidavit and mail the ballot to the address provided  
450 on the absentee ballot official envelope. The affidavit shall be  
451 in the following form, which shall be printed on the back of the  
452 envelope containing the applicant's ballot:

453 "STATE OF MISSISSIPPI  
454 COUNTY OF \_\_\_\_\_

455       I, \_\_\_\_\_, do solemnly swear that this envelope contains  
456 the ballot marked by me indicating my choice of the candidates or  
457 propositions to be submitted at the election to be held on the \_\_\_  
458 day of \_\_\_\_\_, 2\_\_\_, and I hereby authorize the registrar to  
459 place this envelope in the ballot box on my behalf, and I further  
460 authorize the election managers to open this envelope and place my  
461 ballot among the other ballots cast before such ballots are  
462 counted, and record my name on the poll list as if I were present  
463 in person and voted.

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

465 \_\_\_\_\_  
466 (Signature of voter)

467       SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_  
468 day of \_\_\_\_\_, 2\_\_\_.

469 (Registrar) \_\_\_\_\_  
470 (Registrar) "



471 After the completion of the requirements of this section, the  
472 elector shall deliver the envelope containing the ballot to the  
473 registrar.

474 (2) If the voter has received assistance in marking his  
475 ballot, the person providing the assistance shall complete the  
476 following form which shall be printed on the back of the envelope  
477 containing the applicant's ballot:

478 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

479 (To be completed only if the voter has received assistance in  
480 marking the enclosed ballot.) I hereby certify that the  
481 above-named voter declared to me that he or she is blind,  
482 temporarily or permanently physically disabled, or cannot read or  
483 write, and that the voter requested that I assist the voter in  
484 marking the enclosed absentee ballot. I hereby certify that the  
485 ballot preferences on the enclosed ballot are those communicated  
486 by the voter to me, and that I have marked the enclosed ballot in  
487 accordance with the voter's instructions.

488 \_\_\_\_\_

489 Signature of person providing assistance

490 \_\_\_\_\_

491 Printed name of person providing assistance

492 \_\_\_\_\_

493 Address of person providing assistance

494 \_\_\_\_\_

495 Date and time assistance provided



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Family relationship to voter (if any)"

(3) The envelope used pursuant to this section shall not contain the form prescribed by Section 23-15-635 and shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

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

23-15-755. All of the provisions of Sections 23-15-621 through 23-15-735, and Sections 1 and 2 of this act, shall be applicable, insofar as possible, to municipal, primary, preferential, general and special elections, and wherever herein any duty is imposed or any power or authority is conferred upon the county registrar, county election commissioners, or county executive committee with reference to a state and county election, such duty shall likewise be imposed and such power and authority shall likewise be conferred upon the municipal registrar, municipal election commission or municipal executive committee with reference to any municipal election. Any duty, obligation or responsibility imposed upon the registrar or upon the election commissioners, when applicable, shall likewise be conferred upon and devolved upon the appropriate party, executive committee or officials in any party primary.



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

523           23-15-629. (1) The application for an absentee ballot of a  
524 person who is permanently physically disabled shall be accompanied  
525 by a statement signed by such person's physician, or nurse  
526 practitioner, which statement must show that the person signing  
527 the statement is a licensed, practicing medical doctor or nurse  
528 practitioner and must indicate that the person applying for the  
529 absentee ballot is permanently physically disabled to such a  
530 degree that it is difficult for him or her to vote in person.

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

536           (3) The registrar of each county shall keep an accurate list  
537 of the names and addresses of all persons whose applications for  
538 absentee ballot are accompanied by the statement set forth in  
539 subsection (1) of this section. Sixty (60) days before each  
540 election, the registrar shall deliver such list to the election  
541 commissioners who shall examine the list and delete from it the  
542 names of all persons listed who are no longer qualified electors  
543 of the county. Upon completion of such examination, the election  
544 commissioners shall return the list to the registrar by no later  
545 than forty-five (45) days before the election.



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

550 **SECTION 12.** Section 23-15-641, Mississippi Code of 1972, is  
551 amended as follows:

552 23-15-641. (1) For all absentee votes received by mail, if  
553 an affidavit or the certificate of the officer before whom the  
554 affidavit is taken is required and such affidavit or certificate  
555 is found to be insufficient, or of the identification information  
556 is missing, or if it is found that the signatures do not  
557 correspond, or that the applicant is not a duly qualified elector  
558 in the precinct, or otherwise qualified to vote, or that the  
559 ballot envelope is open or has been opened and resealed, or the  
560 voter is not eligible to vote absentee, the previously cast vote  
561 shall not be allowed. Without opening the voter's envelope the  
562 resolution board shall mark across its face "REJECTED", with the  
563 reason therefor.

564 (2) For all absentee votes received by mail, if the ballot  
565 envelope contains more than one (1) ballot of any kind, the ballot  
566 shall not be counted but shall be marked "REJECTED", with the  
567 reason therefor, and the registrar shall promptly notify the voter  
568 of such rejection. The voter's envelopes and affidavits, and the  
569 voter's envelope with its contents unopened, when such vote is  
570 rejected, shall be retained and preserved in the same manner as



571 other ballots at the election. Such votes may be challenged in  
572 the same manner and for the same reasons that any other vote cast  
573 in such election may be challenged.

574 (3) If an affidavit is required and the officials find that  
575 the affidavit is insufficient, or if the officials find that the  
576 absentee voter is otherwise disqualified to vote, the envelope  
577 shall not be opened and a commissioner or executive committee  
578 member shall write across the face of the envelope "REJECTED"  
579 giving the reason therefor, and the registrar shall promptly  
580 notify the voter of such rejection.

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

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

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

591 23-15-721. (1) Absentee ballots requested under the  
592 provisions of Section 23-15-715 for electors temporarily residing  
593 outside the county of residence shall be mailed to the elector's  
594 address outside of the county in which he or she is registered,  
595 and such electors shall appear before any official authorized to





596 administer oaths or other official authorized to witness absentee  
597 balloting as provided in this article. The elector shall exhibit  
598 to such official his or her absentee ballot unmarked and thereupon  
599 proceed in secret to fill in the ballot. After the elector has  
600 properly marked the ballot and properly folded it, he or she shall  
601 deposit it in the envelope furnished him or her. After the  
602 elector has sealed the envelope he or she shall deliver it to the  
603 official before whom he or she is appearing and shall subscribe  
604 and swear to the elector's certificate provided for in Section  
605 23-15-635, which affidavit shall be printed on the back of the  
606 envelope as provided for in Section 23-15-635 containing the  
607 elector's ballot.

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

612 (3) After the completion of the requirements of this  
613 section, the elector shall mail the envelope containing the ballot  
614 to the registrar in the county wherein the elector is qualified to  
615 vote. The ballots must be postmarked by the date of the election  
616 and received by the registrar no more than five (5) business days  
617 after the election to be counted; any received after such time  
618 shall be handled as provided in Section 23-15-647 and shall not be  
619 counted.



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

622           23-15-751. If any registrar or commissioner of elections  
623 shall refuse or neglect to perform any of the duties prescribed by  
624 Sections 23-15-621 through 23-15-735, or shall knowingly permit  
625 any person to sign a false affidavit or otherwise knowingly permit  
626 any person to violate Sections 23-15-621 through 23-15-735, or  
627 shall violate any of the provisions thereof, or if any officer  
628 taking the affidavits as provided in said acts shall make any  
629 false statement in his certificate thereto attached, he shall,  
630 upon conviction, be deemed guilty of a crime and shall be punished  
631 by a fine not exceeding One Thousand Dollars (\$1,000.00) or by  
632 imprisonment in the Penitentiary not exceeding one (1) year, and  
633 shall be removed from office.

634           **SECTION 15.** This act shall take effect and be in force from  
635 and after July 1, 2023.

