

By: Representative Karriem

To: Apportionment and Elections

HOUSE BILL NO. 64

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 \* \* \* on the Saturday immediately preceding elections  
281 held on Tuesday, the Thursday immediately preceding elections held  
282 on Saturday, or the second day immediately preceding the date of  
283 elections held on other days, he or she shall appear in person  
284 before the registrar of the county in which he or she resides, or  
285 for municipal elections he or she shall appear in person before  
286 the city clerk of the municipality in which he or she resides and,  
287 when the elector so appears, he or she shall execute and file an  
288 application as provided in Section 23-15-627 and vote by absentee  
289 ballot, except that if the ballot has not been printed by  
290 forty-five (45) days preceding the election, the elector may  
291 appear and file an application anytime before the election. Then  
292 the absentee ballot shall be mailed by the circuit clerk to the  
293 elector as soon as the ballot has been printed.



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



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

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

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



344           23-15-721. (1) Absentee ballots requested under the  
345 provisions of Section 23-15-715 for electors temporarily residing  
346 outside the county of residence shall be mailed to the elector's  
347 address outside of the county in which he or she is registered,  
348 and such electors shall appear before any official authorized to  
349 administer oaths or other official authorized to witness absentee  
350 balloting as provided in this article. The elector shall exhibit  
351 to such official his or her absentee ballot unmarked and thereupon  
352 proceed in secret to fill in the ballot. After the elector has  
353 properly marked the ballot and properly folded it, he or she shall  
354 deposit it in the envelope furnished him or her. After the  
355 elector has sealed the envelope he or she shall deliver it to the  
356 official before whom he or she is appearing and shall subscribe  
357 and swear to the elector's certificate provided for in Section  
358 23-15-635, which affidavit shall be printed on the back of the  
359 envelope as provided for in Section 23-15-635 containing the  
360 elector's ballot.

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

365           (3) After the completion of the requirements of this  
366 section, the elector shall mail the envelope containing the ballot  
367 to the registrar in the county wherein the elector is qualified to  
368 vote. The ballots must be postmarked by the date of the election



369 and received by the registrar no more than five (5) business days  
370 after the election to be counted; any received after such time  
371 shall be handled as provided in Section 23-15-647 and shall not be  
372 counted.

373         **SECTION 6.** This act shall take effect and be in force from  
374 and after July 1, 2024.

