

By: Representative Sanford

To: Apportionment and
Elections

HOUSE BILL NO. 1051

1 AN ACT TO AMEND SECTION 23-15-639, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A PROCESS FOR ABSENTEE VOTERS TO CURE THEIR ABSENTEE
3 BALLOT IF THE SIGNATURE ON THE APPLICATION DOES NOT MEET THE
4 SIGNATURE ON THE ENVELOPE; TO BRING FORWARD SECTION 23-15-641,
5 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-639, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-639. (1) The examination and counting of all absentee
11 ballots shall be conducted as follows:

12 (a) At the opening of the regular balloting and at the
13 opening of the polls, the resolution board established under
14 Section 23-15-523 and trained in the process of canvassing
15 absentee ballots shall first take the envelopes containing the
16 absentee ballots of such electors from the secure location at the
17 circuit clerk's office, and the name, address and precinct
18 inscribed on each envelope shall be announced by the election
19 managers.



20 (b) The signature on the application shall then be
21 compared with the signature on the back of the envelope. If it
22 corresponds and the affidavit, if one is required, is sufficient
23 and the resolution board find that the applicant is a registered
24 and qualified voter or otherwise qualified to vote, the envelope
25 shall then be opened and the ballot removed from the envelope,
26 without its being unfolded, or permitted to be unfolded or
27 examined.

28 (c) When a voter's absentee ballot is rejected because
29 the signatures on the application and the envelope do not
30 correspond, the registrar shall notify the voter within one (1)
31 business day of the election that the voter's absentee ballot has
32 been tentatively rejected because the signature on the application
33 does not correspond with the signature on the envelope. The
34 notice shall inform the voter about the process of curing the
35 deficiency and that if the voter does not cure the signatures by
36 12:00 p.m. on the fifth business day after the election, then the
37 voter's ballot shall be rejected. Notice to the voter shall be
38 made first by telephone, if a phone number was provided, and then
39 by email or facsimile, if either is available. The absentee cure
40 form shall be transmitted to the voter via email or facsimile;
41 however, if neither are available, then the form shall be
42 transmitted by first-class mail to the voter. The form of the
43 notice and the absentee cure form shall be provided for in rules
44 and regulations prescribed by the Secretary of State.



45 (* * *d) Having observed and found the ballot to be
46 regular as far as can be observed from its official endorsement,
47 the resolution board shall deposit it in the ballot box with the
48 other ballots before counting any ballots and enter the voter's
49 name in the receipt book provided for that purpose. All absentee
50 ballots received prior to 7:00 p.m. the day before the election
51 shall be counted in the registrar's office by the resolution board
52 when the polls close and then added to the votes cast in each
53 precinct. All absentee ballots received after 7:00 p.m. the day
54 before the election but not later than the fifth business day
55 after the election shall be processed by the resolution board.

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

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

61 **SECTION 2.** Section 23-15-641, Mississippi Code of 1972, is
62 brought forward as follows:

63 23-15-641. (1) For all absentee votes received by mail, if
64 an affidavit or the certificate of the officer before whom the
65 affidavit is taken is required and such affidavit or certificate
66 is found to be insufficient, or if it is found that the signatures
67 do not correspond, or that the applicant is not a duly qualified
68 elector in the precinct, or otherwise qualified to vote, or that
69 the ballot envelope is open or has been opened and resealed, or



70 the voter is not eligible to vote absentee, the previously cast
71 vote shall not be allowed. Without opening the voter's envelope
72 the resolution board shall mark across its face "REJECTED", with
73 the reason therefor.

74 (2) For all absentee votes received by mail, if the ballot
75 envelope contains more than one (1) ballot of any kind, the ballot
76 shall not be counted but shall be marked "REJECTED", with the
77 reason therefor, and the registrar shall promptly notify the voter
78 of such rejection. The voter's envelopes and affidavits, and the
79 voter's envelope with its contents unopened, when such vote is
80 rejected, shall be retained and preserved in the same manner as
81 other ballots at the election. Such votes may be challenged in
82 the same manner and for the same reasons that any other vote cast
83 in such election may be challenged.

84 (3) If an affidavit is required and the officials find that
85 the affidavit is insufficient, or if the officials find that the
86 absentee voter is otherwise disqualified to vote, the envelope
87 shall not be opened and a commissioner or executive committee
88 member shall write across the face of the envelope "REJECTED"
89 giving the reason therefor, and the registrar shall promptly
90 notify the voter of such rejection.

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



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

99 **SECTION 3.** This act shall take effect and be in force from
100 and after July 1, 2024.

