

By: Representatives Tullos, Hulum

To: Apportionment and Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1406

1 AN ACT TO REVISE THE ABSENTEE BALLOTING LAW; TO AMEND
2 SECTIONS 23-15-633 AND 23-15-635, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE THAT AN ELECTOR'S CERTIFICATE SHALL ONLY BE REQUIRED FOR
4 MAILED ABSENTEE BALLOTS; TO AMEND SECTION 23-15-637, MISSISSIPPI
5 CODE OF 1972, TO PROVIDE THAT ALL ABSENTEE BALLOTS CAST IN PERSON
6 AT THE OFFICE OF THE REGISTRAR SHALL BE CAST USING THE OPTICAL
7 MARK READING EQUIPMENT; TO PROVIDE THAT THE OPTICAL MARK READING
8 EQUIPMENT SHALL BE SEALED EACH NIGHT; TO PROVIDE THAT IF FOR ANY
9 REASON THE OPTICAL MARK READING EQUIPMENT BECOMES INOPERABLE,
10 PAPER BALLOTS SHALL BE USED; TO AMEND SECTION 23-15-639,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MAILED ABSENTEE
12 BALLOTS SHALL BE COUNTED BY THE RESOLUTION BOARD AT THE CLOSE OF
13 THE POLLS ALONG WITH THE ABSENTEE BALLOTS CAST IN PERSON ON THE
14 OPTICAL MARK READING EQUIPMENT; TO PROVIDE A PROCESS FOR ABSENTEE
15 VOTERS TO CURE THEIR ABSENTEE BALLOT IF THE SIGNATURES ON THE
16 APPLICATION DOES NOT MATCH THE SIGNATURE ON THE ENVELOPE; TO AMEND
17 SECTIONS 23-15-641, 23-15-643, 23-15-645, 23-15-715, 23-15-719,
18 23-15-731, 23-15-391, 23-15-511, 23-15-631 AND 23-15-699,
19 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO
20 AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972, TO REQUIRE
21 CERTAIN METHODS OF NOTIFICATION TO BE ASKED ON THE ABSENTEE BALLOT
22 APPLICATION; TO BRING FORWARD SECTIONS 23-15-621, 23-15-623,
23 23-15-625, 23-15-629, 23-15-647, 23-15-649, 23-15-651, 23-15-653,
24 23-15-657, 23-15-671, 23-15-673, 23-15-675, 23-15-677, 23-15-679,
25 23-15-681, 23-15-683, 23-15-685, 23-15-687, 23-15-691, 23-15-692,
26 23-15-693, 23-15-697, 23-15-701, 23-15-711, 23-15-713, 23-15-717,
27 23-15-721, 23-15-733, 23-15-735, 23-15-751, 23-15-753, 23-15-755,
28 23-15-517 AND 23-15-519, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
29 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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



31 **SECTION 1.** Section 23-15-633, Mississippi Code of 1972, is
32 amended as follows:

33 23-15-633. For mailed absentee ballots, on any envelope
34 where the elector's signature and the signature of the attesting
35 witness are required, the signature lines and the signatures shall
36 be * * * in a box on the envelope to insure the integrity of the
37 ballot and the following shall be printed on the flap on the back
38 of the envelope in bold print and in a distinguishing color:

39 **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS**
40 **NOT SIGNED * * * IN THE BOX ON THIS ENVELOPE BY YOU AND AN**
41 **ATTESTING WITNESS."**

42 **SECTION 2.** Section 23-15-635, Mississippi Code of 1972, is
43 amended as follows:

44 23-15-635. (1) For mailed absentee ballots, the form of the
45 elector's certificate, attesting witness certification and
46 certificate of person providing voter assistance on the back of
47 the envelope used by absentee voters who are not absent voters as
48 defined in Section 23-15-673, shall be as follows:

49 "ELECTOR'S CERTIFICATE

50 STATE OF _____

51 COUNTY OF _____

52 I, _____, under penalty of perjury do solemnly swear
53 that this envelope contains the ballot marked by me indicating my
54 choice of the candidates or propositions to be submitted at the
55 election to be held on the ___ day of _____, 2____, and I



56 hereby authorize the registrar to place this envelope in the
57 ballot box on my behalf, and I further authorize the election
58 managers to open this envelope and place my ballot among the other
59 ballots cast before such ballots are counted, and record my name
60 on the poll list as if I were present in person and voted.

61 I further swear that I marked the enclosed ballot in secret.
62 **Penalties for vote fraud are up to five (5) years in prison and a**
63 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
64 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
65 **to one (1) year in jail and a fine of up to One Thousand Dollars**
66 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

67 _____
68 (Signature of voter)

69 CERTIFICATE OF ATTESTING WITNESS

70 Under penalty of perjury I affirm that the above named voter
71 personally appeared before me, on this the ___ day of _____,
72 2____, and is known by me to be the person named, and who, after
73 being duly sworn or having affirmed, subscribed the foregoing oath
74 or affirmation. That the voter exhibited to me his or her blank
75 ballot; that the ballot was not marked or voted before the voter
76 exhibited the ballot to me; that the voter was not solicited or
77 advised by me to vote for any candidate, question or issue, and
78 that the voter, after marking his or her ballot, placed it in the
79 envelope, closed and sealed the envelope in my presence, and
80 signed and swore or affirmed the above certificate.



81 _____
82 (Attesting witness) (Address)
83 _____
84 (Official title) (City and State)

85 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

86 (To be completed only if the voter has received assistance in
87 marking the enclosed ballot.) I, under penalty of perjury, hereby
88 certify that the above-named voter declared to me that he or she
89 is blind, temporarily or permanently physically disabled, or
90 cannot read or write, and that the voter requested that I assist
91 the voter in marking the enclosed absentee ballot. I hereby
92 certify that the ballot preferences on the enclosed ballot are
93 those communicated by the voter to me, and that I have marked the
94 enclosed ballot in accordance with the voter's instructions.

95 **Penalties for vote fraud are up to five (5) years in prison and a**
96 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
97 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
98 **to one (1) year in jail and a fine of up to One Thousand Dollars**
99 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

100 _____
101 Signature of person providing assistance
102 _____
103 Printed name of person providing assistance
104 _____
105 Address of person providing assistance



106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130

Date and time assistance provided

Family relationship to voter (if any)"

(2) The envelope 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 * * * IN THE BOX ON THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

SECTION 3. Section 23-15-637, Mississippi Code of 1972, is amended as follows:

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

(b) All ballots cast by the absent elector appearing in person in the office of the registrar shall be cast with an absentee paper ballot and deposited into * * * the optical mark reading (OMR) equipment by the voter, not later than 12:00 noon, * * * on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of



131 elections held on other days. At the close of business each day
132 at the office of the registrar, the * * * OMR equipment used shall
133 be sealed as provided in Section 23-15-519 and not unsealed until
134 the beginning of the next business day, and the * * * seal log
135 shall be * * * kept as provided in Section 23-15-519 with the
136 number of ballots cast which shall be stored in a secure location
137 in the registrar's office. If for any reason the OMR equipment
138 shall become inoperable, the registrar shall direct voters to cast
139 paper ballots. The paper ballots shall be administered in
140 accordance with the laws concerning paper ballots.

141 (2) * * * The registrar shall not send any absentee ballots
142 to the precinct polling locations.

143 (3) The Secretary of State shall promulgate rules and
144 regulations necessary to ensure that when a qualified elector who
145 is qualified to vote absentee votes by absentee ballot, either by
146 mail or in person with * * * the OMR equipment, that person's
147 absentee vote is final and he or she may not vote at the polling
148 place on election day. Notwithstanding any other provisions of
149 law to the contrary, the Secretary of State shall promulgate rules
150 and regulations necessary to ensure that absentee ballots shall
151 remain in the registrar's office for counting and not be taken to
152 the precincts on election day.

153 **SECTION 4.** Section 23-15-639, Mississippi Code of 1972, is
154 amended as follows:



155 23-15-639. (1) The examination and counting of all absentee
156 ballots shall be conducted as follows:

157 (a) At the opening of the regular balloting and at the
158 opening of the polls, the resolution board established under
159 Section 23-15-523 and trained in the process of canvassing
160 absentee ballots shall first take the envelopes containing the
161 mailed absentee ballots of such electors from the secure location
162 at the circuit clerk's office, and the name, address and precinct
163 inscribed on each envelope shall be announced by the election
164 managers.

165 (b) The signature on the application shall then be
166 compared with the signature in the box on the back of the
167 envelope. If it corresponds and the affidavit, if one is
168 required, is sufficient and the resolution board finds that the
169 applicant is a registered and qualified voter or otherwise
170 qualified to vote, the envelope shall then be opened and the
171 mailed absentee ballot removed from the envelope, without its
172 being unfolded, or permitted to be unfolded or examined.

173 (c) When a voter's absentee ballot is rejected because
174 the signatures on the application and in the box on the envelope
175 do not correspond, the registrar shall notify the voter within one
176 (1) business day of the election that the voter's absentee ballot
177 has been tentatively rejected because the signature on the
178 application does not correspond with the signature in the box on
179 the envelope. The notice shall inform the voter about the process



180 of curing the deficiency and that if the voter does not cure the
181 signatures by 12:00 p.m. on the fifth business day after the
182 election, then the voter's ballot shall be rejected. Notice to
183 the voter shall be made using the contact information that the
184 voter provided on his or her absentee ballot application. The
185 absentee cure form shall be transmitted to the voter via email or
186 facsimile; however, if neither are available, then the form shall
187 be transmitted by first-class mail to the voter. The form of the
188 notice and the absentee cure form shall be provided for in rules
189 and regulations prescribed by the Secretary of State.

190 (* * *d) Having observed and found the ballot to be
191 regular as far as can be observed from its official endorsement,
192 the resolution board shall deposit it in the ballot box with the
193 other ballots before counting any ballots and enter the voter's
194 name in the receipt book provided for that purpose. All absentee
195 ballots received prior to 7:00 p.m. the day before the election
196 shall be counted in the registrar's office by the resolution board
197 when the polls close and then added to the votes cast in each
198 precinct as well as the in-person absentee votes cast on the OMR
199 equipment in the registrar's office. All absentee ballots
200 received after 7:00 p.m. the day before the election but not later
201 than the fifth business day after the election shall be processed
202 by the resolution board.



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

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

208 **SECTION 5.** Section 23-15-641, Mississippi Code of 1972, is
209 amended as follows:

210 23-15-641. (1) For all absentee votes received by mail, if
211 an affidavit or the certificate of the officer before whom the
212 affidavit is taken is required and such affidavit or certificate
213 is found to be insufficient, or if it is found that the signatures
214 do not correspond and the voter has not cured his or her ballot as
215 provided in Section 23-15-639, or that the applicant is not a duly
216 qualified elector in the precinct, or otherwise qualified to vote,
217 or that the ballot envelope is open or has been opened and
218 resealed, or the voter is not eligible to vote absentee, the
219 previously cast vote shall not be allowed. Without opening the
220 voter's envelope the resolution board shall mark across its face
221 "REJECTED", with the reason therefor.

222 (2) For all absentee votes received by mail, if the ballot
223 envelope contains more than one (1) ballot of any kind, the ballot
224 shall not be counted but shall be marked "REJECTED", with the
225 reason therefor, and the registrar shall promptly notify the voter
226 of such rejection. The voter's envelopes and affidavits, and the
227 voter's envelope with its contents unopened, when such vote is



228 rejected, shall be retained and preserved in the same manner as
229 other ballots at the election. Such votes may be challenged in
230 the same manner and for the same reasons that any other vote cast
231 in such election may be challenged.

232 (3) For all absentee votes received by mail, if an affidavit
233 is required and the officials find that the affidavit is
234 insufficient, or if the officials find that the absentee voter is
235 otherwise disqualified to vote, the envelope shall not be opened
236 and a commissioner or executive committee member shall write
237 across the face of the envelope "REJECTED" giving the reason
238 therefor, and the registrar shall promptly notify the voter of
239 such rejection.

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

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

248 **SECTION 6.** Section 23-15-643, Mississippi Code of 1972, is
249 amended as follows:

250 23-15-643. If an affidavit is required, the appropriate
251 election officials shall examine the affidavit of each mailed
252 absentee ballot envelope. If the officials are satisfied that the



253 affidavit is sufficient and that the absentee voter is otherwise
254 qualified to vote, an official shall announce the name of the
255 voter and shall give any person present an opportunity to
256 challenge in like manner and for the same cause as the voter could
257 have been challenged had he presented himself personally in such
258 precinct to vote. The ineligibility of the voter to vote by
259 absentee ballot shall be a ground for a challenge. Also, the
260 officials shall consider any absentee voter challenged when a
261 person has previously filed a written challenge of such voter's
262 right to vote. The election officials shall handle any such
263 challenge in the same manner as other challenged ballots are
264 handled.

265 **SECTION 7.** Section 23-15-645, Mississippi Code of 1972, is
266 amended as follows:

267 23-15-645. (1) Absentee ballots cast in the registrar's
268 office on the OMR equipment and absentee ballots that are received
269 by mail that are deposited into a sealed ballot box shall be
270 processed on election day but not tallied until after closing of
271 the polls and announced simultaneously with all other votes cast
272 on election day.

273 (2) After the votes have been counted, the officials shall
274 preserve all applications, envelopes of mailed absentee ballots
275 and the list of absent voters along with the mailed paper and
276 paper ballots and other election materials and return the same to
277 the registrar.



278 (3) Notwithstanding any other provision of law to the
279 contrary, for federal and presidential general, special or primary
280 elections, packages of protested, void and wholly blank ballots,
281 voted ballots, open packages of unused ballots, sealed packages of
282 unused ballots, and all absentee and military ballots and ballot
283 envelopes, if any, shall be preserved for twenty-two (22) months
284 after the date of any such general, special or primary election.
285 For all other statewide, county or municipal elections, sealed
286 packages of unused ballots, packages of protested, void and wholly
287 blank ballots, open packages of unused ballots and all absentee
288 and military ballots and ballot envelopes shall be retained for
289 four (4) months, and may then be destroyed, provided a certificate
290 articulating the election district identifying data and numbers of
291 such ballots is filed with the balance of ballots described in
292 this section, for the balance of the twenty-two-month retention
293 period.

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

296 23-15-715. Any elector desiring an absentee ballot as
297 provided in this subarticle may secure same if:

298 (a) Not more than forty-five (45) days nor later than
299 12:00 noon, * * * on the Saturday immediately preceding elections
300 held on Tuesday, the Thursday immediately preceding elections held
301 on Saturday, or the second day immediately preceding the date of
302 elections held on other days, he shall appear in person before the



303 registrar of the county in which he resides, or for municipal
304 elections he shall appear in person before the city clerk of the
305 municipality in which he resides and, when the elector so appears,
306 he shall execute and file an application as provided in Section
307 23-15-627 and vote by absentee ballot and shall then proceed to
308 feed his ballot into the OMR equipment. * * * If the absentee
309 ballot has not been printed by forty-five (45) days preceding the
310 election, the elector may appear and file an application anytime
311 before the election. Then the absentee ballot shall be mailed by
312 the circuit clerk to the elector as soon as the ballot has been
313 printed.

314 (b) Within forty-five (45) days next prior to any
315 election, any elector who cannot comply with paragraph (a) of this
316 section by reason of temporarily residing outside the county, or
317 any person who has a temporary or permanent physical disability,
318 persons who are sixty-five (65) years of age or older, or any
319 person who is the parent, spouse or dependent of a temporarily or
320 permanently physically disabled person who is hospitalized outside
321 of his county of residence or more than fifty (50) miles away from
322 his residence and such parent, spouse or dependent will be with
323 such person on election day, may make application for an absentee
324 ballot by mailing the appropriate application to the registrar.
325 Only persons temporarily residing out of the county of their
326 residence, persons having a temporary or permanent physical
327 disability, persons who are sixty-five (65) years of age or older,



328 or any person who is the parent, spouse or dependent of a
329 temporarily or permanently physically disabled person who is
330 hospitalized outside of his county of residence or more than fifty
331 (50) miles away from his residence, and such parent, spouse or
332 dependent will be with such person on election day, may obtain
333 absentee ballots by mail under the provisions of this subsection
334 and as provided by Section 23-15-713. Applications of persons
335 temporarily residing outside the county shall be sworn to and
336 subscribed before an official who is authorized to administer
337 oaths or other official authorized to witness absentee balloting
338 as provided in this chapter, said application to be accompanied by
339 such verifying affidavits as required by this chapter. The
340 applications of persons having a temporary or permanent physical
341 disability shall not be required to be accompanied by an affidavit
342 but shall be witnessed and signed by a person eighteen (18) years
343 of age or older. The registrar shall send to such absent voter a
344 proper absentee voter ballot within twenty-four (24) hours, or as
345 soon thereafter as the ballots are available, containing the names
346 of all candidates who qualify or the proposition to be voted on in
347 such election, and with such ballot there shall be sent an
348 official envelope containing upon it in printed form the recitals
349 and data hereinafter required.

350 (c) Except when the voter has requested a runoff ballot
351 on the initial absentee ballot application, upon request for a
352 runoff ballot pursuant to Section 23-15-719, the registrar shall



353 mail together the absentee ballot application and the absentee
354 ballot to the absent voter for the runoff election.

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

357 23-15-719. (1) Except where the registrar has already
358 mailed a ballot with an application, upon receipt of a properly
359 completed application form by an elector qualified to vote
360 absentee as provided in this article, the registrar shall mail the
361 absent voter an absentee ballot within one (1) business day, or as
362 soon as the absentee ballot is prepared and available, containing
363 the names of all the candidates and propositions, if any, to be
364 voted on in the election. The registrar shall include with the
365 absentee ballot an official envelope that complies with the
366 provisions of this article, as well as information to comply with
367 Section 23-15-641(3) related to the status of the elector's
368 ballot. The registrar shall identify the applicant by requiring
369 him to present identification as required by Section 23-15-563,
370 and shall then deliver the ballots to the applicant by mail or to
371 the applicant in the registrar's office. The registrar shall not
372 personally hand deliver ballots to voters. If the applicant is in
373 the registrar's office, after the applicant has properly marked
374 the ballot * * *, he shall deposit it in the * * * OMR equipment.

375 If the absentee voter is voting by mail, after the absentee
376 voter has sealed the envelope, he or she shall subscribe and swear
377 to an affidavit and mail the ballot to the address provided on the



378 absentee ballot official envelope. The affidavit shall be in the
379 following form, which shall be printed on the back of the envelope
380 containing the applicant's ballot:

381 "STATE OF MISSISSIPPI
382 COUNTY OF _____

383 I, _____, do solemnly swear that this envelope contains
384 the ballot marked by me indicating my choice of the candidates or
385 propositions to be submitted at the election to be held on the ___
386 day of _____, 2___, and I hereby authorize the registrar to
387 place this envelope in the ballot box on my behalf, and I further
388 authorize the election managers to open this envelope and place my
389 ballot among the other ballots cast before such ballots are
390 counted, and record my name on the poll list as if I were present
391 in person and voted.

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

393 _____
394 (Signature of voter)

395 SWORN TO AND SUBSCRIBED before me, _____, this the ___
396 day of _____, 2___.

397 (Registrar) _____
398 (Registrar) "

399 After the completion of the requirements of this section, the
400 elector shall * * * mail the envelope containing the ballot to the
401 registrar.



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

406 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

407 (To be completed only if the voter has received assistance in
408 marking the enclosed ballot.) I hereby certify that the
409 above-named voter declared to me that he or she is blind,
410 temporarily or permanently physically disabled, or cannot read or
411 write, and that the voter requested that I assist the voter in
412 marking the enclosed absentee ballot. I hereby certify that the
413 ballot preferences on the enclosed ballot are those communicated
414 by the voter to me, and that I have marked the enclosed ballot in
415 accordance with the voter's instructions.

416 _____

417 Signature of person providing assistance

418 _____

419 Printed name of person providing assistance

420 _____

421 Address of person providing assistance

422 _____

423 Date and time assistance provided

424 _____

425 Family relationship to voter (if any)"



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

432 **SECTION 10.** Section 23-15-731, Mississippi Code of 1972, is
433 amended as follows:

434 23-15-731. Any presidential absentee ballots received in the
435 mail by the registrar after the delivery of ballot boxes to the
436 election managers and before the deadline for receipt of absentee
437 ballots provided for in Section 23-15-637 shall be retained by the
438 registrar and shall be delivered, together with the applications
439 of the qualified absentee elector to an election official
440 designated to receive them. The registrar shall receive a receipt
441 from the designated election official for all such ballots and
442 applications delivered. The designated election officials shall,
443 upon the canvassing of the returns, count such ballots as if
444 delivered to the proper precincts and such ballots shall be
445 considered valid for all purposes as if they had been actually
446 deposited in the proper precinct ballot boxes. For mailed
447 absentee ballots, the appropriate election officials shall examine
448 the affidavit of each envelope. If the officials are satisfied
449 that the affidavit is sufficient and that the absentee voter is
450 otherwise qualified to vote, an official shall announce the name



451 of the voter and shall give any person present an opportunity to
452 challenge in like manner and for the same cause as the voter could
453 have been challenged had he or she presented himself or herself
454 personally in such precinct to vote. The ineligibility of the
455 voter to vote by absentee ballot shall be a ground for a
456 challenge. The officials shall consider any absentee voter
457 challenged when a person has previously filed a written challenge
458 of such voter's right to vote. The election officials shall
459 handle any such challenge in the same manner as other challenged
460 ballots are handled, and if the challenge is not affirmed, the
461 officials shall then open the envelope. The officials shall then
462 open the envelope in such manner as not to destroy the affidavit
463 printed thereon and shall deposit the ballot marked "OFFICIAL
464 ABSENTEE BALLOT," in a ballot box reserved for absentee ballots.
465 The commissioners shall endorse on their pollbooks a proper
466 notation to indicate that the absentee voter has voted in such
467 election by absentee ballot.

468 **SECTION 11.** Section 23-15-391, Mississippi Code of 1972, is
469 amended as follows:

470 23-15-391. The board of supervisors of each county and the
471 governing authorities of each municipality shall use optical mark
472 reading equipment * * * that complies with the specifications
473 provided by law. The election commissioners may conduct special
474 and municipal elections, as well as any necessary runoff
475 elections, by paper ballot when the election commissioners



476 determine that administration of an election by paper ballot will
477 be less expensive than administration of the same election by
478 optical mark reading equipment * * *.

479 **SECTION 12.** Section 23-15-511, Mississippi Code of 1972, is
480 amended as follows:

481 23-15-511. The ballots shall, as far as practicable, be in
482 the same order of arrangement as provided for paper ballots that
483 are to be counted manually, except that the information may be
484 printed in vertical or horizontal rows. Nothing in this chapter
485 shall be construed as prohibiting the information being presented
486 to the voters from being printed on both sides of a single ballot.
487 In those years when a special election shall occur on the same day
488 as the general election, the names of candidates in any special
489 election and the general election shall be placed on the same
490 ballot by the election commissioners or officials in charge of the
491 election, but the general election candidates shall be clearly
492 distinguished from the special election candidates. At any time a
493 special election is held on the same day as a party primary
494 election, the names of the candidates in the special election may
495 be placed on the same ballot by the officials in charge of the
496 election, but shall be clearly distinguished as special election
497 candidates or primary election candidates.

498 Ballots shall be printed in plain clear type in black ink and
499 upon clear white materials of such size and arrangement as to be
500 compatible with the OMR equipment. Absentee ballots shall be



501 prepared and printed in the same form and shall be on the same
502 size and texture as the regular official ballots, except that they
503 shall be printed on tinted paper; or the ink used to print the
504 ballots shall be of a color different from that of the ink used to
505 print the regular official ballots. Arrows may be printed on the
506 ballot to indicate the place to mark the ballot, which may be to
507 the right or left of the names of candidates and propositions.
508 The titles of offices may be arranged in vertical columns on the
509 ballot and shall be printed above or at the side of the names of
510 candidates so as to indicate clearly the candidates for each
511 office and the number to be elected. In case there are more
512 candidates for an office than can be printed in one (1) column,
513 the ballot shall be clearly marked that the list of candidates is
514 continued on the following column. The names of candidates for
515 each office shall be printed in vertical columns, grouped by the
516 offices that they seek. In partisan elections, the party
517 designation of each candidate, which may be abbreviated, shall be
518 printed following his or her name.

519 One (1) sample ballot, which shall be a facsimile of the
520 official ballot and instructions to the voters, shall be provided
521 for each precinct and shall be posted in each polling place on
522 election day.

523 * * *

524 **SECTION 13.** Section 23-15-621, Mississippi Code of 1972, is
525 brought forward as follows:



526 23-15-621. The title of Sections 23-15-621 through 23-15-653
527 of this chapter shall be the Absentee Balloting Procedures Law.

528 **SECTION 14.** Section 23-15-623, Mississippi Code of 1972, is
529 brought forward as follows:

530 23-15-623. All absentee ballots as authorized in Sections
531 23-15-671 through 23-15-697, in Sections 23-15-711 through
532 23-15-721, and Sections 23-15-731 and 23-15-733, shall be handled
533 as provided in Sections 23-15-621 through 23-15-653.

534 **SECTION 15.** Section 23-15-625, Mississippi Code of 1972, is
535 brought forward as follows:

536 23-15-625. (1) The registrar shall be responsible for
537 providing applications for absentee voting as provided in this
538 section. At least sixty (60) days before any election in which
539 absentee voting is provided for by law, the registrar shall
540 provide a sufficient number of applications. In the event a
541 special election is called and set at a date which makes it
542 impractical or impossible to prepare applications for absent
543 elector's ballot sixty (60) days before the election, the
544 registrar shall provide applications as soon as practicable after
545 the election is called. The registrar shall fill in the date of
546 the particular election on the application for which the
547 application will be used.

548 (2) The registrar shall be authorized to disburse
549 applications for absentee ballots to any qualified elector within
550 the county where he or she serves. Any person who presents to the



551 registrar an oral or written request for an absentee ballot
552 application for a voter entitled to vote absentee by mail, other
553 than the elector who seeks to vote by absentee ballot, shall, in
554 the presence of the registrar, sign the application and print on
555 the application his or her name and address and the name of the
556 elector for whom the application is being requested in the place
557 provided for on the application for that purpose. However, if for
558 any reason such person is unable to write the information
559 required, then the registrar shall write the information on a
560 printed form which has been prescribed by the Secretary of State.
561 The form shall provide a place for such person to place his or her
562 mark after the form has been filled out by the registrar.

563 (3) It shall be unlawful for any person to solicit absentee
564 ballot applications or absentee ballots for persons staying in any
565 skilled nursing facility as defined in Section 41-7-173 unless the
566 person soliciting the absentee ballot applications or absentee
567 ballots is:

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

570 (b) A person designated by the person for whom the
571 absentee ballot application or absentee ballot is sought, the
572 registrar or the deputy registrar.

573 As used in this subsection, "family member" means a spouse,
574 parent, grandparent, sibling, adult child, grandchild or legal
575 guardian.



576 (4) The registrar in the county wherein a voter is qualified
577 to vote upon receiving by mail the envelope containing the
578 absentee ballots shall keep an accurate list of all persons
579 preparing such ballots. The list shall be kept in a conspicuous
580 place accessible to the public near the entrance to the
581 registrar's office. The registrar shall also furnish to each
582 precinct manager a list of the names of all persons in each
583 respective precinct voting absentee by mail and in person to be
584 posted in a conspicuous place at the polling place for public
585 notice. The application on file with the registrar and the
586 envelopes containing the ballots that voters mailed to the
587 registrar shall be kept by the registrar in his or her office in a
588 secure location. At the time such boxes are delivered to the
589 election commissioners or managers, the registrar shall also turn
590 over a list of all such persons who have voted and whose mailed
591 ballots are in the registrar's office.

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

596 (6) The registrar shall process all applications for
597 absentee ballots by using the Statewide Election Management
598 System. The registrar shall account for all absentee ballots
599 delivered to and received by mail as well as those who voted



600 absentee in person from qualified voters by processing such
601 ballots using the Statewide Election Management System.

602 **SECTION 16.** Section 23-15-627, Mississippi Code of 1972, is
603 amended as follows:

604 23-15-627. Any elector described in Section 23-15-713 may
605 request an absentee ballot application and vote in person at the
606 office of the registrar in the county in which he or she resides.
607 The registrar shall be responsible for furnishing an absentee
608 ballot application form to any elector authorized to receive an
609 absentee ballot. Except as otherwise provided in Section
610 23-15-625, absentee ballot applications shall be furnished to a
611 person only upon the oral or written request of the elector who
612 seeks to vote by absentee ballot; however, the parent, child,
613 spouse, sibling, legal guardian, those empowered with a power of
614 attorney for that elector's affairs or agent of the elector, who
615 is designated in writing and witnessed by a resident of this state
616 who shall write his or her physical address on such designation,
617 may orally request an absentee ballot application on behalf of the
618 elector. The written designation shall be valid for one (1) year
619 after the date of the designation. An absentee ballot application
620 must have the seal of the circuit or municipal clerk affixed to it
621 and be initialed by the registrar or his or her deputy in order to
622 be used to obtain an absentee ballot. A reproduction of an
623 absentee ballot application shall not be valid unless it is a
624 reproduction provided by the office of the registrar of the



625 jurisdiction in which the election is being held and which
626 contains the seal and initials required by this section. Such
627 application shall be substantially in the following form:

628 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

640 () I am a member of the Merchant Marine or the American Red
641 Cross and am a citizen of Mississippi or spouse or dependent of
642 such member.

643 () I am a disabled war veteran who is a patient in any
644 hospital and am a citizen of Mississippi or spouse or dependent of
645 such veteran.

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



650 () I am a citizen of Mississippi temporarily residing
651 outside the territorial limits of the United States and the
652 District of Columbia.

653 () I am a student, teacher or administrator at a college,
654 university, junior or community college, high, junior high,
655 elementary or grade school, whose studies or employment at such
656 institution necessitates my absence from the county of my voting
657 residence or spouse or dependent of such student, teacher or
658 administrator who maintains a common domicile outside the county
659 of my voting residence with such student, teacher or
660 administrator.

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

662 () I have a temporary or permanent physical
663 disability * * *.

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

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

670 () I am a member of the congressional delegation, or spouse
671 or dependent of a member of the congressional delegation.

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



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

676 Mail 'Absent Elector's Ballot' to me at the following address
677 _____.

678 () I wish to receive an absentee ballot for the runoff
679 election _____.

680 Notify me of problem with my "Absent Elector's Ballot" at the
681 following:

682 Phone number: _____

683 Email address: _____

684 Mailing address: _____

685 I realize that I can be fined up to Five Thousand Dollars
686 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
687 for making a false statement in this application and for selling
688 my vote and violating the Mississippi Absentee Voter Law. (This
689 sentence is to be in bold print.)

690 If you are temporarily or permanently disabled, you are not
691 required to have this application notarized or signed by an
692 official authorized to administer oaths for absentee balloting.
693 You are required to sign this application in the proper place and
694 have a person eighteen (18) years of age or older witness your
695 signature and sign this application in the proper place.

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



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

700 _____
701 (Signature of absent elector)

702 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
703 2____.

704 _____
705 (Official authorized to administer oaths
706 for absentee balloting.)

707 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
708 DISABLED:

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

713 _____
714 (Signature of witness)

715 CERTIFICATE OF DELIVERY

716 I hereby certify that _____ (print name of voter)
717 has requested that I, _____ (print name of person
718 delivering application), deliver to the voter this absentee ballot
719 application.

720 _____
721 (Signature of person delivering application)

722 _____



723 (Address of person delivering application)"

724 **SECTION 17.** Section 23-15-629, Mississippi Code of 1972, is
725 brought forward as follows:

726 23-15-629. (1) The application for an absentee ballot of a
727 person who is permanently physically disabled shall be accompanied
728 by a statement signed by such person's physician, or nurse
729 practitioner, which statement must show that the person signing
730 the statement is a licensed, practicing medical doctor or nurse
731 practitioner and must indicate that the person applying for the
732 absentee ballot is permanently physically disabled to such a
733 degree that it is difficult for him or her to vote in person.

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

739 (3) The registrar of each county shall keep an accurate list
740 of the names and addresses of all persons whose applications for
741 absentee ballot are accompanied by the statement set forth in
742 subsection (1) of this section. Sixty (60) days before each
743 election, the registrar shall deliver such list to the election
744 commissioners who shall examine the list and delete from it the
745 names of all persons listed who are no longer qualified electors
746 of the county. Upon completion of such examination, the election



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

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

753 **SECTION 18.** Section 23-15-631, Mississippi Code of 1972, is
754 amended as follows:

755 23-15-631. (1) The registrar shall enclose with each ballot
756 mailed to an absent elector separate printed instructions
757 furnished by the registrar containing the following:

758 (a) All absentee voters, excepting those with temporary
759 or permanent physical disabilities or those who are sixty-five
760 (65) years of age or older, who mark their ballots in the county
761 of the residence shall use the registrar of that county as the
762 witness. The absentee voter shall come to the office of the
763 registrar and neither the registrar nor his or her deputy shall be
764 required to go out of the registrar's office to serve as an
765 attesting witness.

766 (b) Upon receipt of the enclosed ballot, you will not
767 mark the ballot except in view or sight of the attesting witness.
768 In the sight or view of the attesting witness, mark the ballot
769 according to instructions.

770 (c) After marking the ballot, fill out and sign the
771 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the



772 signature is * * * in a box on the envelope to ensure the
773 integrity of the ballot. All absent electors shall have the
774 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" * * *
775 in the box on the back of the envelope. Place the necessary
776 postage on the envelope and deposit it in the post office or some
777 government receptacle provided for deposit of mail so that the
778 absent elector's ballot will be postmarked on or before the date
779 of the election and received by the registrar no more than five
780 (5) business days after the election.

781 Any notary public, United States postmaster, assistant United
782 States postmaster, United States postal supervisor, clerk in
783 charge of a contract postal station, or other officer having
784 authority to administer an oath or take an acknowledgment may be
785 an attesting witness; provided, however, that in the case of an
786 absent elector who is temporarily or permanently physically
787 disabled, the attesting witness may be any person eighteen (18)
788 years of age or older and such person is not required to have the
789 authority to administer an oath. If a postmaster, assistant
790 postmaster, postal supervisor, or clerk in charge of a contract
791 postal station acts as an attesting witness, his or her signature
792 in a box on the elector's certificate must be authenticated by the
793 cancellation stamp of their respective post offices. If an
794 officer having authority to administer an oath or take an
795 acknowledgement acts as attesting witness, his or her signature in
796 a box on the elector's certificate, together with his or her title



797 and address, but no seal, shall be required. Any affidavits made
798 by an absent elector who is in the Armed Forces may be executed
799 before a commissioned officer, warrant officer, or noncommissioned
800 officer not lower in grade than sergeant rating or any person
801 authorized to administer oaths.

802 (d) When the application accompanies the ballot it
803 shall not be returned in the same envelope as the ballot but shall
804 be returned in a separate preaddressed envelope provided by the
805 registrar.

806 (e) A candidate for public office, or the spouse,
807 parent or child of a candidate for public office, may not be an
808 attesting witness for any absentee ballot upon which the
809 candidate's name appears, unless the voter is related within the
810 first degree to the candidate or the spouse, parent or child of
811 the candidate.

812 (f) Any voter casting an absentee ballot who declares
813 that he or she requires assistance to vote by reason of blindness,
814 temporary or permanent physical disability or inability to read or
815 write, shall be entitled to receive assistance in the marking of
816 his or her absentee ballot and in completing the affidavit on the
817 absentee ballot envelope. The voter may be given assistance by
818 anyone of the voter's choice other than a candidate whose name
819 appears on the absentee ballot being marked, the spouse, parent or
820 child of a candidate whose name appears on the absentee ballot
821 being marked or the voter's employer, an agent of that employer or



822 a union representative; however, a candidate whose name is on the
823 ballot or the spouse, parent or child of such candidate may
824 provide assistance upon request to any voter who is related within
825 the first degree. In order to ensure the integrity of the ballot,
826 any person who provides assistance to an absentee voter shall be
827 required to sign and complete the "Certificate of Person Providing
828 Voter Assistance" on the absentee ballot envelope.

829 (2) The foregoing instructions required to be provided by
830 the registrar to the elector shall also constitute the substantive
831 law pertaining to the handling of absentee ballots by the elector
832 and registrar.

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

836 **SECTION 19.** Section 23-15-647, Mississippi Code of 1972, is
837 brought forward as follows:

838 23-15-647. The registrar shall keep safely and unopened all
839 official absentee ballots which are received by mail after the
840 applicable cutoff period establishing its validity. Upon receipt
841 of such ballot, the registrar shall write the day and hour of the
842 receipt of the ballot on its envelope. All such absentee ballots
843 returned to the registrar after the cutoff time shall be safely
844 kept unopened by the registrar for the period of time required for
845 the preservation of ballots used in the election, and shall then,



846 without being opened, be destroyed in like manner as the used
847 ballots of the election.

848 **SECTION 20.** Section 23-15-649, Mississippi Code of 1972, is
849 brought forward as follows:

850 23-15-649. For all elections, the election officials shall
851 prepare and print, as soon as the deadline for the qualification
852 of candidates has passed or forty-five (45) days before the
853 election, whichever is later, official ballots for each voting
854 precinct to be known as absentee voter ballots, which ballots
855 shall be prepared and printed in the same form and shall be of the
856 same size and texture as the regular official ballot except that
857 they shall be printed on tinted paper of a tint different from
858 that of the regular official ballot or with a header of different
859 tint.

860 **SECTION 21.** Section 23-15-651, Mississippi Code of 1972, is
861 brought forward as follows:

862 23-15-651. The results of the vote by absentee balloting
863 shall be announced simultaneously with the vote cast on election
864 day; provided that absentee ballots received after 7:00 p.m. the
865 day before the election shall be kept in a secured and sealed
866 ballot box, and shall be announced after the five-business-day
867 period for receiving absentee ballots.

868 **SECTION 22.** Section 23-15-653, Mississippi Code of 1972, is
869 brought forward as follows:



870 23-15-653. All registrars' offices shall remain open until
871 noon on the two (2) Saturdays prior to each election.

872 **SECTION 23.** Section 23-15-657, Mississippi Code of 1972, is
873 brought forward as follows:

874 23-15-657. The registrar is authorized to accept requests
875 for absentee ballots by telephone. When a telephone request that
876 an absentee ballot application be mailed by the registrar to an
877 elector is made, the registrar shall ascertain the name and
878 complete address of the person making the telephone request and
879 shall print upon the absentee ballot application the name and
880 complete address of the requestor and the relation of such person
881 to the voter if requested by a person other than the voter and the
882 date such request was made. Such requests shall be processed
883 through the Statewide Election Management System.

884 **SECTION 24.** Section 23-15-671, Mississippi Code of 1972, is
885 brought forward as follows:

886 23-15-671. The title of Sections 23-15-671 through 23-15-697
887 shall be the Armed Services Absentee Voting Law.

888 **SECTION 25.** Section 23-15-673, Mississippi Code of 1972, is
889 brought forward as follows:

890 23-15-673. (1) For the purposes of this subarticle, the
891 term "absent voter" shall mean and include the following persons
892 if they are absent from their county of residence and are
893 otherwise qualified to vote in Mississippi:



894 (a) Any enlisted or commissioned members, male or
895 female, of the United States Army, or any of its respective
896 components or various divisions thereof; any enlisted or
897 commissioned members, male or female, of the United States Navy,
898 or any of its respective components or various divisions thereof;
899 any enlisted or commissioned members, male or female, of the
900 United States Air Force, or any of its respective components or
901 various divisions thereof; any enlisted or commissioned members,
902 male or female, of the United States Marines, or any of its
903 respective components or various divisions thereof; or any persons
904 in any division of the armed services of the United States; or any
905 persons who are members of the United States Space Force, who are
906 citizens of Mississippi;

907 (b) Any member of the Merchant Marine and the American
908 Red Cross who is a citizen of Mississippi;

909 (c) Any disabled war veteran who is a patient in any
910 hospital and who is a citizen of Mississippi;

911 (d) Any civilian attached to and serving outside of the
912 United States with any branch of the Armed Forces or with the
913 Merchant Marine or American Red Cross, and who is a citizen of
914 Mississippi;

915 (e) Any trained or certified emergency response
916 provider who is deployed during the time period authorized by law
917 for absentee voting, on election day, or during any state of



918 emergency declared by the President of the United States or any
919 Governor of any state within the United States;

920 (f) Any citizen of Mississippi temporarily residing
921 outside the territorial limits of the United States and the
922 District of Columbia;

923 (g) Any citizen of Mississippi enrolled as a student at
924 the United States Naval Academy, the United States Coast Guard
925 Academy, the United States Merchant Marine Academy, the United
926 States Air Force Academy or the United States Military Academy.

927 (2) The spouse and dependents of any absent voter as set out
928 in paragraphs (a) through (g) of subsection (1) of this section
929 shall also be included in the meaning of absent voter and may
930 register to vote and vote an absentee ballot as provided in this
931 subarticle if also absent from the county of their residence on
932 the date of the election and otherwise qualified to vote in
933 Mississippi.

934 (3) For the purpose of this subarticle, the term "election"
935 shall mean and include the following sets of elections: special
936 and runoff special elections, preferential and general elections,
937 first and second primary elections or general elections without
938 preferential elections, whichever system is applicable.

939 **SECTION 26.** Section 23-15-675, Mississippi Code of 1972, is
940 brought forward as follows:

941 23-15-675. Any absent voter, as defined in Section
942 23-15-673, who is otherwise qualified, may, upon compliance with



943 the provisions of this subarticle, vote in any elections which are
944 held in his voting precinct when he is absent for the reasons set
945 forth in this subarticle.

946 **SECTION 27.** Section 23-15-677, Mississippi Code of 1972, is
947 brought forward as follows:

948 23-15-677. (1) All absent voters as defined in Section
949 23-15-673(1) and (2) may use a duly executed federal postcard
950 application (as provided for in the Uniformed and Overseas
951 Citizens Absentee Voting Act, 42 USCS 1973ff et seq.) to request a
952 ballot or to register to vote, or to do both simultaneously.

953 (2) An absent voter who registers to vote utilizing a
954 federal postcard application or a Federal Write-In-Absentee Ballot
955 may vote in an election if the voter was registered to vote ten
956 (10) or more days prior to the date of the election.

957 **SECTION 28.** Section 23-15-679, Mississippi Code of 1972, is
958 brought forward as follows:

959 23-15-679. The official absentee voter ballots shall be
960 prepared and printed in the same form and shall be of the same
961 size and texture as the regular official ballot except that they
962 shall be printed on tinted paper of a tint different from that of
963 the regular official ballot.

964 **SECTION 29.** Section 23-15-681, Mississippi Code of 1972, is
965 brought forward as follows:

966 23-15-681. Except as otherwise provided in this subarticle,
967 all official absentee ballots shall be sent out and returned in



968 envelopes on which there is printed across the face two (2)
969 parallel horizontal bars, each one-fourth (1/4) of an inch wide,
970 extending from one side of the envelope to the other side, with an
971 intervening space of one-fourth (1/4) of an inch, the top bar to
972 be one and one-fourth (1-1/4) inches from the top of the envelope,
973 and with the words "OFFICIAL ELECTION BALLOTING MATERIAL-VIA AIR
974 MAIL" between the bars. In the upper right corner of each such
975 envelope there shall be printed in a box the words "FREE OF U.S.
976 POSTAGE, INCLUDING AIR MAIL." All printing on the face of such
977 envelopes shall be in black, and there shall be printed in black
978 in the upper left corner of all such ballot envelopes an
979 appropriate inscription for the return address of the sender.

980 **SECTION 30.** Section 23-15-683, Mississippi Code of 1972, is
981 brought forward as follows:

982 23-15-683. In any elections, as soon as the deadline for the
983 qualification of candidates has passed, or forty-five (45) days
984 prior to the election, whichever is later, absentee ballots shall
985 be prepared and printed for the elections, and both of said
986 ballots shall have printed thereon the names of all candidates who
987 originally qualify as candidates. However, such ballots shall be
988 printed on paper of different tints or colors and shall be styled
989 so as to show which ballot is to be used for the first election
990 and which ballot is to be used for the second election. When the
991 proper application is made as is otherwise provided herein, the
992 registrar shall send to the absent voter the proper absent voter



993 ballots for the elections as is otherwise provided herein, and
994 with such ballots there shall be sent also separate official
995 envelopes for the return thereof. No additional ballot shall be
996 thereafter sent to the absent voter for the second election but
997 the absent voter shall ascertain which of the candidates who
998 originally qualified are candidates in the second election and he
999 or she may vote for his choice between them on the second election
1000 ballot previously sent him. If an absentee voter shall vote for
1001 any candidate on the second election ballot who is not a candidate
1002 in the second election, his vote for that office shall be
1003 disregarded.

1004 **SECTION 31.** Section 23-15-685, Mississippi Code of 1972, is
1005 brought forward as follows:

1006 23-15-685. Within forty-five (45) days next prior to any
1007 election upon application first made to the registrar of the
1008 county by any absent voter as defined in this subarticle, such
1009 person shall be sent an absentee voter ballot of the county of
1010 which he is a citizen and resident. The registrar shall send to
1011 such absent voter a proper absentee voter ballot containing the
1012 names of all candidates who qualify or the proposition to be voted
1013 upon in such elections, and with such ballot there shall be sent
1014 an official envelope containing upon it in printed form the
1015 recitals and data hereinafter required.

1016 **SECTION 32.** Section 23-15-687, Mississippi Code of 1972, is
1017 brought forward as follows:



1018 23-15-687. (1) The registrar shall keep all applications
1019 for absentee ballots and shall, within twenty-four (24) hours, if
1020 possible, send to the absent voter on whose behalf the application
1021 is made, the proper affidavit and the proper ballot or ballots
1022 applicable to the elections. Such information shall be processed
1023 through the Statewide Election Management System.

1024 (2) One (1) application for an absentee ballot shall serve
1025 as a request by the applicant for an absentee ballot for:

1026 (a) The next federal general election, including all
1027 primary elections associated with the election;

1028 (b) All state and county primary and general elections
1029 that occur after the receipt of the application by the registrar
1030 through the date of the next federal general election that occurs
1031 after the receipt of the application by the registrar.

1032 (3) The registrar shall preserve all applications for
1033 absentee ballots for one (1) year as a record to be furnished to
1034 any court or other duly constituted authority for inspection or
1035 evidence if properly requested.

1036 (4) If the registrar rejects an application for an absentee
1037 ballot or denies a request to register to vote from a uniformed
1038 services applicant or an overseas voter, the registrar shall
1039 provide the person with the reasons for the rejection.

1040 (5) Any runoff election for a federal election shall be
1041 considered a continuation of such federal election.



1042 (6) An absent voter as defined in Section 23-15-673(1) may
1043 sign an absentee ballot application by electronic signature. The
1044 Secretary of State shall adopt rules necessary to implement this
1045 subsection.

1046 **SECTION 33.** Section 23-15-691, Mississippi Code of 1972, is
1047 brought forward as follows:

1048 23-15-691. As soon as possible after the printing of the
1049 official absentee ballot for any election, the registrar of the
1050 county shall send to any absent voter as defined in this
1051 subarticle, who shall, upon proper application, have requested
1052 same, the official absentee voter ballot or ballots provided for
1053 in this subarticle and the instructions for voting and returning
1054 the ballot. If the ballot is sent by mail the registrar shall
1055 send a self-addressed envelope or envelopes with the ballot and
1056 the instructions.

1057 If the ballot is sent by mail, the gummed flap of the
1058 envelope provided for the return of the ballot must be separated
1059 by wax paper or other appropriate protective insert from the
1060 remaining balloting material. The voting instructions shall
1061 require a notation of the facts on the back of the envelope duly
1062 signed by the voter.

1063 If applicable, the instructions shall indicate that the
1064 ballot shall be marked in ink or indelible pencil.

1065 **SECTION 34.** Section 23-15-692, Mississippi Code of 1972, is
1066 brought forward as follows:



1067 23-15-692. (1) An absent voter who resides outside the
1068 United States, who is a member of the United States Armed Forces
1069 or who is a family member of a member of the Armed Forces, and who
1070 is a registered voter of the State of Mississippi, may use the
1071 Federal Write-In-Absentee Ballot as provided for by 42 USCS
1072 1973ff-2 in general, special, primary and runoff elections for
1073 local, state and federal offices.

1074 (2) Upon receipt of a Federal Write-In-Absentee Ballot
1075 executed by a person who is a registered voter or whose
1076 information on the form is sufficient to register or update the
1077 registration of that person, the Federal Write-In-Absentee Ballot
1078 shall be considered as an absentee ballot request. Nothing in
1079 this subsection shall suspend the voter registration deadlines
1080 otherwise provided by law.

1081 **SECTION 35.** Section 23-15-693, Mississippi Code of 1972, is
1082 brought forward as follows:

1083 23-15-693. The absent voter, upon receipt of the absentee
1084 ballot, shall complete the declaration specified in the Uniformed
1085 and Overseas Citizens Absentee Voting Act, 42 USC Section 1973ff
1086 et seq.

1087 **SECTION 36.** Section 23-15-697, Mississippi Code of 1972, is
1088 brought forward as follows:

1089 23-15-697. When the absentee ballot has been voted and the
1090 envelope sealed, signed and certified to as provided above, the



1091 absentee voter shall mail the envelope containing the ballot to
1092 the registrar.

1093 **SECTION 37.** Section 23-15-699, Mississippi Code of 1972, is
1094 amended as follows:

1095 23-15-699. (1) Absent voters who have requested to receive
1096 absentee ballots and balloting materials may choose to receive
1097 such ballots and balloting materials by mail, facsimile device
1098 (FAX) or electronic mail delivery (e-mail). The Secretary of
1099 State shall establish procedures that allow an absent voter to
1100 make the choice authorized by this subsection.

1101 (2) Consistent with the choice that the absent voter
1102 exercises pursuant to subsection (1) of this section, the
1103 registrar shall, in addition to mail, be authorized to use
1104 electronic facsimile (FAX) devices and electronic mail delivery
1105 (e-mail) to transmit balloting materials and absentee ballots. If
1106 the absent voter does not indicate a preference, delivery of such
1107 information shall be by mail.

1108 (3) The registrar is authorized to receive by electronic
1109 facsimile (FAX) devices and electronic mail delivery (e-mail):

1110 (a) Voted absentee ballots;

1111 (b) Completed federal postcard applications as
1112 described in Section 23-15-677, which shall serve to request
1113 absentee ballots or to register to vote or to do both
1114 simultaneously; and



1115 (c) Completed Federal Write-In-Absentee Ballots as
1116 described in Section 23-15-692.

1117 (4) Once the registrar has received a voted absentee ballot
1118 pursuant to this section, he shall place the ballot in an absentee
1119 ballot envelope designated for absentee ballots under this
1120 subarticle and fill out the required information on the envelope.
1121 The registrar shall then notate on the envelope that the ballot
1122 was received under this section and a signature * * * in a box on
1123 the envelope shall not be required. Except as provided in this
1124 section, absentee ballots received under this subsection shall be
1125 treated in the same manner as other absentee ballots received
1126 under this subarticle.

1127 (5) Access to voted absentee ballots before they are placed
1128 in an absentee ballot envelope shall be strictly limited to
1129 election officials who must process the ballot and any election
1130 official who views the ballots before they are placed in the
1131 envelope shall have the duty to protect the secrecy of the ballot
1132 choices; however, the failure of an election official to comply
1133 with this subsection shall not invalidate the ballot.

1134 (6) Each circuit clerk shall furnish a suitable electronic
1135 mail delivery (e-mail) address that can be used to allow absent
1136 voters to comply with the provisions of this subarticle. Absentee
1137 ballots returned by mail by any absent voter as defined in Section
1138 23-15-673 must be received by the registrar by the deadline for



1139 receipt of mail absentee ballots provided for in Section
1140 23-15-637.

1141 **SECTION 38.** Section 23-15-701, Mississippi Code of 1972, is
1142 brought forward as follows:

1143 23-15-701. (1) The Secretary of State shall adopt such
1144 rules which are necessary and essential to implement this
1145 subarticle and to bring the state into compliance with the
1146 Uniformed and Overseas Citizens Absentee Voting Act, 42 USCS
1147 Section 1973ff et seq. The Secretary of State shall furnish the
1148 Legislature with a copy of such rules sixty (60) days after
1149 adoption by the Secretary of State.

1150 (2) The Secretary of State may exercise emergency powers
1151 concerning absentee voting and registration of military personnel
1152 over any election during an armed conflict or other military
1153 contingencies involving United States Armed Forces or mobilization
1154 of those forces, including state national guard or reserve
1155 components. The Secretary of State shall adopt rules describing
1156 the emergency powers and the situations in which the powers will
1157 be exercised.

1158 **SECTION 39.** Section 23-15-711, Mississippi Code of 1972, is
1159 brought forward as follows:

1160 23-15-711. The title of Sections 23-15-711 through 23-15-721
1161 shall be the Mississippi Absentee Voter Law.

1162 **SECTION 40.** Section 23-15-713, Mississippi Code of 1972, is
1163 brought forward as follows:



1164 23-15-713. For the purpose of this subarticle, any duly
1165 qualified elector may vote as provided in this subarticle if the
1166 elector falls within at least one (1) of the following categories:

1167 (a) Any qualified elector who is a bona fide student,
1168 teacher or administrator at any college, university, junior
1169 college, high, junior high, or elementary grade school whose
1170 studies or employment at such institution necessitates his or her
1171 absence from the county of his or her voting residence on the date
1172 of any primary, general or special election, or the spouse and
1173 dependents of that student, teacher or administrator if such
1174 spouse or dependent(s) maintain a common domicile, outside of the
1175 county of his or her voting residence, with such student, teacher
1176 or administrator.

1177 (b) Any qualified elector who is required to be away
1178 from his or her place of residence on any election day due to his
1179 or her employment as an employee of a member of the Mississippi
1180 congressional delegation and the spouse and dependents of such
1181 person if he or she shall be residing with such absentee voter
1182 away from the county of the spouse's voting residence.

1183 (c) Any qualified elector who is away from his or her
1184 county of residence on election day for any reason.

1185 (d) Any person who has a temporary or permanent
1186 physical disability and who, because of such disability, is unable
1187 to vote in person without substantial hardship to himself, herself
1188 or others, or whose attendance at the voting place could



1189 reasonably cause danger to himself, herself or others. For
1190 purposes of this paragraph (d), "temporary physical disability"
1191 shall include any qualified elector who is under a
1192 physician-imposed quarantine due to COVID-19 during the year 2020
1193 or is caring for a dependent who is under a physician-imposed
1194 quarantine due to COVID-19 beginning with July 8, 2020, and the
1195 same being repealed on December 31, 2020.

1196 (e) The parent, spouse or dependent of a person with a
1197 temporary or permanent physical disability who is hospitalized
1198 outside of his or her county of residence or more than fifty (50)
1199 miles distant from his or her residence, if the parent, spouse or
1200 dependent will be with such person on election day. For purposes
1201 of this paragraph (e), "temporary physical disability" shall
1202 include any qualified elector who is under a physician-imposed
1203 quarantine due to COVID-19 during the year 2020 or is caring for a
1204 dependent who is under a physician-imposed quarantine due to
1205 COVID-19 beginning with July 8, 2020, and the same being repealed
1206 on December 31, 2020.

1207 (f) Any person who is sixty-five (65) years of age or
1208 older.

1209 (g) Any member of the Mississippi congressional
1210 delegation absent from Mississippi on election day, and the spouse
1211 and dependents of such member of the congressional delegation.



1212 (h) Any qualified elector who will be unable to vote in
1213 person because he or she is required to be at work on election day
1214 during the times at which the polls will be open.

1215 **SECTION 41.** Section 23-15-717, Mississippi Code of 1972, is
1216 brought forward as follows:

1217 23-15-717. Any elector enumerated in Section 23-15-713
1218 applying for an absentee ballot shall complete an application form
1219 as provided in Section 23-15-627, and said elector shall fill in
1220 the application as is appropriate for his particular situation.

1221 **SECTION 42.** Section 23-15-721, Mississippi Code of 1972, is
1222 brought forward as follows:

1223 23-15-721. (1) Absentee ballots requested under the
1224 provisions of Section 23-15-715 for electors temporarily residing
1225 outside the county of residence shall be mailed to the elector's
1226 address outside of the county in which he or she is registered,
1227 and such electors shall appear before any official authorized to
1228 administer oaths or other official authorized to witness absentee
1229 balloting as provided in this article. The elector shall exhibit
1230 to such official his or her absentee ballot unmarked and thereupon
1231 proceed in secret to fill in the ballot. After the elector has
1232 properly marked the ballot and properly folded it, he or she shall
1233 deposit it in the envelope furnished him or her. After the
1234 elector has sealed the envelope he or she shall deliver it to the
1235 official before whom he or she is appearing and shall subscribe
1236 and swear to the elector's certificate provided for in Section



1237 23-15-635, which affidavit shall be printed on the back of the
1238 envelope as provided for in Section 23-15-635 containing the
1239 elector's ballot.

1240 (2) Electors who are temporarily or permanently physically
1241 disabled shall sign the elector's certificate and the certificate
1242 of attesting witness shall be signed by any person eighteen (18)
1243 years of age or older.

1244 (3) After the completion of the requirements of this
1245 section, the elector shall mail the envelope containing the ballot
1246 to the registrar in the county wherein the elector is qualified to
1247 vote. The ballots must be postmarked by the date of the election
1248 and received by the registrar no more than five (5) business days
1249 after the election to be counted; any received after such time
1250 shall be handled as provided in Section 23-15-647 and shall not be
1251 counted.

1252 **SECTION 43.** Section 23-15-733, Mississippi Code of 1972, is
1253 brought forward as follows:

1254 23-15-733. The registrar shall keep safely and unopened all
1255 official presidential absentee ballots which are received
1256 subsequent to the deadline for receipt of mail absentee ballots
1257 provided for in Section 23-15-637. Upon receipt of such ballot,
1258 the registrar shall write the day and hour of the receipt of the
1259 ballot on its envelope. All such absentee ballots returned to the
1260 registrar shall be safely kept unopened by the registrar for the
1261 period of time required for the preservation of ballots used in



1262 the election, and shall then, without being opened, be destroyed
1263 in like manner as the used ballots of the election. Such
1264 information shall be processed through the Statewide Election
1265 Management System.

1266 **SECTION 44.** Section 23-15-735, Mississippi Code of 1972, is
1267 brought forward as follows:

1268 23-15-735. Except for ballots voted in person at the office
1269 of the registrar, absentee ballots shall not be delivered in
1270 person to an absentee voter or to any other person.

1271 **SECTION 45.** Section 23-15-751, Mississippi Code of 1972, is
1272 brought forward as follows:

1273 23-15-751. If any registrar or commissioner of elections
1274 shall refuse or neglect to perform any of the duties prescribed by
1275 Sections 23-15-621 through 23-15-735, or shall knowingly permit
1276 any person to sign a false affidavit or otherwise knowingly permit
1277 any person to violate Sections 23-15-621 through 23-15-735, or
1278 shall violate any of the provisions thereof, or if any officer
1279 taking the affidavits as provided in said acts shall make any
1280 false statement in his certificate thereto attached, he shall,
1281 upon conviction, be deemed guilty of a crime and shall be punished
1282 by a fine not exceeding One Thousand Dollars (\$1,000.00) or by
1283 imprisonment in the Penitentiary not exceeding one (1) year, and
1284 shall be removed from office.

1285 **SECTION 46.** Section 23-15-753, Mississippi Code of 1972, is
1286 brought forward as follows:



1287 23-15-753. (1) Any person who willfully, unlawfully and
1288 feloniously procures, seeks to procure, or seeks to influence the
1289 vote of any person voting by absentee ballot, by the payment of
1290 money, the promise of payment of money, or by the delivery of any
1291 other item of value or promise to give the voter any item of
1292 value, or by promising or giving the voter any favor or reward in
1293 an effort to influence his vote, or any person who aids, abets,
1294 assists, encourages, helps, or causes any person voting an
1295 absentee ballot to violate any provision of law pertaining to
1296 absentee voting, or any person who sells his vote for money,
1297 favor, or reward, has been paid or promised money, a reward, a
1298 favor or favors, or any other item of value, or any person who
1299 fraudulently requests or submits an absentee ballot application
1300 for any voter, or any person who shall willfully swear falsely to
1301 any affidavit provided for in Sections 23-15-621 through
1302 23-15-735, shall be guilty of the crime of "vote fraud" and, upon
1303 conviction, shall be sentenced to pay a fine of not less than Five
1304 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
1305 (\$5,000.00), or by imprisonment in the county jail for no more
1306 than one (1) year, or by both fine and imprisonment, or by being
1307 sentenced to the State Penitentiary for not less than one (1) year
1308 nor more than five (5) years.

1309 (2) It shall be unlawful for any person who pays or
1310 compensates another person for assisting voters in marking their
1311 absentee ballots to base the pay or compensation on the number of



1312 absentee voters assisted or the number of absentee ballots cast by
1313 persons who have received the assistance. Any person who violates
1314 this section, upon conviction, shall be fined not less than One
1315 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars
1316 (\$5,000.00), or imprisoned in the Penitentiary not less than one
1317 (1) year nor more than five (5) years, or both.

1318 **SECTION 47.** Section 23-15-755, Mississippi Code of 1972, is
1319 brought forward as follows:

1320 23-15-755. All of the provisions of Sections 23-15-621
1321 through 23-15-735 shall be applicable, insofar as possible, to
1322 municipal, primary, preferential, general and special elections,
1323 and wherever herein any duty is imposed or any power or authority
1324 is conferred upon the county registrar, county election
1325 commissioners, or county executive committee with reference to a
1326 state and county election, such duty shall likewise be imposed and
1327 such power and authority shall likewise be conferred upon the
1328 municipal registrar, municipal election commission or municipal
1329 executive committee with reference to any municipal election. Any
1330 duty, obligation or responsibility imposed upon the registrar or
1331 upon the election commissioners, when applicable, shall likewise
1332 be conferred upon and devolved upon the appropriate party,
1333 executive committee or officials in any party primary.

1334 **SECTION 48.** Section 23-15-517, Mississippi Code of 1972, is
1335 brought forward as follows:



1336 23-15-517. At least one (1) hour before the opening of the
1337 polls, the officials in charge of the election shall arrive at the
1338 polling place and set up the voting booths so that they will be in
1339 clear view of the poll managers; the poll managers shall examine
1340 the ballots to verify that they have the correct ballots for their
1341 precinct and check the supplies, records and forms, and post the
1342 sample ballots and instructions to the voters. They shall also
1343 inspect the ballot boxes to ensure they contain only voted
1344 absentee ballots in their envelopes with the required
1345 applications, and then seal the box for voting.

1346 Each voter shall receive written and/or verbal instructions
1347 by the poll managers instructing the voter how to properly vote
1348 the paper ballot before the voter enters the voting booth. If any
1349 voter needs additional instructions after entering the voting
1350 booth, two (2) poll managers may, if necessary, enter the booth
1351 and give him or her such additional instructions. If any voter
1352 spoils a ballot the voter may obtain others, one (1) at a time,
1353 not exceeding three (3) in all, upon returning each spoiled
1354 ballot. The word "SPOILED" shall be written across the face of
1355 the ballot and it shall be deposited into the sealed ballot box.
1356 When the polls close once the last ballot has been cast or at 7:00
1357 p.m., whichever is later, the poll managers shall break the seal
1358 on the ballot box to process the absentee ballots. Ballots marked
1359 as spoiled shall be bundled together and placed in an envelope
1360 designated for spoiled ballots. Once the polls have officially



1361 closed, the envelope that contains the spoiled ballots and the
1362 unused ballots shall be placed in the ballot box or other
1363 container provided for that purpose which shall be sealed and
1364 returned to the officials in charge of the election.

1365 **SECTION 49.** Section 23-15-519, Mississippi Code of 1972, is
1366 brought forward as follows:

1367 23-15-519. The poll managers shall prepare a ballot
1368 accounting report that documents the number of voters who have
1369 voted, as indicated by the receipt book and the number of ballots
1370 used in the election. The poll managers shall place the report in
1371 the ballot box, with the seal logs, receipt books, absentee
1372 ballots, affidavit ballots, challenged ballots, curbside ballots,
1373 emergency ballots, spoiled ballots and unused ballots, which
1374 thereupon shall be sealed with a tamper-evident seal, which is a
1375 seal that has been designed in such a way to allow someone to
1376 easily detect any tampering, so that no additional ballots may be
1377 deposited or removed from the ballot box. The poll managers,
1378 while they have possession of the election materials, and the
1379 officials in charge of the election, once the poll managers have
1380 delivered the ballot box to the counting center or other
1381 designated place, shall be required to keep a seal log to document
1382 each time a tamper-evident seal for a ballot box is opened or
1383 changed. The seal log shall require the name of the person who
1384 opened the seal, the old seal number, the new seal number, the
1385 date the seal was opened and the purpose for opening the seal.



1386 The receiving and returning poll manager shall deliver the ballot
1387 box to the counting center or other designated place and receive a
1388 signed, numbered receipt therefor. The poll books and other
1389 records and supplies shall be returned as directed by the
1390 officials in charge of the election. Failure to strictly comply
1391 with the provisions of this section shall not result in a
1392 presumption of fraud.

1393 **SECTION 50.** This act shall take effect and be in force from
1394 and after July 1, 2024.

