

By: Representatives Tullos, Hulum

To: Apportionment and Elections

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 REMOVE THE REQUIREMENT TO MATCH THE
12 SIGNATURE ON THE ABSENTEE BALLOT APPLICATION WITH THE SIGNATURE ON
13 THE BACK OF THE ABSENTEE BALLOT ENVELOPE; TO PROVIDE THAT THE
14 MAILED ABSENTEE BALLOTS SHALL BE COUNTED BY THE RESOLUTION BOARD
15 AT THE CLOSE OF THE POLLS ALONG WITH THE ABSENTEE BALLOTS CAST IN
16 PERSON ON THE OPTICAL MARK READING EQUIPMENT; TO AMEND SECTIONS
17 23-15-641, 23-15-643, 23-15-645, 23-15-715, 23-15-719, 23-15-731,
18 23-15-391 AND 23-15-511, MISSISSIPPI CODE OF 1972, TO CONFORM TO
19 THE PRECEDING SECTIONS; TO BRING FORWARD SECTIONS 23-15-621,
20 23-15-623, 23-15-625, 23-15-627, 23-15-629, 23-15-631, 23-15-647,
21 23-15-649, 23-15-651, 23-15-653, 23-15-657, 23-15-671, 23-15-673,
22 23-15-675, 23-15-677, 23-15-679, 23-15-681, 23-15-683, 23-15-685,
23 23-15-687, 23-15-691, 23-15-692, 23-15-693, 23-15-697, 23-15-699,
24 23-15-701, 23-15-711, 23-15-713, 23-15-717, 23-15-721, 23-15-733,
25 23-15-735, 23-15-751, 23-15-753, 23-15-755, 23-15-517 AND
26 23-15-519, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
27 AMENDMENT; AND FOR RELATED PURPOSES.

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

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



31 23-15-633. For mailed absentee ballots, on any envelope
32 where the elector's signature and the signature of the attesting
33 witness are required, the signature lines and the signatures shall
34 be across the flap of the envelope to insure the integrity of the
35 ballot and the following shall be printed on the flap on the back
36 of the envelope in bold print and in a distinguishing color:

37 **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS**
38 **NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN**
39 **ATTESTING WITNESS."**

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

42 23-15-635. (1) For mailed absentee ballots, the form of the
43 elector's certificate, attesting witness certification and
44 certificate of person providing voter assistance on the back of
45 the envelope used by absentee voters who are not absent voters as
46 defined in Section 23-15-673, shall be as follows:

47 "ELECTOR'S CERTIFICATE

48 STATE OF _____

49 COUNTY OF _____

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



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

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

65 _____
66 (Signature of voter)

67 CERTIFICATE OF ATTESTING WITNESS

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

79 _____
80 (Attesting witness) (Address)



81 _____

82 (Official title) (City and State)

83 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

98 _____
99 Signature of person providing assistance

100 _____
101 Printed name of person providing assistance

102 _____
103 Address of person providing assistance

104 _____
105 Date and time assistance provided



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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 ACROSS THE FLAP OF 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 elections held on other days. At the close of business each day at the office of the registrar, the * * * OMR equipment used shall



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

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

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

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

153 23-15-639. (1) The examination and counting of all absentee
154 ballots shall be conducted as follows:



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

163 (b) * * * If the resolution board finds that the
164 applicant is a registered and qualified voter or otherwise
165 qualified to vote, the envelope shall then be opened and the
166 mailed absentee ballot removed from the envelope, without its
167 being unfolded, or permitted to be unfolded or examined.

168 (c) Having observed and found the ballot to be regular
169 as far as can be observed from its official endorsement, the
170 resolution board shall deposit it in the ballot box with the other
171 ballots before counting any ballots and enter the voter's name in
172 the receipt book provided for that purpose. All absentee ballots
173 received prior to 7:00 p.m. the day before the election shall be
174 counted in the registrar's office by the resolution board when the
175 polls close and then added to the votes cast in each precinct as
176 well as the in-person absentee votes cast on the OMR equipment in
177 the registrar's office. All absentee ballots received after 7:00
178 p.m. the day before the election but not later than the fifth



179 business day after the election shall be processed by the
180 resolution board.

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

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

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

188 23-15-641. (1) For all absentee votes received by mail, if
189 an affidavit or the certificate of the officer before whom the
190 affidavit is taken is required and such affidavit or certificate
191 is found to be insufficient, or if it is found that the signatures
192 do not correspond, or that the applicant is not a duly qualified
193 elector in the precinct, or otherwise qualified to vote, or that
194 the ballot envelope is open or has been opened and resealed, or
195 the voter is not eligible to vote absentee, the previously cast
196 vote shall not be allowed. Without opening the voter's envelope
197 the resolution board shall mark across its face "REJECTED", with
198 the reason therefor.

199 (2) For all absentee votes received by mail, if the ballot
200 envelope contains more than one (1) ballot of any kind, the ballot
201 shall not be counted but shall be marked "REJECTED", with the
202 reason therefor, and the registrar shall promptly notify the voter
203 of such rejection. The voter's envelopes and affidavits, and the



204 voter's envelope with its contents unopened, when such vote is
205 rejected, shall be retained and preserved in the same manner as
206 other ballots at the election. Such votes may be challenged in
207 the same manner and for the same reasons that any other vote cast
208 in such election may be challenged.

209 (3) * * * The ballots marked "REJECTED" shall be placed in a
210 separate envelope in the secure ballot transfer case and delivered
211 to the officials in charge of conducting the election at the
212 central tabulation point of the county.

213 (* * * 4) All electors voting absentee shall be provided
214 with written information to inform the person how to ascertain
215 whether his or her ballot was counted and, if rejected, the reason
216 therefor.

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

219 23-15-643. If an affidavit is required, the appropriate
220 election officials shall examine the affidavit of each mailed
221 absentee ballot envelope. If the officials are satisfied that the
222 affidavit is sufficient and that the absentee voter is otherwise
223 qualified to vote, an official shall announce the name of the
224 voter and shall give any person present an opportunity to
225 challenge in like manner and for the same cause as the voter could
226 have been challenged had he presented himself personally in such
227 precinct to vote. The ineligibility of the voter to vote by
228 absentee ballot shall be a ground for a challenge. Also, the



229 officials shall consider any absentee voter challenged when a
230 person has previously filed a written challenge of such voter's
231 right to vote. The election officials shall handle any such
232 challenge in the same manner as other challenged ballots are
233 handled.

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

236 23-15-645. (1) Absentee ballots cast in the registrar's
237 office on the OMR equipment and absentee ballots that are received
238 by mail that are deposited into a sealed ballot box shall be
239 processed on election day but not tallied until after closing of
240 the polls and announced simultaneously with all other votes cast
241 on election day.

242 (2) After the votes have been counted, the officials shall
243 preserve all applications, envelopes of mailed absentee ballots
244 and the list of absent voters along with the mailed paper and
245 paper ballots and other election materials and return the same to
246 the registrar.

247 (3) Notwithstanding any other provision of law to the
248 contrary, for federal and presidential general, special or primary
249 elections, packages of protested, void and wholly blank ballots,
250 voted ballots, open packages of unused ballots, sealed packages of
251 unused ballots, and all absentee and military ballots and ballot
252 envelopes, if any, shall be preserved for twenty-two (22) months
253 after the date of any such general, special or primary election.



254 For all other statewide, county or municipal elections, sealed
255 packages of unused ballots, packages of protested, void and wholly
256 blank ballots, open packages of unused ballots and all absentee
257 and military ballots and ballot envelopes shall be retained for
258 four (4) months, and may then be destroyed, provided a certificate
259 articulating the election district identifying data and numbers of
260 such ballots is filed with the balance of ballots described in
261 this section, for the balance of the twenty-two-month retention
262 period.

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

265 23-15-715. Any elector desiring an absentee ballot as
266 provided in this subarticle may secure same if:

267 (a) Not more than forty-five (45) days nor later than
268 12:00 noon, * * * on the Saturday immediately preceding elections
269 held on Tuesday, the Thursday immediately preceding elections held
270 on Saturday, or the second day immediately preceding the date of
271 elections held on other days, he shall appear in person before the
272 registrar of the county in which he resides, or for municipal
273 elections he shall appear in person before the city clerk of the
274 municipality in which he resides and, when the elector so appears,
275 he shall execute and file an application as provided in Section
276 23-15-627 and vote by absentee ballot and shall then proceed to
277 feed his ballot into the OMR equipment. * * * If the absentee
278 ballot has not been printed by forty-five (45) days preceding the



279 election, the elector may appear and file an application anytime
280 before the election. Then the absentee ballot shall be mailed by
281 the circuit clerk to the elector as soon as the ballot has been
282 printed.

283 (b) Within forty-five (45) days next prior to any
284 election, any elector who cannot comply with paragraph (a) of this
285 section by reason of temporarily residing outside the county, or
286 any person who has a temporary or permanent physical disability,
287 persons who are sixty-five (65) years of age or older, or any
288 person who is the parent, spouse or dependent of a temporarily or
289 permanently physically disabled person who is hospitalized outside
290 of his county of residence or more than fifty (50) miles away from
291 his residence and such parent, spouse or dependent will be with
292 such person on election day, may make application for an absentee
293 ballot by mailing the appropriate application to the registrar.
294 Only persons temporarily residing out of the county of their
295 residence, persons having a temporary or permanent physical
296 disability, persons who are sixty-five (65) years of age or older,
297 or any person who is the parent, spouse or dependent of a
298 temporarily or permanently physically disabled person who is
299 hospitalized outside of his county of residence or more than fifty
300 (50) miles away from his residence, and such parent, spouse or
301 dependent will be with such person on election day, may obtain
302 absentee ballots by mail under the provisions of this subsection
303 and as provided by Section 23-15-713. Applications of persons



304 temporarily residing outside the county shall be sworn to and
305 subscribed before an official who is authorized to administer
306 oaths or other official authorized to witness absentee balloting
307 as provided in this chapter, said application to be accompanied by
308 such verifying affidavits as required by this chapter. The
309 applications of persons having a temporary or permanent physical
310 disability shall not be required to be accompanied by an affidavit
311 but shall be witnessed and signed by a person eighteen (18) years
312 of age or older. The registrar shall send to such absent voter a
313 proper absentee voter ballot within twenty-four (24) hours, or as
314 soon thereafter as the ballots are available, containing the names
315 of all candidates who qualify or the proposition to be voted on in
316 such election, and with such ballot there shall be sent an
317 official envelope containing upon it in printed form the recitals
318 and data hereinafter required.

319 (c) Except when the voter has requested a runoff ballot
320 on the initial absentee ballot application, upon request for a
321 runoff ballot pursuant to Section 23-15-719, the registrar shall
322 mail together the absentee ballot application and the absentee
323 ballot to the absent voter for the runoff election.

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

326 23-15-719. (1) Except where the registrar has already
327 mailed a ballot with an application, upon receipt of a properly
328 completed application form by an elector qualified to vote



329 absentee as provided in this article, the registrar shall mail the
330 absent voter an absentee ballot within one (1) business day, or as
331 soon as the absentee ballot is prepared and available, containing
332 the names of all the candidates and propositions, if any, to be
333 voted on in the election. The registrar shall include with the
334 absentee ballot an official envelope that complies with the
335 provisions of this article, as well as information to comply with
336 Section 23-15-641(3) related to the status of the elector's
337 ballot. The registrar shall identify the applicant by requiring
338 him to present identification as required by Section 23-15-563,
339 and shall then deliver the ballots to the applicant by mail or to
340 the applicant in the registrar's office. The registrar shall not
341 personally hand deliver ballots to voters. If the applicant is in
342 the registrar's office, after the applicant has properly marked
343 the ballot * * *, he shall deposit it in the * * * OMR equipment.

344 If the absentee voter is voting by mail, after the absentee
345 voter has sealed the envelope, he or she shall subscribe and swear
346 to an affidavit and mail the ballot to the address provided on the
347 absentee ballot official envelope. The affidavit shall be in the
348 following form, which shall be printed on the back of the envelope
349 containing the applicant's ballot:

350 "STATE OF MISSISSIPPI
351 COUNTY OF _____

352 I, _____, do solemnly swear that this envelope contains
353 the ballot marked by me indicating my choice of the candidates or



354 propositions to be submitted at the election to be held on the ___
355 day of _____, 2___, and I hereby authorize the registrar to
356 place this envelope in the ballot box on my behalf, and I further
357 authorize the election managers to open this envelope and place my
358 ballot among the other ballots cast before such ballots are
359 counted, and record my name on the poll list as if I were present
360 in person and voted.

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

362 _____
363 (Signature of voter)

364 SWORN TO AND SUBSCRIBED before me, _____, this the ___
365 day of _____, 2___.

366 (Registrar) _____
367 (Registrar)"

368 After the completion of the requirements of this section, the
369 elector shall * * * mail the envelope containing the ballot to the
370 registrar.

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

375 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

376 (To be completed only if the voter has received assistance in
377 marking the enclosed ballot.) I hereby certify that the
378 above-named voter declared to me that he or she is blind,



379 temporarily or permanently physically disabled, or cannot read or
380 write, and that the voter requested that I assist the voter in
381 marking the enclosed absentee ballot. I hereby certify that the
382 ballot preferences on the enclosed ballot are those communicated
383 by the voter to me, and that I have marked the enclosed ballot in
384 accordance with the voter's instructions.

385 _____

386 Signature of person providing assistance

387 _____

388 Printed name of person providing assistance

389 _____

390 Address of person providing assistance

391 _____

392 Date and time assistance provided

393 _____

394 Family relationship to voter (if any)"

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

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



403 23-15-731. Any presidential absentee ballots received in the
404 mail by the registrar after the delivery of ballot boxes to the
405 election managers and before the deadline for receipt of absentee
406 ballots provided for in Section 23-15-637 shall be retained by the
407 registrar and shall be delivered, together with the applications
408 of the qualified absentee elector to an election official
409 designated to receive them. The registrar shall receive a receipt
410 from the designated election official for all such ballots and
411 applications delivered. The designated election officials shall,
412 upon the canvassing of the returns, count such ballots as if
413 delivered to the proper precincts and such ballots shall be
414 considered valid for all purposes as if they had been actually
415 deposited in the proper precinct ballot boxes. * * * If the
416 officials are satisfied that the * * * absentee voter is otherwise
417 qualified to vote, an official shall announce the name of the
418 voter and shall give any person present an opportunity to
419 challenge in like manner and for the same cause as the voter could
420 have been challenged had he or she presented himself or herself
421 personally in such precinct to vote. The ineligibility of the
422 voter to vote by absentee ballot shall be a ground for a
423 challenge. The officials shall consider any absentee voter
424 challenged when a person has previously filed a written challenge
425 of such voter's right to vote. The election officials shall
426 handle any such challenge in the same manner as other challenged
427 ballots are handled, and if the challenge is not affirmed, the



428 officials shall then open the envelope. The officials shall then
429 open the envelope in such manner as not to destroy the affidavit
430 printed thereon and shall deposit the ballot marked "OFFICIAL
431 ABSENTEE BALLOT," in a ballot box reserved for absentee ballots.
432 The commissioners shall endorse on their pollbooks a proper
433 notation to indicate that the absentee voter has voted in such
434 election by absentee ballot.

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

437 23-15-391. The board of supervisors of each county and the
438 governing authorities of each municipality shall use optical mark
439 reading equipment * * * that complies with the specifications
440 provided by law. The election commissioners may conduct special
441 and municipal elections, as well as any necessary runoff
442 elections, by paper ballot when the election commissioners
443 determine that administration of an election by paper ballot will
444 be less expensive than administration of the same election by
445 optical mark reading equipment * * *.

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

448 23-15-511. The ballots shall, as far as practicable, be in
449 the same order of arrangement as provided for paper ballots that
450 are to be counted manually, except that the information may be
451 printed in vertical or horizontal rows. Nothing in this chapter
452 shall be construed as prohibiting the information being presented



453 to the voters from being printed on both sides of a single ballot.
454 In those years when a special election shall occur on the same day
455 as the general election, the names of candidates in any special
456 election and the general election shall be placed on the same
457 ballot by the election commissioners or officials in charge of the
458 election, but the general election candidates shall be clearly
459 distinguished from the special election candidates. At any time a
460 special election is held on the same day as a party primary
461 election, the names of the candidates in the special election may
462 be placed on the same ballot by the officials in charge of the
463 election, but shall be clearly distinguished as special election
464 candidates or primary election candidates.

465 Ballots shall be printed in plain clear type in black ink and
466 upon clear white materials of such size and arrangement as to be
467 compatible with the OMR equipment. Absentee ballots shall be
468 prepared and printed in the same form and shall be on the same
469 size and texture as the regular official ballots, except that they
470 shall be printed on tinted paper; or the ink used to print the
471 ballots shall be of a color different from that of the ink used to
472 print the regular official ballots. Arrows may be printed on the
473 ballot to indicate the place to mark the ballot, which may be to
474 the right or left of the names of candidates and propositions.
475 The titles of offices may be arranged in vertical columns on the
476 ballot and shall be printed above or at the side of the names of
477 candidates so as to indicate clearly the candidates for each



478 office and the number to be elected. In case there are more
479 candidates for an office than can be printed in one (1) column,
480 the ballot shall be clearly marked that the list of candidates is
481 continued on the following column. The names of candidates for
482 each office shall be printed in vertical columns, grouped by the
483 offices that they seek. In partisan elections, the party
484 designation of each candidate, which may be abbreviated, shall be
485 printed following his or her name.

486 One (1) sample ballot, which shall be a facsimile of the
487 official ballot and instructions to the voters, shall be provided
488 for each precinct and shall be posted in each polling place on
489 election day.

490 * * *

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

493 23-15-621. The title of Sections 23-15-621 through 23-15-653
494 of this chapter shall be the Absentee Balloting Procedures Law.

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

497 23-15-623. All absentee ballots as authorized in Sections
498 23-15-671 through 23-15-697, in Sections 23-15-711 through
499 23-15-721, and Sections 23-15-731 and 23-15-733, shall be handled
500 as provided in Sections 23-15-621 through 23-15-653.

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



503 23-15-625. (1) The registrar shall be responsible for
504 providing applications for absentee voting as provided in this
505 section. At least sixty (60) days before any election in which
506 absentee voting is provided for by law, the registrar shall
507 provide a sufficient number of applications. In the event a
508 special election is called and set at a date which makes it
509 impractical or impossible to prepare applications for absent
510 elector's ballot sixty (60) days before the election, the
511 registrar shall provide applications as soon as practicable after
512 the election is called. The registrar shall fill in the date of
513 the particular election on the application for which the
514 application will be used.

515 (2) The registrar shall be authorized to disburse
516 applications for absentee ballots to any qualified elector within
517 the county where he or she serves. Any person who presents to the
518 registrar an oral or written request for an absentee ballot
519 application for a voter entitled to vote absentee by mail, other
520 than the elector who seeks to vote by absentee ballot, shall, in
521 the presence of the registrar, sign the application and print on
522 the application his or her name and address and the name of the
523 elector for whom the application is being requested in the place
524 provided for on the application for that purpose. However, if for
525 any reason such person is unable to write the information
526 required, then the registrar shall write the information on a
527 printed form which has been prescribed by the Secretary of State.



528 The form shall provide a place for such person to place his or her
529 mark after the form has been filled out by the registrar.

530 (3) It shall be unlawful for any person to solicit absentee
531 ballot applications or absentee ballots for persons staying in any
532 skilled nursing facility as defined in Section 41-7-173 unless the
533 person soliciting the absentee ballot applications or absentee
534 ballots is:

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

537 (b) A person designated by the person for whom the
538 absentee ballot application or absentee ballot is sought, the
539 registrar or the deputy registrar.

540 As used in this subsection, "family member" means a spouse,
541 parent, grandparent, sibling, adult child, grandchild or legal
542 guardian.

543 (4) The registrar in the county wherein a voter is qualified
544 to vote upon receiving by mail the envelope containing the
545 absentee ballots shall keep an accurate list of all persons
546 preparing such ballots. The list shall be kept in a conspicuous
547 place accessible to the public near the entrance to the
548 registrar's office. The registrar shall also furnish to each
549 precinct manager a list of the names of all persons in each
550 respective precinct voting absentee by mail and in person to be
551 posted in a conspicuous place at the polling place for public
552 notice. The application on file with the registrar and the



553 envelopes containing the ballots that voters mailed to the
554 registrar shall be kept by the registrar in his or her office in a
555 secure location. At the time such boxes are delivered to the
556 election commissioners or managers, the registrar shall also turn
557 over a list of all such persons who have voted and whose mailed
558 ballots are in the registrar's office.

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

563 (6) The registrar shall process all applications for
564 absentee ballots by using the Statewide Election Management
565 System. The registrar shall account for all absentee ballots
566 delivered to and received by mail as well as those who voted
567 absentee in person from qualified voters by processing such
568 ballots using the Statewide Election Management System.

569 **SECTION 16.** Section 23-15-627, Mississippi Code of 1972, is
570 brought forward as follows:

571 23-15-627. Any elector described in Section 23-15-713 may
572 request an absentee ballot application and vote in person at the
573 office of the registrar in the county in which he or she resides.
574 The registrar shall be responsible for furnishing an absentee
575 ballot application form to any elector authorized to receive an
576 absentee ballot. Except as otherwise provided in Section
577 23-15-625, absentee ballot applications shall be furnished to a



578 person only upon the oral or written request of the elector who
579 seeks to vote by absentee ballot; however, the parent, child,
580 spouse, sibling, legal guardian, those empowered with a power of
581 attorney for that elector's affairs or agent of the elector, who
582 is designated in writing and witnessed by a resident of this state
583 who shall write his or her physical address on such designation,
584 may orally request an absentee ballot application on behalf of the
585 elector. The written designation shall be valid for one (1) year
586 after the date of the designation. An absentee ballot application
587 must have the seal of the circuit or municipal clerk affixed to it
588 and be initialed by the registrar or his or her deputy in order to
589 be used to obtain an absentee ballot. A reproduction of an
590 absentee ballot application shall not be valid unless it is a
591 reproduction provided by the office of the registrar of the
592 jurisdiction in which the election is being held and which
593 contains the seal and initials required by this section. Such
594 application shall be substantially in the following form:

595 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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



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

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

607 () I am a member of the Merchant Marine or the American Red
608 Cross and am a citizen of Mississippi or spouse or dependent of
609 such member.

610 () I am a disabled war veteran who is a patient in any
611 hospital and am a citizen of Mississippi or spouse or dependent of
612 such veteran.

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

617 () I am a citizen of Mississippi temporarily residing
618 outside the territorial limits of the United States and the
619 District of Columbia.

620 () I am a student, teacher or administrator at a college,
621 university, junior or community college, high, junior high,
622 elementary or grade school, whose studies or employment at such
623 institution necessitates my absence from the county of my voting
624 residence or spouse or dependent of such student, teacher or
625 administrator who maintains a common domicile outside the county



626 of my voting residence with such student, teacher or
627 administrator.

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

629 () I have a temporary or permanent physical disability,
630 which may include, but is not limited to, a physician-imposed
631 quarantine due to COVID-19 during the year 2020. Or, I am caring
632 for a dependent that is under a physician-imposed quarantine due
633 to COVID-19 beginning with July 8, 2020, and the same being
634 repealed on December 31, 2020.

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

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

641 () I am a member of the congressional delegation, or spouse
642 or dependent of a member of the congressional delegation.

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

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

647 Mail 'Absent Elector's Ballot' to me at the following address
648 _____.

649 () I wish to receive an absentee ballot for the runoff
650 election _____.



651 I realize that I can be fined up to Five Thousand Dollars
652 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
653 for making a false statement in this application and for selling
654 my vote and violating the Mississippi Absentee Voter Law. (This
655 sentence is to be in bold print.)

656 If you are temporarily or permanently disabled, you are not
657 required to have this application notarized or signed by an
658 official authorized to administer oaths for absentee balloting.
659 You are required to sign this application in the proper place and
660 have a person eighteen (18) years of age or older witness your
661 signature and sign this application in the proper place.

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

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

666 _____
667 (Signature of absent elector)

668 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
669 2____.

670 _____
671 (Official authorized to administer oaths
672 for absentee balloting.)

673 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
674 DISABLED:



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

679 _____
680 (Signature of witness)

681 CERTIFICATE OF DELIVERY

682 I hereby certify that _____ (print name of voter)
683 has requested that I, _____ (print name of person
684 delivering application), deliver to the voter this absentee ballot
685 application.

686 _____
687 (Signature of person delivering application)

688 _____
689 (Address of person delivering application)"

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

692 23-15-629. (1) The application for an absentee ballot of a
693 person who is permanently physically disabled shall be accompanied
694 by a statement signed by such person's physician, or nurse
695 practitioner, which statement must show that the person signing
696 the statement is a licensed, practicing medical doctor or nurse
697 practitioner and must indicate that the person applying for the
698 absentee ballot is permanently physically disabled to such a
699 degree that it is difficult for him or her to vote in person.



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

705 (3) The registrar of each county shall keep an accurate list
706 of the names and addresses of all persons whose applications for
707 absentee ballot are accompanied by the statement set forth in
708 subsection (1) of this section. Sixty (60) days before each
709 election, the registrar shall deliver such list to the election
710 commissioners who shall examine the list and delete from it the
711 names of all persons listed who are no longer qualified electors
712 of the county. Upon completion of such examination, the election
713 commissioners shall return the list to the registrar by no later
714 than forty-five (45) days before the election.

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

719 **SECTION 18.** Section 23-15-631, Mississippi Code of 1972, is
720 brought forward as follows:

721 23-15-631. (1) The registrar shall enclose with each ballot
722 mailed to an absent elector separate printed instructions
723 furnished by the registrar containing the following:



724 (a) All absentee voters, excepting those with temporary
725 or permanent physical disabilities or those who are sixty-five
726 (65) years of age or older, who mark their ballots in the county
727 of the residence shall use the registrar of that county as the
728 witness. The absentee voter shall come to the office of the
729 registrar and neither the registrar nor his or her deputy shall be
730 required to go out of the registrar's office to serve as an
731 attesting witness.

732 (b) Upon receipt of the enclosed ballot, you will not
733 mark the ballot except in view or sight of the attesting witness.
734 In the sight or view of the attesting witness, mark the ballot
735 according to instructions.

736 (c) After marking the ballot, fill out and sign the
737 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
738 signature is across the flap of the envelope to ensure the
739 integrity of the ballot. All absent electors shall have the
740 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
741 the flap on the back of the envelope. Place the necessary postage
742 on the envelope and deposit it in the post office or some
743 government receptacle provided for deposit of mail so that the
744 absent elector's ballot will be postmarked on or before the date
745 of the election and received by the registrar no more than five
746 (5) business days after the election.

747 Any notary public, United States postmaster, assistant United
748 States postmaster, United States postal supervisor, clerk in



749 charge of a contract postal station, or other officer having
750 authority to administer an oath or take an acknowledgment may be
751 an attesting witness; provided, however, that in the case of an
752 absent elector who is temporarily or permanently physically
753 disabled, the attesting witness may be any person eighteen (18)
754 years of age or older and such person is not required to have the
755 authority to administer an oath. If a postmaster, assistant
756 postmaster, postal supervisor, or clerk in charge of a contract
757 postal station acts as an attesting witness, his or her signature
758 on the elector's certificate must be authenticated by the
759 cancellation stamp of their respective post offices. If an
760 officer having authority to administer an oath or take an
761 acknowledgement acts as attesting witness, his or her signature on
762 the elector's certificate, together with his or her title and
763 address, but no seal, shall be required. Any affidavits made by
764 an absent elector who is in the Armed Forces may be executed
765 before a commissioned officer, warrant officer, or noncommissioned
766 officer not lower in grade than sergeant rating or any person
767 authorized to administer oaths.

768 (d) When the application accompanies the ballot it
769 shall not be returned in the same envelope as the ballot but shall
770 be returned in a separate preaddressed envelope provided by the
771 registrar.

772 (e) A candidate for public office, or the spouse,
773 parent or child of a candidate for public office, may not be an



774 attesting witness for any absentee ballot upon which the
775 candidate's name appears, unless the voter is related within the
776 first degree to the candidate or the spouse, parent or child of
777 the candidate.

778 (f) Any voter casting an absentee ballot who declares
779 that he or she requires assistance to vote by reason of blindness,
780 temporary or permanent physical disability or inability to read or
781 write, shall be entitled to receive assistance in the marking of
782 his or her absentee ballot and in completing the affidavit on the
783 absentee ballot envelope. The voter may be given assistance by
784 anyone of the voter's choice other than a candidate whose name
785 appears on the absentee ballot being marked, the spouse, parent or
786 child of a candidate whose name appears on the absentee ballot
787 being marked or the voter's employer, an agent of that employer or
788 a union representative; however, a candidate whose name is on the
789 ballot or the spouse, parent or child of such candidate may
790 provide assistance upon request to any voter who is related within
791 the first degree. In order to ensure the integrity of the ballot,
792 any person who provides assistance to an absentee voter shall be
793 required to sign and complete the "Certificate of Person Providing
794 Voter Assistance" on the absentee ballot envelope.

795 (2) The foregoing instructions required to be provided by
796 the registrar to the elector shall also constitute the substantive
797 law pertaining to the handling of absentee ballots by the elector
798 and registrar.



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

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

804 23-15-647. The registrar shall keep safely and unopened all
805 official absentee ballots which are received by mail after the
806 applicable cutoff period establishing its validity. Upon receipt
807 of such ballot, the registrar shall write the day and hour of the
808 receipt of the ballot on its envelope. All such absentee ballots
809 returned to the registrar after the cutoff time shall be safely
810 kept unopened by the registrar for the period of time required for
811 the preservation of ballots used in the election, and shall then,
812 without being opened, be destroyed in like manner as the used
813 ballots of the election.

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

816 23-15-649. For all elections, the election officials shall
817 prepare and print, as soon as the deadline for the qualification
818 of candidates has passed or forty-five (45) days before the
819 election, whichever is later, official ballots for each voting
820 precinct to be known as absentee voter ballots, which ballots
821 shall be prepared and printed in the same form and shall be of the
822 same size and texture as the regular official ballot except that
823 they shall be printed on tinted paper of a tint different from



824 that of the regular official ballot or with a header of different
825 tint.

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

828 23-15-651. The results of the vote by absentee balloting
829 shall be announced simultaneously with the vote cast on election
830 day; provided that absentee ballots received after 7:00 p.m. the
831 day before the election shall be kept in a secured and sealed
832 ballot box, and shall be announced after the five-business-day
833 period for receiving absentee ballots.

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

836 23-15-653. All registrars' offices shall remain open until
837 noon on the two (2) Saturdays prior to each election.

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

840 23-15-657. The registrar is authorized to accept requests
841 for absentee ballots by telephone. When a telephone request that
842 an absentee ballot application be mailed by the registrar to an
843 elector is made, the registrar shall ascertain the name and
844 complete address of the person making the telephone request and
845 shall print upon the absentee ballot application the name and
846 complete address of the requestor and the relation of such person
847 to the voter if requested by a person other than the voter and the



848 date such request was made. Such requests shall be processed
849 through the Statewide Election Management System.

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

852 23-15-671. The title of Sections 23-15-671 through 23-15-697
853 shall be the Armed Services Absentee Voting Law.

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

856 23-15-673. (1) For the purposes of this subarticle, the
857 term "absent voter" shall mean and include the following persons
858 if they are absent from their county of residence and are
859 otherwise qualified to vote in Mississippi:

860 (a) Any enlisted or commissioned members, male or
861 female, of the United States Army, or any of its respective
862 components or various divisions thereof; any enlisted or
863 commissioned members, male or female, of the United States Navy,
864 or any of its respective components or various divisions thereof;
865 any enlisted or commissioned members, male or female, of the
866 United States Air Force, or any of its respective components or
867 various divisions thereof; any enlisted or commissioned members,
868 male or female, of the United States Marines, or any of its
869 respective components or various divisions thereof; or any persons
870 in any division of the armed services of the United States; or any
871 persons who are members of the United States Space Force, who are
872 citizens of Mississippi;



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

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

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

881 (e) Any trained or certified emergency response
882 provider who is deployed during the time period authorized by law
883 for absentee voting, on election day, or during any state of
884 emergency declared by the President of the United States or any
885 Governor of any state within the United States;

886 (f) Any citizen of Mississippi temporarily residing
887 outside the territorial limits of the United States and the
888 District of Columbia;

889 (g) Any citizen of Mississippi enrolled as a student at
890 the United States Naval Academy, the United States Coast Guard
891 Academy, the United States Merchant Marine Academy, the United
892 States Air Force Academy or the United States Military Academy.

893 (2) The spouse and dependents of any absent voter as set out
894 in paragraphs (a) through (g) of subsection (1) of this section
895 shall also be included in the meaning of absent voter and may
896 register to vote and vote an absentee ballot as provided in this
897 subarticle if also absent from the county of their residence on



898 the date of the election and otherwise qualified to vote in
899 Mississippi.

900 (3) For the purpose of this subarticle, the term "election"
901 shall mean and include the following sets of elections: special
902 and runoff special elections, preferential and general elections,
903 first and second primary elections or general elections without
904 preferential elections, whichever system is applicable.

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

907 23-15-675. Any absent voter, as defined in Section
908 23-15-673, who is otherwise qualified, may, upon compliance with
909 the provisions of this subarticle, vote in any elections which are
910 held in his voting precinct when he is absent for the reasons set
911 forth in this subarticle.

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

914 23-15-677. (1) All absent voters as defined in Section
915 23-15-673(1) and (2) may use a duly executed federal postcard
916 application (as provided for in the Uniformed and Overseas
917 Citizens Absentee Voting Act, 42 USCS 1973ff et seq.) to request a
918 ballot or to register to vote, or to do both simultaneously.

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



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

925 23-15-679. The official absentee voter ballots shall be
926 prepared and printed in the same form and shall be of the same
927 size and texture as the regular official ballot except that they
928 shall be printed on tinted paper of a tint different from that of
929 the regular official ballot.

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

932 23-15-681. Except as otherwise provided in this subarticle,
933 all official absentee ballots shall be sent out and returned in
934 envelopes on which there is printed across the face two (2)
935 parallel horizontal bars, each one-fourth (1/4) of an inch wide,
936 extending from one side of the envelope to the other side, with an
937 intervening space of one-fourth (1/4) of an inch, the top bar to
938 be one and one-fourth (1-1/4) inches from the top of the envelope,
939 and with the words "OFFICIAL ELECTION BALLOTING MATERIAL-VIA AIR
940 MAIL" between the bars. In the upper right corner of each such
941 envelope there shall be printed in a box the words "FREE OF U.S.
942 POSTAGE, INCLUDING AIR MAIL." All printing on the face of such
943 envelopes shall be in black, and there shall be printed in black
944 in the upper left corner of all such ballot envelopes an
945 appropriate inscription for the return address of the sender.

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



948 23-15-683. In any elections, as soon as the deadline for the
949 qualification of candidates has passed, or forty-five (45) days
950 prior to the election, whichever is later, absentee ballots shall
951 be prepared and printed for the elections, and both of said
952 ballots shall have printed thereon the names of all candidates who
953 originally qualify as candidates. However, such ballots shall be
954 printed on paper of different tints or colors and shall be styled
955 so as to show which ballot is to be used for the first election
956 and which ballot is to be used for the second election. When the
957 proper application is made as is otherwise provided herein, the
958 registrar shall send to the absent voter the proper absent voter
959 ballots for the elections as is otherwise provided herein, and
960 with such ballots there shall be sent also separate official
961 envelopes for the return thereof. No additional ballot shall be
962 thereafter sent to the absent voter for the second election but
963 the absent voter shall ascertain which of the candidates who
964 originally qualified are candidates in the second election and he
965 or she may vote for his choice between them on the second election
966 ballot previously sent him. If an absentee voter shall vote for
967 any candidate on the second election ballot who is not a candidate
968 in the second election, his vote for that office shall be
969 disregarded.

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



972 23-15-685. Within forty-five (45) days next prior to any
973 election upon application first made to the registrar of the
974 county by any absent voter as defined in this subarticle, such
975 person shall be sent an absentee voter ballot of the county of
976 which he is a citizen and resident. The registrar shall send to
977 such absent voter a proper absentee voter ballot containing the
978 names of all candidates who qualify or the proposition to be voted
979 upon in such elections, and with such ballot there shall be sent
980 an official envelope containing upon it in printed form the
981 recitals and data hereinafter required.

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

984 23-15-687. (1) The registrar shall keep all applications
985 for absentee ballots and shall, within twenty-four (24) hours, if
986 possible, send to the absent voter on whose behalf the application
987 is made, the proper affidavit and the proper ballot or ballots
988 applicable to the elections. Such information shall be processed
989 through the Statewide Election Management System.

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

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

994 (b) All state and county primary and general elections
995 that occur after the receipt of the application by the registrar



996 through the date of the next federal general election that occurs
997 after the receipt of the application by the registrar.

998 (3) The registrar shall preserve all applications for
999 absentee ballots for one (1) year as a record to be furnished to
1000 any court or other duly constituted authority for inspection or
1001 evidence if properly requested.

1002 (4) If the registrar rejects an application for an absentee
1003 ballot or denies a request to register to vote from a uniformed
1004 services applicant or an overseas voter, the registrar shall
1005 provide the person with the reasons for the rejection.

1006 (5) Any runoff election for a federal election shall be
1007 considered a continuation of such federal election.

1008 (6) An absent voter as defined in Section 23-15-673(1) may
1009 sign an absentee ballot application by electronic signature. The
1010 Secretary of State shall adopt rules necessary to implement this
1011 subsection.

1012 **SECTION 33.** Section 23-15-691, Mississippi Code of 1972, is
1013 brought forward as follows:

1014 23-15-691. As soon as possible after the printing of the
1015 official absentee ballot for any election, the registrar of the
1016 county shall send to any absent voter as defined in this
1017 subarticle, who shall, upon proper application, have requested
1018 same, the official absentee voter ballot or ballots provided for
1019 in this subarticle and the instructions for voting and returning
1020 the ballot. If the ballot is sent by mail the registrar shall



1021 send a self-addressed envelope or envelopes with the ballot and
1022 the instructions.

1023 If the ballot is sent by mail, the gummed flap of the
1024 envelope provided for the return of the ballot must be separated
1025 by wax paper or other appropriate protective insert from the
1026 remaining balloting material. The voting instructions shall
1027 require a notation of the facts on the back of the envelope duly
1028 signed by the voter.

1029 If applicable, the instructions shall indicate that the
1030 ballot shall be marked in ink or indelible pencil.

1031 **SECTION 34.** Section 23-15-692, Mississippi Code of 1972, is
1032 brought forward as follows:

1033 23-15-692. (1) An absent voter who resides outside the
1034 United States, who is a member of the United States Armed Forces
1035 or who is a family member of a member of the Armed Forces, and who
1036 is a registered voter of the State of Mississippi, may use the
1037 Federal Write-In-Absentee Ballot as provided for by 42 USCS
1038 1973ff-2 in general, special, primary and runoff elections for
1039 local, state and federal offices.

1040 (2) Upon receipt of a Federal Write-In-Absentee Ballot
1041 executed by a person who is a registered voter or whose
1042 information on the form is sufficient to register or update the
1043 registration of that person, the Federal Write-In-Absentee Ballot
1044 shall be considered as an absentee ballot request. Nothing in



1045 this subsection shall suspend the voter registration deadlines
1046 otherwise provided by law.

1047 **SECTION 35.** Section 23-15-693, Mississippi Code of 1972, is
1048 brought forward as follows:

1049 23-15-693. The absent voter, upon receipt of the absentee
1050 ballot, shall complete the declaration specified in the Uniformed
1051 and Overseas Citizens Absentee Voting Act, 42 USC Section 1973ff
1052 et seq.

1053 **SECTION 36.** Section 23-15-697, Mississippi Code of 1972, is
1054 brought forward as follows:

1055 23-15-697. When the absentee ballot has been voted and the
1056 envelope sealed, signed and certified to as provided above, the
1057 absentee voter shall mail the envelope containing the ballot to
1058 the registrar.

1059 **SECTION 37.** Section 23-15-699, Mississippi Code of 1972, is
1060 brought forward as follows:

1061 23-15-699. (1) Absent voters who have requested to receive
1062 absentee ballots and balloting materials may choose to receive
1063 such ballots and balloting materials by mail, facsimile device
1064 (FAX) or electronic mail delivery (e-mail). The Secretary of
1065 State shall establish procedures that allow an absent voter to
1066 make the choice authorized by this subsection.

1067 (2) Consistent with the choice that the absent voter
1068 exercises pursuant to subsection (1) of this section, the
1069 registrar shall, in addition to mail, be authorized to use



1070 electronic facsimile (FAX) devices and electronic mail delivery
1071 (e-mail) to transmit balloting materials and absentee ballots. If
1072 the absent voter does not indicate a preference, delivery of such
1073 information shall be by mail.

1074 (3) The registrar is authorized to receive by electronic
1075 facsimile (FAX) devices and electronic mail delivery (e-mail):

1076 (a) Voted absentee ballots;

1077 (b) Completed federal postcard applications as
1078 described in Section 23-15-677, which shall serve to request
1079 absentee ballots or to register to vote or to do both
1080 simultaneously; and

1081 (c) Completed Federal Write-In-Absentee Ballots as
1082 described in Section 23-15-692.

1083 (4) Once the registrar has received a voted absentee ballot
1084 pursuant to this section, he shall place the ballot in an absentee
1085 ballot envelope designated for absentee ballots under this
1086 subarticle and fill out the required information on the envelope.
1087 The registrar shall then notate on the envelope that the ballot
1088 was received under this section and a signature across the flap of
1089 the envelope shall not be required. Except as provided in this
1090 section, absentee ballots received under this subsection shall be
1091 treated in the same manner as other absentee ballots received
1092 under this subarticle.

1093 (5) Access to voted absentee ballots before they are placed
1094 in an absentee ballot envelope shall be strictly limited to



1095 election officials who must process the ballot and any election
1096 official who views the ballots before they are placed in the
1097 envelope shall have the duty to protect the secrecy of the ballot
1098 choices; however, the failure of an election official to comply
1099 with this subsection shall not invalidate the ballot.

1100 (6) Each circuit clerk shall furnish a suitable electronic
1101 mail delivery (e-mail) address that can be used to allow absent
1102 voters to comply with the provisions of this subarticle. Absentee
1103 ballots returned by mail by any absent voter as defined in Section
1104 23-15-673 must be received by the registrar by the deadline for
1105 receipt of mail absentee ballots provided for in Section
1106 23-15-637.

1107 **SECTION 38.** Section 23-15-701, Mississippi Code of 1972, is
1108 brought forward as follows:

1109 23-15-701. (1) The Secretary of State shall adopt such
1110 rules which are necessary and essential to implement this
1111 subarticle and to bring the state into compliance with the
1112 Uniformed and Overseas Citizens Absentee Voting Act, 42 USCS
1113 Section 1973ff et seq. The Secretary of State shall furnish the
1114 Legislature with a copy of such rules sixty (60) days after
1115 adoption by the Secretary of State.

1116 (2) The Secretary of State may exercise emergency powers
1117 concerning absentee voting and registration of military personnel
1118 over any election during an armed conflict or other military
1119 contingencies involving United States Armed Forces or mobilization



1120 of those forces, including state national guard or reserve
1121 components. The Secretary of State shall adopt rules describing
1122 the emergency powers and the situations in which the powers will
1123 be exercised.

1124 **SECTION 39.** Section 23-15-711, Mississippi Code of 1972, is
1125 brought forward as follows:

1126 23-15-711. The title of Sections 23-15-711 through 23-15-721
1127 shall be the Mississippi Absentee Voter Law.

1128 **SECTION 40.** Section 23-15-713, Mississippi Code of 1972, is
1129 brought forward as follows:

1130 23-15-713. For the purpose of this subarticle, any duly
1131 qualified elector may vote as provided in this subarticle if the
1132 elector falls within at least one (1) of the following categories:

1133 (a) Any qualified elector who is a bona fide student,
1134 teacher or administrator at any college, university, junior
1135 college, high, junior high, or elementary grade school whose
1136 studies or employment at such institution necessitates his or her
1137 absence from the county of his or her voting residence on the date
1138 of any primary, general or special election, or the spouse and
1139 dependents of that student, teacher or administrator if such
1140 spouse or dependent(s) maintain a common domicile, outside of the
1141 county of his or her voting residence, with such student, teacher
1142 or administrator.

1143 (b) Any qualified elector who is required to be away
1144 from his or her place of residence on any election day due to his



1145 or her employment as an employee of a member of the Mississippi
1146 congressional delegation and the spouse and dependents of such
1147 person if he or she shall be residing with such absentee voter
1148 away from the county of the spouse's voting residence.

1149 (c) Any qualified elector who is away from his or her
1150 county of residence on election day for any reason.

1151 (d) Any person who has a temporary or permanent
1152 physical disability and who, because of such disability, is unable
1153 to vote in person without substantial hardship to himself, herself
1154 or others, or whose attendance at the voting place could
1155 reasonably cause danger to himself, herself or others. For
1156 purposes of this paragraph (d), "temporary physical disability"
1157 shall include any qualified elector who is under a
1158 physician-imposed quarantine due to COVID-19 during the year 2020
1159 or is caring for a dependent who is under a physician-imposed
1160 quarantine due to COVID-19 beginning with July 8, 2020, and the
1161 same being repealed on December 31, 2020.

1162 (e) The parent, spouse or dependent of a person with a
1163 temporary or permanent physical disability who is hospitalized
1164 outside of his or her county of residence or more than fifty (50)
1165 miles distant from his or her residence, if the parent, spouse or
1166 dependent will be with such person on election day. For purposes
1167 of this paragraph (e), "temporary physical disability" shall
1168 include any qualified elector who is under a physician-imposed
1169 quarantine due to COVID-19 during the year 2020 or is caring for a



1170 dependent who is under a physician-imposed quarantine due to
1171 COVID-19 beginning with July 8, 2020, and the same being repealed
1172 on December 31, 2020.

1173 (f) Any person who is sixty-five (65) years of age or
1174 older.

1175 (g) Any member of the Mississippi congressional
1176 delegation absent from Mississippi on election day, and the spouse
1177 and dependents of such member of the congressional delegation.

1178 (h) Any qualified elector who will be unable to vote in
1179 person because he or she is required to be at work on election day
1180 during the times at which the polls will be open.

1181 **SECTION 41.** Section 23-15-717, Mississippi Code of 1972, is
1182 brought forward as follows:

1183 23-15-717. Any elector enumerated in Section 23-15-713
1184 applying for an absentee ballot shall complete an application form
1185 as provided in Section 23-15-627, and said elector shall fill in
1186 the application as is appropriate for his particular situation.

1187 **SECTION 42.** Section 23-15-721, Mississippi Code of 1972, is
1188 brought forward as follows:

1189 23-15-721. (1) Absentee ballots requested under the
1190 provisions of Section 23-15-715 for electors temporarily residing
1191 outside the county of residence shall be mailed to the elector's
1192 address outside of the county in which he or she is registered,
1193 and such electors shall appear before any official authorized to
1194 administer oaths or other official authorized to witness absentee



1195 balloting as provided in this article. The elector shall exhibit
1196 to such official his or her absentee ballot unmarked and thereupon
1197 proceed in secret to fill in the ballot. After the elector has
1198 properly marked the ballot and properly folded it, he or she shall
1199 deposit it in the envelope furnished him or her. After the
1200 elector has sealed the envelope he or she shall deliver it to the
1201 official before whom he or she is appearing and shall subscribe
1202 and swear to the elector's certificate provided for in Section
1203 23-15-635, which affidavit shall be printed on the back of the
1204 envelope as provided for in Section 23-15-635 containing the
1205 elector's ballot.

1206 (2) Electors who are temporarily or permanently physically
1207 disabled shall sign the elector's certificate and the certificate
1208 of attesting witness shall be signed by any person eighteen (18)
1209 years of age or older.

1210 (3) After the completion of the requirements of this
1211 section, the elector shall mail the envelope containing the ballot
1212 to the registrar in the county wherein the elector is qualified to
1213 vote. The ballots must be postmarked by the date of the election
1214 and received by the registrar no more than five (5) business days
1215 after the election to be counted; any received after such time
1216 shall be handled as provided in Section 23-15-647 and shall not be
1217 counted.

1218 **SECTION 43.** Section 23-15-733, Mississippi Code of 1972, is
1219 brought forward as follows:



1220 23-15-733. The registrar shall keep safely and unopened all
1221 official presidential absentee ballots which are received
1222 subsequent to the deadline for receipt of mail absentee ballots
1223 provided for in Section 23-15-637. Upon receipt of such ballot,
1224 the registrar shall write the day and hour of the receipt of the
1225 ballot on its envelope. All such absentee ballots returned to the
1226 registrar shall be safely kept unopened by the registrar for the
1227 period of time required for the preservation of ballots used in
1228 the election, and shall then, without being opened, be destroyed
1229 in like manner as the used ballots of the election. Such
1230 information shall be processed through the Statewide Election
1231 Management System.

1232 **SECTION 44.** Section 23-15-735, Mississippi Code of 1972, is
1233 brought forward as follows:

1234 23-15-735. Except for ballots voted in person at the office
1235 of the registrar, absentee ballots shall not be delivered in
1236 person to an absentee voter or to any other person.

1237 **SECTION 45.** Section 23-15-751, Mississippi Code of 1972, is
1238 brought forward as follows:

1239 23-15-751. If any registrar or commissioner of elections
1240 shall refuse or neglect to perform any of the duties prescribed by
1241 Sections 23-15-621 through 23-15-735, or shall knowingly permit
1242 any person to sign a false affidavit or otherwise knowingly permit
1243 any person to violate Sections 23-15-621 through 23-15-735, or
1244 shall violate any of the provisions thereof, or if any officer



1245 taking the affidavits as provided in said acts shall make any
1246 false statement in his certificate thereto attached, he shall,
1247 upon conviction, be deemed guilty of a crime and shall be punished
1248 by a fine not exceeding One Thousand Dollars (\$1,000.00) or by
1249 imprisonment in the Penitentiary not exceeding one (1) year, and
1250 shall be removed from office.

1251 **SECTION 46.** Section 23-15-753, Mississippi Code of 1972, is
1252 brought forward as follows:

1253 23-15-753. (1) Any person who willfully, unlawfully and
1254 feloniously procures, seeks to procure, or seeks to influence the
1255 vote of any person voting by absentee ballot, by the payment of
1256 money, the promise of payment of money, or by the delivery of any
1257 other item of value or promise to give the voter any item of
1258 value, or by promising or giving the voter any favor or reward in
1259 an effort to influence his vote, or any person who aids, abets,
1260 assists, encourages, helps, or causes any person voting an
1261 absentee ballot to violate any provision of law pertaining to
1262 absentee voting, or any person who sells his vote for money,
1263 favor, or reward, has been paid or promised money, a reward, a
1264 favor or favors, or any other item of value, or any person who
1265 fraudulently requests or submits an absentee ballot application
1266 for any voter, or any person who shall willfully swear falsely to
1267 any affidavit provided for in Sections 23-15-621 through
1268 23-15-735, shall be guilty of the crime of "vote fraud" and, upon
1269 conviction, shall be sentenced to pay a fine of not less than Five



1270 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
1271 (\$5,000.00), or by imprisonment in the county jail for no more
1272 than one (1) year, or by both fine and imprisonment, or by being
1273 sentenced to the State Penitentiary for not less than one (1) year
1274 nor more than five (5) years.

1275 (2) It shall be unlawful for any person who pays or
1276 compensates another person for assisting voters in marking their
1277 absentee ballots to base the pay or compensation on the number of
1278 absentee voters assisted or the number of absentee ballots cast by
1279 persons who have received the assistance. Any person who violates
1280 this section, upon conviction, shall be fined not less than One
1281 Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars
1282 (\$5,000.00), or imprisoned in the Penitentiary not less than one
1283 (1) year nor more than five (5) years, or both.

1284 **SECTION 47.** Section 23-15-755, Mississippi Code of 1972, is
1285 brought forward as follows:

1286 23-15-755. All of the provisions of Sections 23-15-621
1287 through 23-15-735 shall be applicable, insofar as possible, to
1288 municipal, primary, preferential, general and special elections,
1289 and wherever herein any duty is imposed or any power or authority
1290 is conferred upon the county registrar, county election
1291 commissioners, or county executive committee with reference to a
1292 state and county election, such duty shall likewise be imposed and
1293 such power and authority shall likewise be conferred upon the
1294 municipal registrar, municipal election commission or municipal



1295 executive committee with reference to any municipal election. Any
1296 duty, obligation or responsibility imposed upon the registrar or
1297 upon the election commissioners, when applicable, shall likewise
1298 be conferred upon and devolved upon the appropriate party,
1299 executive committee or officials in any party primary.

1300 **SECTION 48.** Section 23-15-517, Mississippi Code of 1972, is
1301 brought forward as follows:

1302 23-15-517. At least one (1) hour before the opening of the
1303 polls, the officials in charge of the election shall arrive at the
1304 polling place and set up the voting booths so that they will be in
1305 clear view of the poll managers; the poll managers shall examine
1306 the ballots to verify that they have the correct ballots for their
1307 precinct and check the supplies, records and forms, and post the
1308 sample ballots and instructions to the voters. They shall also
1309 inspect the ballot boxes to ensure they contain only voted
1310 absentee ballots in their envelopes with the required
1311 applications, and then seal the box for voting.

1312 Each voter shall receive written and/or verbal instructions
1313 by the poll managers instructing the voter how to properly vote
1314 the paper ballot before the voter enters the voting booth. If any
1315 voter needs additional instructions after entering the voting
1316 booth, two (2) poll managers may, if necessary, enter the booth
1317 and give him or her such additional instructions. If any voter
1318 spoils a ballot the voter may obtain others, one (1) at a time,
1319 not exceeding three (3) in all, upon returning each spoiled



1320 ballot. The word "SPOILED" shall be written across the face of
1321 the ballot and it shall be deposited into the sealed ballot box.
1322 When the polls close once the last ballot has been cast or at 7:00
1323 p.m., whichever is later, the poll managers shall break the seal
1324 on the ballot box to process the absentee ballots. Ballots marked
1325 as spoiled shall be bundled together and placed in an envelope
1326 designated for spoiled ballots. Once the polls have officially
1327 closed, the envelope that contains the spoiled ballots and the
1328 unused ballots shall be placed in the ballot box or other
1329 container provided for that purpose which shall be sealed and
1330 returned to the officials in charge of the election.

1331 **SECTION 49.** Section 23-15-519, Mississippi Code of 1972, is
1332 brought forward as follows:

1333 23-15-519. The poll managers shall prepare a ballot
1334 accounting report that documents the number of voters who have
1335 voted, as indicated by the receipt book and the number of ballots
1336 used in the election. The poll managers shall place the report in
1337 the ballot box, with the seal logs, receipt books, absentee
1338 ballots, affidavit ballots, challenged ballots, curbside ballots,
1339 emergency ballots, spoiled ballots and unused ballots, which
1340 thereupon shall be sealed with a tamper-evident seal, which is a
1341 seal that has been designed in such a way to allow someone to
1342 easily detect any tampering, so that no additional ballots may be
1343 deposited or removed from the ballot box. The poll managers,
1344 while they have possession of the election materials, and the



1345 officials in charge of the election, once the poll managers have
1346 delivered the ballot box to the counting center or other
1347 designated place, shall be required to keep a seal log to document
1348 each time a tamper-evident seal for a ballot box is opened or
1349 changed. The seal log shall require the name of the person who
1350 opened the seal, the old seal number, the new seal number, the
1351 date the seal was opened and the purpose for opening the seal.
1352 The receiving and returning poll manager shall deliver the ballot
1353 box to the counting center or other designated place and receive a
1354 signed, numbered receipt therefor. The poll books and other
1355 records and supplies shall be returned as directed by the
1356 officials in charge of the election. Failure to strictly comply
1357 with the provisions of this section shall not result in a
1358 presumption of fraud.

1359 **SECTION 50.** This act shall take effect and be in force from
1360 and after July 1, 2024.

