

By: Representatives Tullos, Hulum

To: Apportionment and Elections

HOUSE BILL NO. 1406  
(As Sent to Governor)

1 AN ACT TO PROVIDE THAT FOR ALL ABSENTEE BALLOTS THAT ARE CAST  
2 IN PERSON AT THE OFFICE OF THE REGISTRAR, THE ABSENTEE BALLOT  
3 APPLICATION AND ELECTOR CERTIFICATES SHALL BE PRINTED ON THE  
4 ABSENTEE BALLOT ENVELOPE; TO PROVIDE THAT A SIGNATURE MISMATCH  
5 SHALL NOT BE GROUNDS FOR REJECTING AN ABSENTEE BALLOT THAT WAS  
6 CAST IN PERSON IN THE REGISTRAR'S OFFICE; TO AMEND SECTIONS  
7 23-15-633, 23-15-635, 23-15-639, 23-15-641, 23-15-715, 23-15-719  
8 AND 23-15-631, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
9 PRECEDING SECTIONS; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE  
10 OF 1972, TO REQUIRE CERTAIN METHODS OF NOTIFICATION TO BE ASKED ON  
11 THE ABSENTEE BALLOT APPLICATION; TO PROVIDE FOR PEOPLE WHO WORK  
12 ON-CALL AND THOSE WHO ARE INCARCERATED FOR A NONDISENFRANCHISING  
13 CRIME TO RECEIVE AN ABSENTEE BALLOT; TO AMEND SECTIONS 23-15-625,  
14 23-15-713, 23-15-637 AND 23-15-721, MISSISSIPPI CODE OF 1972, TO  
15 CONFORM; TO AMEND SECTION 23-15-697, MISSISSIPPI CODE OF 1972, TO  
16 PROHIBIT RETURNING MAIL-IN BALLOTS USING ANY METHOD OTHER THAN BY  
17 MAIL OR COMMON CARRIER; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** For the purpose of this article, for all absentee  
20 ballots that are cast in person at the office of the registrar,  
21 the absentee ballot application and the required elector  
22 certificates shall be printed on the same absentee ballot  
23 envelope, with the application being printed on the front side of  
24 the envelope and the elector's certificates printed on the back  
25 side of the envelope. Such envelope shall not be smaller than



26 eight and one-half (8-1/2) inches by eleven (11) inches. Once a  
27 voter has completed the application, he or she shall proceed to  
28 cast his or her absentee ballot and then place the ballot in the  
29 absentee ballot envelope as otherwise provided by law. After the  
30 ballot is sealed in the envelope, the elector shall complete the  
31 elector's certificate. A signature mismatch shall not be grounds  
32 for rejecting an absentee ballot that was cast in person in the  
33 registrar's office.

34 **SECTION 2.** Section 23-15-633, Mississippi Code of 1972, is  
35 amended as follows:

36 23-15-633. (1) On any envelope where the elector's  
37 signature and the signature of the attesting witness are required,  
38 the signature lines and the signatures shall be in the boxes  
39 across the flap of the envelope to \* \* \* ensure the integrity of  
40 the ballot and the following shall be printed on the flap on the  
41 back of the envelope in bold print and in a distinguishing color:

42 **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS**  
43 **NOT SIGNED BY YOU AND AN ATTESTING WITNESS IN THE BOXES ACROSS THE**  
44 **FLAP OF THIS ENVELOPE \* \* \*."**

45 A portion of the elector's signature extending outside of the  
46 box shall not be grounds for rejecting that elector's ballot.

47 (2) For in-person absentee ballot envelopes, the form of the  
48 envelope shall comply with the provisions of Section 1 of this  
49 act.



50           **SECTION 3.** Section 23-15-635, Mississippi Code of 1972, is  
51 amended as follows:

52           23-15-635. (1) The form of the elector's certificate,  
53 attesting witness certification and certificate of the person  
54 providing voter assistance on the back of the envelope used by  
55 absentee voters who receive their ballot by mail and who are not  
56 absent voters as defined in Section 23-15-673, shall be as  
57 follows:

58 "ELECTOR'S CERTIFICATE

59 STATE OF \_\_\_\_\_

60 COUNTY OF \_\_\_\_\_

61           I, \_\_\_\_\_, under penalty of perjury do solemnly swear  
62 that this envelope contains the ballot marked by me indicating my  
63 choice of the candidates or propositions to be submitted at the  
64 election to be held on the \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, and I  
65 hereby authorize the registrar to place this envelope in the  
66 ballot box on my behalf, and I further authorize the \* \* \*  
67 resolution board to open this envelope and place my ballot among  
68 the other ballots cast before such ballots are counted, and record  
69 my name on the poll list as if I were present in person and voted.

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

71 **Penalties for vote fraud are up to five (5) years in prison and a**  
72 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**  
73 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**



74 to one (1) year in jail and a fine of up to One Thousand Dollars  
75 (\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)

76 \_\_\_\_\_  
77 (Signature of voter)

78 CERTIFICATE OF ATTESTING WITNESS

79 Under penalty of perjury I affirm that the above named voter  
80 personally appeared before me, on this the \_\_\_\_ day of \_\_\_\_\_,  
81 2\_\_\_\_, and is known by me to be the person named, and who, after  
82 being duly sworn or having affirmed, subscribed the foregoing oath  
83 or affirmation. That the voter exhibited to me his or her blank  
84 ballot; that the ballot was not marked or voted before the voter  
85 exhibited the ballot to me; that the voter was not solicited or  
86 advised by me to vote for any candidate, question or issue, and  
87 that the voter, after marking his or her ballot, placed it in the  
88 envelope, closed and sealed the envelope in my presence, and  
89 signed and swore or affirmed the above certificate.

90 \_\_\_\_\_  
91 (Attesting witness) (Address)

92 \_\_\_\_\_  
93 (Official title) (City and State)

94 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

95 (To be completed only if the voter has received assistance in  
96 marking the enclosed ballot.) I, under penalty of perjury, hereby  
97 certify that the above-named voter declared to me that he or she  
98 is blind, temporarily or permanently physically disabled, or



99 cannot read or write, and that the voter requested that I assist  
100 the voter in marking the enclosed absentee ballot. I hereby  
101 certify that the ballot preferences on the enclosed ballot are  
102 those communicated by the voter to me, and that I have marked the  
103 enclosed ballot in accordance with the voter's instructions.  
104 **Penalties for vote fraud are up to five (5) years in prison and a**  
105 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**  
106 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**  
107 **to one (1) year in jail and a fine of up to One Thousand Dollars**  
108 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

109 \_\_\_\_\_  
110 Signature of person providing assistance

111 \_\_\_\_\_  
112 Printed name of person providing assistance

113 \_\_\_\_\_  
114 Address of person providing assistance

115 \_\_\_\_\_  
116 Date and time assistance provided

117 \_\_\_\_\_  
118 Family relationship to voter (if any)"

119 (2) The envelope shall have printed on the flap on the back  
120 of the envelope in bold print and in a distinguishing color, the  
121 following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS**  
122 **ENVELOPE IS NOT SIGNED BY YOU AND AN ATTESTING WITNESS IN THE**  
123 **BOXES ACROSS THE FLAP OF THIS ENVELOPE \* \* \*."**



124        A portion of the elector's signature extending outside of the  
125 box shall not be grounds for rejecting that elector's ballot.

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

128        23-15-639. (1) The examination and counting of all absentee  
129 ballots shall be conducted as follows:

130            (a) At the opening of the regular balloting and at the  
131 opening of the polls, the resolution board established under  
132 Section 23-15-523 and trained in the process of canvassing  
133 absentee ballots shall first take the envelopes containing the  
134 absentee ballots of such electors from the secure location at  
135 the \* \* \* registrar's office, and the name, address and precinct  
136 inscribed on each envelope shall be announced by the \* \* \*  
137 resolution board.

138            (b) (i) For absentee ballots that were received by  
139 mail, the signature on the application shall then be compared with  
140 the signature in the box on the back of the envelope. A portion  
141 of the elector's signature extending outside of the box shall not  
142 be grounds for rejecting that elector's ballot. If it corresponds  
143 and the affidavit, if one is required, is sufficient and the  
144 resolution board finds that the applicant is a registered and  
145 qualified voter or otherwise qualified to vote, the envelope shall  
146 then be opened and the ballot removed from the envelope, without  
147 its being unfolded, or permitted to be unfolded or examined.



148                   (ii) For absentee ballots that were cast in person  
149 in the registrar's office, the resolution board shall confirm that  
150 the voter completed the application on the front of the envelope  
151 and signed the elector's certificate in the box on the back of the  
152 envelope. If it is signed and the resolution board finds that the  
153 applicant is a registered and qualified voter or otherwise  
154 qualified to vote, the envelope shall be opened and the absentee  
155 ballot removed from the envelope, without its being unfolded, or  
156 permitted to be unfolded or examined.

157                   (c) Having observed and found the ballot to be regular  
158 as far as can be observed from its official endorsement, the  
159 resolution board shall deposit it in the ballot box with the other  
160 ballots before counting any ballots and enter the voter's name in  
161 the receipt book provided for that purpose. All absentee ballots  
162 received prior to 7:00 p.m. the day before the election shall be  
163 counted in the registrar's office by the resolution board when the  
164 polls close and then added to the votes cast in each precinct.  
165 All absentee ballots received after 7:00 p.m. the day before the  
166 election but not later than the fifth business day after the  
167 election shall be processed by the resolution board.

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

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



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

175           23-15-641. (1) For all absentee votes received by mail, if  
176 an affidavit or the certificate of the officer before whom the  
177 affidavit is taken is required and such affidavit or certificate  
178 is found to be insufficient, or if it is found that the signatures  
179 do not correspond, or that the applicant is not a duly qualified  
180 elector in the precinct, or otherwise qualified to vote, or that  
181 the ballot envelope is open or has been opened and resealed, \* \* \*  
182 the previously cast vote shall not be allowed. Without opening  
183 the voter's envelope the resolution board shall mark across its  
184 face "REJECTED", with the reason therefor.

185           (2) For all absentee votes received by mail, if the ballot  
186 envelope contains more than one (1) ballot of any kind, the ballot  
187 shall not be counted but shall be marked "REJECTED", with the  
188 reason therefor, and the registrar shall promptly notify the voter  
189 of such rejection. The voter's envelopes and affidavits, and the  
190 voter's envelope with its contents unopened, when such vote is  
191 rejected, shall be retained and preserved in the same manner as  
192 other ballots at the election. Such votes may be challenged in  
193 the same manner and for the same reasons that any other vote cast  
194 in such election may be challenged.

195           (3) If an affidavit is required and the officials find that  
196 the affidavit is insufficient, or if the officials find that the  
197 absentee voter is otherwise disqualified to vote, the envelope





198 shall not be opened and \* \* \* the resolution board shall write  
199 across the face of the envelope "REJECTED" giving the reason  
200 therefor, and the registrar shall promptly notify the voter of  
201 such rejection.

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

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

210 (6) A signature mismatch shall not be grounds for rejecting  
211 an absentee ballot that was cast in the registrar's office. A  
212 portion of the elector's signature extending outside of the box  
213 shall not be grounds for rejecting that elector's ballot.

214 **SECTION 6.** Section 23-15-715, Mississippi Code of 1972, is  
215 amended as follows:

216 23-15-715. Any elector desiring an absentee ballot as  
217 provided in this subarticle may secure same if:

218 (a) Not more than forty-five (45) days nor later than  
219 12:00 noon, \* \* \* on the Saturday immediately preceding elections  
220 held on Tuesday, the Thursday immediately preceding elections held  
221 on Saturday, or the second day immediately preceding the date of  
222 elections held on other days, he or she shall appear in person



223 before the registrar of the county in which he resides, or for  
224 municipal elections he shall appear in person before the city  
225 clerk of the municipality in which he or she resides and, when the  
226 elector so appears, he or she shall execute and file an  
227 application as provided in Section 23-15-627 and vote by absentee  
228 ballot \* \* \*. If the absentee ballot has not been printed by  
229 forty-five (45) days preceding the election, the elector may  
230 appear and file an application anytime before the election. Then  
231 the absentee ballot shall be mailed by the \* \* \* registrar to the  
232 elector as soon as the ballot has been printed.

233 (b) Within forty-five (45) days next prior to any  
234 election, any elector who cannot comply with paragraph (a) of this  
235 section by reason of temporarily residing outside the county, or  
236 any person who has a temporary or permanent physical disability,  
237 persons who are sixty-five (65) years of age or older, any person  
238 who is incarcerated in prison or jail in the county where the  
239 person is registered to vote and has not been convicted of a  
240 disenfranchising crime, or any person who is the parent, spouse or  
241 dependent of a temporarily or permanently physically disabled  
242 person who is hospitalized outside of his or her county of  
243 residence or more than fifty (50) miles away from his or her  
244 residence and such parent, spouse or dependent will be with such  
245 person on election day, may make application for an absentee  
246 ballot by mailing the appropriate application to the registrar.  
247 Only persons temporarily residing out of the county of their



248 residence, persons having a temporary or permanent physical  
249 disability, persons who are sixty-five (65) years of age or older,  
250 any person who is incarcerated in prison or jail in the county  
251 where the person is registered to vote and has not been convicted  
252 of a disenfranchising crime, or any person who is the parent,  
253 spouse or dependent of a temporarily or permanently physically  
254 disabled person who is hospitalized outside of his or her county  
255 of residence or more than fifty (50) miles away from his or her  
256 residence, and such parent, spouse or dependent will be with such  
257 person on election day, may obtain absentee ballots by mail under  
258 the provisions of this subsection and as provided by Section  
259 23-15-713. Applications of persons temporarily residing outside  
260 the county shall be sworn to and subscribed before an official who  
261 is authorized to administer oaths or other official authorized to  
262 witness absentee balloting as provided in this chapter, said  
263 application to be accompanied by such verifying affidavits as  
264 required by this chapter. The applications of persons having a  
265 temporary or permanent physical disability shall not be required  
266 to be accompanied by an affidavit but shall be witnessed and  
267 signed by a person eighteen (18) years of age or older. The  
268 registrar shall send to such absent voter a proper absentee voter  
269 ballot within twenty-four (24) hours, or as soon thereafter as the  
270 ballots are available, containing the names of all candidates who  
271 qualify or the proposition to be voted on in such election, and  
272 with such ballot there shall be sent an official envelope



273 containing upon it in printed form the recitals and data  
274 hereinafter required.

275 (c) Except when the voter has requested a runoff ballot  
276 on the initial absentee ballot application, upon request for a  
277 runoff ballot pursuant to Section 23-15-719, the registrar shall  
278 mail together the absentee ballot application and the absentee  
279 ballot to the absent voter for the runoff election.

280 **SECTION 7.** Section 23-15-719, Mississippi Code of 1972, is  
281 amended as follows:

282 23-15-719. (1) Except where the registrar has already  
283 mailed a ballot with an application, upon receipt of a properly  
284 completed application form by an elector qualified to vote  
285 absentee as provided in this article, the registrar shall mail the  
286 absent voter an absentee ballot within one (1) business day, or as  
287 soon as the absentee ballot is prepared and available, containing  
288 the names of all the candidates and propositions, if any, to be  
289 voted on in the election. The registrar shall include with the  
290 absentee ballot an official envelope that complies with the  
291 provisions of \* \* \* Section 23-15-635, as well as information to  
292 comply with Section 23-15-641(3) related to the status of the  
293 elector's ballot.

294 (2) When an absentee voter appears before the registrar to  
295 vote, the registrar shall identify the applicant by requiring him  
296 or her to present identification as required by Section 23-15-563,  
297 and shall then deliver the \* \* \* ballot to the applicant in the



298 registrar's office. \* \* \* After the applicant has properly marked  
299 the ballot and properly folded it, he or she shall deposit it in  
300 the envelope furnished to him or her by the registrar.

301 After the absentee voter has sealed the envelope, he or she  
302 shall ensure the absentee application on the front of the envelope  
303 is complete and shall subscribe and swear to an affidavit \* \* \*.

304 The affidavit shall be in the following form, which shall be  
305 printed on the back of the envelope containing the applicant's  
306 ballot:

307 "STATE OF MISSISSIPPI  
308 COUNTY OF \_\_\_\_\_

309 I, \_\_\_\_\_, do solemnly swear that this envelope contains  
310 the ballot marked by me indicating my choice of the candidates or  
311 propositions to be submitted at the election to be held on the \_\_\_  
312 day of \_\_\_\_\_, 2\_\_\_, and I hereby authorize the registrar to  
313 place this envelope in the ballot box on my behalf, and I further  
314 authorize the \* \* \* resolution board to open this envelope and  
315 place my ballot among the other ballots cast before such ballots  
316 are counted, and record my name on the poll list as if I were  
317 present in person and voted.

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

319 \_\_\_\_\_  
320 (Signature of voter)

321 SWORN TO AND SUBSCRIBED before me, \_\_\_\_\_, this the \_\_\_  
322 day of \_\_\_\_\_, 2\_\_\_.



323 (Registrar) \_\_\_\_\_

324 (Registrar) "

325 After the completion of the requirements of this section, the  
326 elector shall deliver the envelope containing the ballot to the  
327 registrar.

328 ( \* \* \*3) If the voter has received assistance in marking  
329 his or her ballot, the person providing the assistance shall  
330 complete the following form which shall be printed on the back of  
331 the envelope containing the applicant's ballot:

332 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

333 (To be completed only if the voter has received assistance in  
334 marking the enclosed ballot.) I hereby certify that the  
335 above-named voter declared to me that he or she is blind,  
336 temporarily or permanently physically disabled, or cannot read or  
337 write, and that the voter requested that I assist the voter in  
338 marking the enclosed absentee ballot. I hereby certify that the  
339 ballot preferences on the enclosed ballot are those communicated  
340 by the voter to me, and that I have marked the enclosed ballot in  
341 accordance with the voter's instructions.

342 \_\_\_\_\_  
343 Signature of person providing assistance

344 \_\_\_\_\_  
345 Printed name of person providing assistance

346 \_\_\_\_\_  
347 Address of person providing assistance



348

\_\_\_\_\_  
Date and time assistance provided

350

\_\_\_\_\_  
Family relationship to voter (if any)"

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

359 A portion of the voter's signature extending outside of the  
360 box shall not be grounds for rejecting that voter's ballot.

361 (5) The registrar shall not personally hand deliver ballots  
362 to voters, except to those who personally appear in the  
363 registrar's office to absentee vote.

364 **SECTION 8.** Section 23-15-625, Mississippi Code of 1972, is  
365 amended as follows:

366 23-15-625. (1) The registrar shall be responsible for  
367 providing applications for absentee voting as provided in this  
368 section. At least sixty (60) days before any election in which  
369 absentee voting is provided for by law, the registrar shall  
370 provide a sufficient number of applications. In the event a  
371 special election is called and set at a date which makes it  
372 impractical or impossible to prepare applications for absent



373 elector's ballot sixty (60) days before the election, the  
374 registrar shall provide applications as soon as practicable after  
375 the election is called. The registrar shall fill in the date of  
376 the particular election on the application for which the  
377 application will be used. For voters appearing in person to cast  
378 an absentee vote, the application and elector certificate shall be  
379 printed on the absentee ballot envelope as provided in Section 1  
380 of this act.

381 (2) The registrar shall be authorized to disburse  
382 applications for absentee ballots to any qualified elector within  
383 the county where he or she serves. Any person who presents to the  
384 registrar an oral or written request for an absentee ballot  
385 application for a voter entitled to vote absentee by mail, other  
386 than the elector who seeks to vote by absentee ballot, shall, in  
387 the presence of the registrar, sign the application and print on  
388 the application his or her name and address and the name of the  
389 elector for whom the application is being requested in the place  
390 provided for on the application for that purpose. However, if for  
391 any reason such person is unable to write the information  
392 required, then the registrar shall write the information on a  
393 printed form which has been prescribed by the Secretary of State.  
394 The form shall provide a place for such person to place his or her  
395 mark after the form has been filled out by the registrar.

396 (3) It shall be unlawful for any person to solicit absentee  
397 ballot applications or absentee ballots for persons staying in any





398 skilled nursing facility as defined in Section 41-7-173 unless the  
399 person soliciting the absentee ballot applications or absentee  
400 ballots is:

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

403 (b) A person designated by the person for whom the  
404 absentee ballot application or absentee ballot is sought, the  
405 registrar or the deputy registrar.

406 As used in this subsection, "family member" means a spouse,  
407 parent, grandparent, sibling, adult child, grandchild or legal  
408 guardian.

409 (4) The registrar in the county wherein a voter is qualified  
410 to vote upon receiving by mail the envelope containing the  
411 absentee ballots shall keep an accurate list of all persons  
412 preparing such ballots. The list shall be kept in a conspicuous  
413 place accessible to the public near the entrance to the  
414 registrar's office. The registrar shall also furnish to each  
415 precinct manager a list of the names of all persons in each  
416 respective precinct voting absentee by mail and in person to be  
417 posted in a conspicuous place at the polling place for public  
418 notice. The application on file with the registrar and the  
419 envelopes containing the ballots that voters mailed to the  
420 registrar shall be kept by the registrar in his or her office in a  
421 secure location. At the time such boxes are delivered to the  
422 election commissioners or managers, the registrar shall also turn



423 over a list of all such persons who have voted and whose mailed  
424 ballots are in the registrar's office.

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

429 (6) The registrar shall process all applications for  
430 absentee ballots by using the Statewide Election Management  
431 System. The registrar shall account for all absentee ballots  
432 delivered to and received by mail as well as those who voted  
433 absentee in person from qualified voters by processing such  
434 ballots using the Statewide Election Management System.

435 **SECTION 9.** Section 23-15-627, Mississippi Code of 1972, is  
436 amended as follows:

437 23-15-627. (1) Any elector described in Section 23-15-713  
438 may request an absentee ballot application and vote in person at  
439 the office of the registrar in the county in which he or she  
440 resides. The registrar shall be responsible for furnishing an  
441 absentee ballot application form to any elector authorized to  
442 receive an absentee ballot. Such form shall be printed on the  
443 absentee ballot envelope as provided in Section 1 of this act.

444 Except as otherwise provided in Section 23-15-625, absentee ballot  
445 applications shall be furnished to a person only upon the oral or  
446 written request of the elector who seeks to vote by absentee  
447 ballot; however, the parent, child, spouse, sibling, legal



448 guardian, those empowered with a power of attorney for that  
449 elector's affairs or agent of the elector, who is designated in  
450 writing and witnessed by a resident of this state who shall write  
451 his or her physical address on such designation, may orally  
452 request an absentee ballot application on behalf of the elector.  
453 The written designation shall be valid for one (1) year after the  
454 date of the designation. An absentee ballot application must have  
455 the seal of the circuit or municipal clerk affixed to it and be  
456 initialed by the registrar or his or her deputy in order to be  
457 used to obtain an absentee ballot. A reproduction of an absentee  
458 ballot application shall not be valid unless it is a reproduction  
459 provided by the office of the registrar of the jurisdiction in  
460 which the election is being held and which contains the seal and  
461 initials required by this section.

462       (2) Such application shall be substantially in the following  
463 form for applications mailed to absentee electors:

464 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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



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

476           ( ) I am a member of the Merchant Marine or the American Red  
477 Cross and am a citizen of Mississippi or spouse or dependent of  
478 such member.

479           ( ) I am a disabled war veteran who is a patient in any  
480 hospital and am a citizen of Mississippi or spouse or dependent of  
481 such veteran.

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

486           ( ) I am a citizen of Mississippi temporarily residing  
487 outside the territorial limits of the United States and the  
488 District of Columbia.

489           ( ) I am a student, teacher or administrator at a college,  
490 university, junior or community college, high, junior high,  
491 elementary or grade school, whose studies or employment at such  
492 institution necessitates my absence from the county of my voting  
493 residence or spouse or dependent of such student, teacher or  
494 administrator who maintains a common domicile outside the county  
495 of my voting residence with such student, teacher or  
496 administrator.

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



498           ( ) I have a temporary or permanent physical  
499 disability \* \* \*.

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

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

506           ( ) I am a member of the congressional delegation, or spouse  
507 or dependent of a member of the congressional delegation.

508           ( ) I am required to be at work on election day during the  
509 times \* \* \* when the polls will be open or I am required to be  
510 on-call on election day during the times when the polls will be  
511 open.

512           ( ) I am incarcerated in prison or jail in the county where  
513 I am registered to vote and have not been convicted of a  
514 disenfranchising crime.

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

517           Mail 'Absent Elector's Ballot' to me at the following address  
518 \_\_\_\_\_.

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

521           Notify me of a problem with my 'Absent Elector's Ballot' at  
522 the following:



523            Phone number: \_\_\_\_\_

524            Email address: \_\_\_\_\_

525            Mailing address: \_\_\_\_\_

526            I realize that I can be fined up to Five Thousand Dollars  
527 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
528 for making a false statement in this application and for selling  
529 my vote and violating the Mississippi Absentee Voter Law. (This  
530 sentence is to be in bold print.)

531            If you are temporarily or permanently disabled, you are not  
532 required to have this application notarized or signed by an  
533 official authorized to administer oaths for absentee balloting.  
534 You are required to sign this application in the proper place and  
535 have a person eighteen (18) years of age or older witness your  
536 signature and sign this application in the proper place.

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

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

541            \_\_\_\_\_

542            (Signature of absent elector)

543            SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
544 2\_\_\_\_.

545            \_\_\_\_\_

546            (Official authorized to administer oaths  
547 for absentee balloting.)



548 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
549 DISABLED:

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

554 \_\_\_\_\_  
555 (Signature of witness)

556 CERTIFICATE OF DELIVERY

557 I hereby certify that \_\_\_\_\_ (print name of voter)  
558 has requested that I, \_\_\_\_\_ (print name of person  
559 delivering application), deliver to the voter this absentee ballot  
560 application.

561 \_\_\_\_\_  
562 (Signature of person delivering application)

563 \_\_\_\_\_  
564 (Address of person delivering application)"

565 (3) The application printed on the front of the absentee  
566 ballot envelope for absentee voters appearing before the registrar  
567 shall be substantially in the following form:

568 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

569 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_\_ Precinct  
570 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
571 the purview of the definition 'ABSENT ELECTOR' will be absent from



572 the county of my residence on election day, or unable to vote in  
573 person because (check appropriate reason):

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

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

580 ( ) I am a member of the Merchant Marine or the American Red  
581 Cross and am a citizen of Mississippi or spouse or dependent of  
582 such member.

583 ( ) I am a disabled war veteran who is a patient in any  
584 hospital and am a citizen of Mississippi or spouse or dependent of  
585 such veteran.

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

590 ( ) I am a citizen of Mississippi temporarily residing  
591 outside the territorial limits of the United States and the  
592 District of Columbia.

593 ( ) I am a student, teacher or administrator at a college,  
594 university, junior or community college, high, junior high,  
595 elementary or grade school, whose studies or employment at such  
596 institution necessitates my absence from the county of my voting





597 residence or spouse or dependent of such student, teacher or  
598 administrator who maintains a common domicile outside the county  
599 of my voting residence with such student, teacher or  
600 administrator.

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

602 ( ) I have a temporary or permanent physical disability.

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

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

609 ( ) I am a member of the congressional delegation, or spouse  
610 or dependent of a member of the congressional delegation.

611 ( ) I am required to be at work on election day during the  
612 times when the polls will be open or I am required to be on-call  
613 on election day during the times when the polls will be open.

614 ( ) I am incarcerated in prison or jail in the county where  
615 I am registered to vote and have not been convicted of a  
616 disenfranchising crime.

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

619 Notify me of a problem with my 'Absent Elector's Ballot' at  
620 the following:

621 Phone number: \_\_\_\_\_



622 Email address: \_\_\_\_\_

623 Mailing address: \_\_\_\_\_

624 I realize that I can be fined up to Five Thousand Dollars  
625 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
626 for making a false statement in this application and for selling  
627 my vote and violating the Mississippi Absentee Voter Law. (This  
628 sentence is to be in bold print.)"

629 **SECTION 10.** Section 23-15-631, Mississippi Code of 1972, is  
630 amended as follows:

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

634 (a) All absentee voters, excepting those with temporary  
635 or permanent physical disabilities or those who are sixty-five  
636 (65) years of age or older, who mark their ballots in the county  
637 of the residence shall use the registrar of that county as the  
638 witness. The absentee voter shall come to the office of the  
639 registrar and neither the registrar nor his or her deputy shall be  
640 required to go out of the registrar's office to serve as an  
641 attesting witness.

642 (b) Upon receipt of the enclosed ballot, you will not  
643 mark the ballot except in view or sight of the attesting witness.  
644 In the sight or view of the attesting witness, mark the ballot  
645 according to instructions.



646 (c) After marking the ballot, fill out and sign the  
647 "ELECTOR'S CERTIFICATE" in the box on the back of the envelope so  
648 that the signature is across the flap of the envelope to ensure  
649 the integrity of the ballot. All absent electors shall have the  
650 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" in the  
651 box across the flap on the back of the envelope. A portion of the  
652 elector's signature extending outside of the box shall not be  
653 grounds for rejecting that elector's ballot. Place the necessary  
654 postage on the envelope and deposit it in the post office or some  
655 government receptacle provided for the deposit of mail so that the  
656 absent elector's ballot will be postmarked on or before the date  
657 of the election and received by the registrar no more than five  
658 (5) business days after the election. The ballot may only be  
659 transmitted by the United States Postal Service or other common  
660 carriers, including, but not limited to, United Parcel Service or  
661 FedEx Corporation.

662 Any notary public, United States postmaster, assistant United  
663 States postmaster, United States postal supervisor, clerk in  
664 charge of a contract postal station, or other officer having  
665 authority to administer an oath or take an acknowledgment may be  
666 an attesting witness; provided, however, that in the case of an  
667 absent elector who is temporarily or permanently physically  
668 disabled, the attesting witness may be any person eighteen (18)  
669 years of age or older and such person is not required to have the  
670 authority to administer an oath. If a postmaster, assistant



671 postmaster, postal supervisor, or clerk in charge of a contract  
672 postal station acts as an attesting witness, his or her signature  
673 in a box on the elector's certificate must be authenticated by the  
674 cancellation stamp of their respective post offices. If an  
675 officer having authority to administer an oath or take an \* \* \*  
676 acknowledgment acts as attesting witness, his or her signature in  
677 a box on the elector's certificate, together with his or her title  
678 and address, but no seal, shall be required. A portion of the  
679 elector's signature extending outside of the box shall not be  
680 grounds for rejecting that elector's ballot. Any affidavits made  
681 by an absent elector who is in the Armed Forces may be executed  
682 before a commissioned officer, warrant officer, or noncommissioned  
683 officer not lower in grade than sergeant rating or any person  
684 authorized to administer oaths.

685 (d) When the application accompanies the ballot it  
686 shall not be returned in the same envelope as the ballot but shall  
687 be returned in a separate pre-addressed envelope provided by the  
688 registrar.

689 (e) A candidate for public office, or the spouse,  
690 parent or child of a candidate for public office, may not be an  
691 attesting witness for any absentee ballot upon which the  
692 candidate's name appears, unless the voter is related within the  
693 first degree to the candidate or the spouse, parent or child of  
694 the candidate.



695 (f) Any voter casting an absentee ballot who declares  
696 that he or she requires assistance to vote by reason of blindness,  
697 temporary or permanent physical disability or inability to read or  
698 write, shall be entitled to receive assistance in the marking of  
699 his or her absentee ballot and in completing the affidavit on the  
700 absentee ballot envelope. The voter may be given assistance by  
701 anyone of the voter's choice other than a candidate whose name  
702 appears on the absentee ballot being marked, the spouse, parent or  
703 child of a candidate whose name appears on the absentee ballot  
704 being marked or the voter's employer, an agent of that employer or  
705 a union representative; however, a candidate whose name is on the  
706 ballot or the spouse, parent or child of such candidate may  
707 provide assistance upon request to any voter who is related within  
708 the first degree. In order to ensure the integrity of the ballot,  
709 any person who provides assistance to an absentee voter shall be  
710 required to sign and complete the "Certificate of Person Providing  
711 Voter Assistance" on the absentee ballot envelope.

712 (2) The foregoing instructions required to be provided by  
713 the registrar to the elector shall also constitute the substantive  
714 law pertaining to the handling of absentee ballots by the elector  
715 and registrar.

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



719           **SECTION 11.** Section 23-15-713, Mississippi Code of 1972, is  
720 amended as follows:

721           23-15-713. For the purpose of this subarticle, any duly  
722 qualified elector may vote as provided in this subarticle if the  
723 elector falls within at least one (1) of the following categories:

724           (a) Any qualified elector who is a bona fide student,  
725 teacher or administrator at any college, university, junior  
726 college, high, junior high, or elementary grade school whose  
727 studies or employment at such institution necessitates his or her  
728 absence from the county of his or her voting residence on the date  
729 of any primary, general or special election, or the spouse and  
730 dependents of that student, teacher or administrator if such  
731 spouse or dependent(s) maintain a common domicile, outside of the  
732 county of his or her voting residence, with such student, teacher  
733 or administrator.

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

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

742           (d) Any person who has a temporary or permanent  
743 physical disability and who, because of such disability, is unable



744 to vote in person without substantial hardship to himself, herself  
745 or others, or whose attendance at the voting place could  
746 reasonably cause danger to himself, herself or others. \* \* \*

747 (e) The parent, spouse or dependent of a person with a  
748 temporary or permanent physical disability who is hospitalized  
749 outside of his or her county of residence or more than fifty (50)  
750 miles distant from his or her residence, if the parent, spouse or  
751 dependent will be with such person on election day. \* \* \*

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

754 (g) Any member of the Mississippi congressional  
755 delegation absent from Mississippi on election day, and the spouse  
756 and dependents of such member of the congressional delegation.

757 (h) Any qualified elector who will be unable to vote in  
758 person because he or she is required to be at work on election day  
759 during the times \* \* \* when the polls will be open or any  
760 qualified elector who will be required to be on-call on election  
761 day during the times when the polls will be open.

762 (i) Any qualified elector who is incarcerated in prison  
763 or jail in the county where he or she is registered to vote and  
764 has not been convicted of a disenfranchising crime.

765 **SECTION 12.** Section 23-15-637, Mississippi Code of 1972, is  
766 amended as follows:

767 23-15-637. (1) (a) Absentee ballots and applications  
768 received by mail, except for fax or electronically transmitted



769 ballots as otherwise provided by Section 23-15-699 for UOCAVA  
770 ballots, or common carrier, such as United Parcel Service or FedEx  
771 Corporation, must be postmarked on or before the date of the  
772 election and received by the registrar no more than five (5)  
773 business days after the election; any received after such time  
774 shall be handled as provided in Section 23-15-647 and shall not be  
775 counted.

776 (b) All ballots cast by the absent elector appearing in  
777 person in the office of the registrar shall be cast with an  
778 absentee paper ballot and deposited into a sealed ballot box by  
779 the voter, not later than 12:00 noon \* \* \* on the Saturday  
780 immediately preceding elections held on Tuesday, the Thursday  
781 immediately preceding elections held on Saturday, or the second  
782 day immediately preceding the date of elections held on other  
783 days. At the close of business each day at the office of the  
784 registrar, the ballot box used shall be sealed and not unsealed  
785 until the beginning of the next business day, and the seal number  
786 shall be recorded with the number of ballots cast which shall be  
787 stored in a secure location in the registrar's office.

788 (2) The registrar shall deposit all absentee ballots which  
789 have been timely cast and received by mail in a secured and sealed  
790 box in a designated location in the registrar's office upon  
791 receipt. The registrar shall not send any absentee ballots to the  
792 precinct polling locations.





793 (3) The Secretary of State shall promulgate rules and  
794 regulations necessary to ensure that when a qualified elector who  
795 is qualified to vote absentee votes by absentee ballot, either by  
796 mail or in person with a regular paper ballot, that person's  
797 absentee vote is final and he or she may not vote at the polling  
798 place on election day. Notwithstanding any other provisions of  
799 law to the contrary, the Secretary of State shall promulgate rules  
800 and regulations necessary to ensure that absentee ballots shall  
801 remain in the registrar's office for counting and not be taken to  
802 the precincts on election day.

803 **SECTION 13.** Section 23-15-721, Mississippi Code of 1972, is  
804 amended as follows:

805 23-15-721. (1) Absentee ballots requested under the  
806 provisions of Section 23-15-715 for electors temporarily residing  
807 outside the county of residence shall be mailed to the elector's  
808 address outside of the county in which he or she is registered,  
809 and such electors shall appear before any official authorized to  
810 administer oaths or other official authorized to witness absentee  
811 balloting as provided in this article. The elector shall exhibit  
812 to such official his or her absentee ballot unmarked and thereupon  
813 proceed in secret to fill in the ballot. After the elector has  
814 properly marked the ballot and properly folded it, he or she shall  
815 deposit it in the envelope furnished to him or her. After the  
816 elector has sealed the envelope he or she shall deliver it to the  
817 official before whom he or she is appearing and shall subscribe



818 and swear to the elector's certificate provided for in Section  
819 23-15-635, which affidavit shall be printed on the back of the  
820 envelope as provided for in Section 23-15-635 containing the  
821 elector's ballot.

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

826 (3) After the completion of the requirements of this  
827 section, the elector shall mail the envelope containing the ballot  
828 to the registrar in the county wherein the elector is qualified to  
829 vote. The ballots must be postmarked by the date of the election  
830 and received by the registrar no more than five (5) business days  
831 after the election to be counted; any received after such time  
832 shall be handled as provided in Section 23-15-647 and shall not be  
833 counted.

834 **SECTION 14.** Section 23-15-697, Mississippi Code of 1972, is  
835 amended as follows:

836 23-15-697. When the absentee ballot has been voted and the  
837 envelope sealed, signed and certified to as provided above, the  
838 absentee voter shall mail the envelope containing the ballot to  
839 the registrar.

840 Hand-delivery of ballots to a voter or from a voter shall be  
841 prohibited, and the use of drop boxes or other mechanisms to



842 submit a completed absentee ballot other than by mail or common  
843 carrier, shall be prohibited.

844           **SECTION 15.** This act shall take effect and be in force from  
845 and after July 1, 2024.

