

By: Senator(s) England, Tate

To: Elections

SENATE BILL NO. 2579
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 23-15-631, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE MAIL-IN BALLOTS BE RECEIVED BY MAIL OR COMMON CARRIER
3 NO LATER THAN 7:00 PM ON THE DAY OF AN ELECTION; TO AMEND SECTION
4 23-15-637, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
5 23-15-639, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT MAIL-IN
6 BALLOTS BE ANNOUNCED BY THE RESOLUTION BOARD; TO AMEND SECTIONS
7 23-15-651 AND 23-15-721, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
8 AMEND SECTION 23-15-697, MISSISSIPPI CODE OF 1972, TO PROHIBIT
9 RETURNING MAIL-IN BALLOTS USING ANY METHOD OTHER THAN BY MAIL OR
10 COMMON CARRIER; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-631, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-631. (1) The registrar shall enclose with each ballot
15 mailed to an absent elector separate printed instructions
16 furnished by the registrar containing the following:

17 (a) All absentee voters, excepting those with temporary
18 or permanent physical disabilities or those who are sixty-five
19 (65) years of age or older, who mark their ballots in the county
20 of the residence shall use the registrar of that county as the
21 witness. The absentee voter shall come to the office of the
22 registrar and neither the registrar nor his or her deputy shall be



23 required to go out of the registrar's office to serve as an
24 attesting witness.

25 (b) Upon receipt of the enclosed ballot, you will not
26 mark the ballot except in view or sight of the attesting witness.
27 In the sight or view of the attesting witness, mark the ballot
28 according to instructions.

29 (c) After marking the ballot, fill out and sign the
30 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
31 signature is across the flap of the envelope to ensure the
32 integrity of the ballot. All absent electors shall have the
33 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
34 the flap on the back of the envelope. Place the necessary postage
35 on the envelope and deposit it in the post office or some
36 government receptacle provided for the deposit of mail so that the
37 absent elector's ballot will be * * * received by the
38 registrar * * * not later than 7:00 p.m. on the day of the
39 election. The ballot may only be transmitted by the United States
40 Postal Service or other common carriers, including, but not
41 limited to, United Parcel Service or FedEx Corporation.

42 Any notary public, United States postmaster, assistant United
43 States postmaster, United States postal supervisor, clerk in
44 charge of a contract postal station * * * or other officer having
45 authority to administer an oath or take an acknowledgment may be
46 an attesting witness; provided, however, that in the case of an
47 absent elector who is temporarily or permanently physically



48 disabled, the attesting witness may be any person eighteen (18)
49 years of age or older and such person is not required to have the
50 authority to administer an oath. If a postmaster, assistant
51 postmaster, postal supervisor * * * or clerk in charge of a
52 contract postal station acts as an attesting witness, his or her
53 signature on the elector's certificate must be authenticated by
54 the cancellation stamp of their respective post offices. If an
55 officer having authority to administer an oath or take an * * *
56 acknowledgment acts as attesting witness, his or her signature on
57 the elector's certificate, together with his or her title and
58 address, but no seal, shall be required. Any affidavits made by
59 an absent elector who is in the Armed Forces may be executed
60 before a commissioned officer, warrant officer * * * or
61 noncommissioned officer not lower in grade than sergeant rating or
62 any person authorized to administer oaths.

63 (d) When the application accompanies the ballot it
64 shall not be returned in the same envelope as the ballot but shall
65 be returned in a separate preaddressed envelope provided by the
66 registrar.

67 (e) A candidate for public office, or the spouse,
68 parent or child of a candidate for public office, may not be an
69 attesting witness for any absentee ballot upon which the
70 candidate's name appears, unless the voter is related within the
71 first degree to the candidate or the spouse, parent or child of
72 the candidate.



73 (f) Any voter casting an absentee ballot who declares
74 that he or she requires assistance to vote by reason of blindness,
75 temporary or permanent physical disability or inability to read or
76 write, shall be entitled to receive assistance in the marking of
77 his or her absentee ballot and in completing the affidavit on the
78 absentee ballot envelope. The voter may be given assistance by
79 anyone of the voter's choice other than a candidate whose name
80 appears on the absentee ballot being marked, the spouse, parent or
81 child of a candidate whose name appears on the absentee ballot
82 being marked or the voter's employer, an agent of that employer or
83 a union representative; however, a candidate whose name is on the
84 ballot or the spouse, parent or child of such candidate may
85 provide assistance upon request to any voter who is related within
86 the first degree. In order to ensure the integrity of the ballot,
87 any person who provides assistance to an absentee voter shall be
88 required to sign and complete the "Certificate of Person Providing
89 Voter Assistance" on the absentee ballot envelope.

90 (2) The foregoing instructions required to be provided by
91 the registrar to the elector shall also constitute the substantive
92 law pertaining to the handling of absentee ballots by the elector
93 and registrar.

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



97 **SECTION 2.** Section 23-15-637, Mississippi Code of 1972, is
98 amended as follows:

99 23-15-637. (1) (a) Absentee ballots and applications
100 received by mail, * * * or common carrier, such as United Parcel
101 Service or FedEx Corporation, must be * * * received by the
102 registrar * * * not later than 7:00 p.m. the day of the election;
103 any received after such time shall be handled as provided in
104 Section 23-15-647 and shall not be counted.

105 (b) All ballots cast by the absent elector appearing in
106 person in the office of the registrar shall be cast with an
107 absentee paper ballot and deposited into a sealed ballot box by
108 the voter, not later than 12:00 noon, or 5:00 p.m. during the year
109 2020 on the Saturday immediately preceding elections held on
110 Tuesday, the Thursday immediately preceding elections held on
111 Saturday, or the second day immediately preceding the date of
112 elections held on other days. At the close of business each day
113 at the office of the registrar, the ballot box used shall be
114 sealed and not unsealed until the beginning of the next business
115 day, and the seal number shall be recorded with the number of
116 ballots cast which shall be stored in a secure location in the
117 registrar's office.

118 (2) The registrar shall deposit all absentee ballots which
119 have been timely cast and received by mail in a secured and sealed
120 box in a designated location in the registrar's office upon



121 receipt. The registrar shall not send any absentee ballots to the
122 precinct polling locations.

123 (3) The Secretary of State shall promulgate rules and
124 regulations necessary to ensure that when a qualified elector who
125 is qualified to vote absentee votes by absentee ballot, either by
126 mail or in person with a regular paper ballot, that person's
127 absentee vote is final and he or she may not vote at the polling
128 place on election day. Notwithstanding any other provisions of
129 law to the contrary, the Secretary of State shall promulgate rules
130 and regulations necessary to ensure that absentee ballots shall
131 remain in the registrar's office for counting and not be taken to
132 the precincts on election day.

133 **SECTION 3.** Section 23-15-639, Mississippi Code of 1972, is
134 amended as follows:

135 23-15-639. (1) The examination and counting of all absentee
136 ballots shall be conducted as follows:

137 (a) At the opening of the regular balloting and at the
138 opening of the polls, the Resolution Board established under
139 Section 23-15-523 and trained in the process of canvassing
140 absentee ballots shall first take the envelopes containing the
141 absentee ballots of such electors from the secure location at the
142 circuit clerk's office, and the name, address and precinct
143 inscribed on each envelope shall be announced by the * * *
144 Resolution Board.



145 (b) The signature on the application shall then be
146 compared with the signature on the back of the envelope. If it
147 corresponds and the affidavit, if one (1) is required, is
148 sufficient and the resolution board * * * finds that the applicant
149 is a registered and qualified voter or otherwise qualified to
150 vote, the envelope shall then be opened and the ballot removed
151 from the envelope, without its being unfolded, or permitted to be
152 unfolded or examined.

153 (c) Having observed and found the ballot to be regular
154 as far as can be observed from its official endorsement, the
155 resolution board shall deposit it in the ballot box with the other
156 ballots before counting any ballots and enter the voter's name in
157 the receipt book provided for that purpose. All absentee ballots
158 received prior to 7:00 p.m. the day * * * of the election shall be
159 counted in the registrar's office by the resolution board when the
160 polls close and then added to the votes cast in each
161 precinct. * * *

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

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

167 **SECTION 4.** Section 23-15-651, Mississippi Code of 1972, is
168 amended as follows:



169 23-15-651. The results of the vote by absentee balloting
170 shall be announced simultaneously with the vote cast on election
171 day * * *.

172 **SECTION 5.** Section 23-15-721, Mississippi Code of 1972, is
173 amended as follows:

174 23-15-721. (1) Absentee ballots requested under the
175 provisions of Section 23-15-715 for electors temporarily residing
176 outside the county of residence shall be mailed to the elector's
177 address outside of the county in which he or she is registered,
178 and such electors shall appear before any official authorized to
179 administer oaths or other official authorized to witness absentee
180 balloting as provided in this article. The elector shall exhibit
181 to such official his or her absentee ballot unmarked and thereupon
182 proceed in secret to fill in the ballot. After the elector has
183 properly marked the ballot and properly folded it, he or she shall
184 deposit it in the envelope furnished to him or her. After the
185 elector has sealed the envelope he or she shall deliver it to the
186 official before whom he or she is appearing and shall subscribe
187 and swear to the elector's certificate provided for in Section
188 23-15-635, which affidavit shall be printed on the back of the
189 envelope as provided for in Section 23-15-635 containing the
190 elector's ballot.

191 (2) Electors who are temporarily or permanently physically
192 disabled shall sign the elector's certificate and the certificate



193 of attesting witness shall be signed by any person eighteen (18)
194 years of age or older.

195 (3) After the completion of the requirements of this
196 section, the elector shall mail the envelope containing the ballot
197 to the registrar in the county wherein the elector is qualified to
198 vote. * * * Absentee ballots must be received by the registrar
199 not later than 7:00 p.m. on the day of the election.

200 **SECTION 6.** Section 23-15-697, Mississippi Code of 1972, is
201 amended as follows:

202 23-15-697. When the absentee ballot has been voted and the
203 envelope sealed, signed and certified to as provided above, the
204 absentee voter shall mail the envelope containing the ballot to
205 the registrar.

206 Hand-delivery of ballots to a voter or from a voter shall be
207 prohibited, and the use of drop boxes or other mechanisms to
208 submit a completed absentee ballot other than by mail or common
209 carrier, shall be prohibited.

210 **SECTION 7.** This act shall take effect and be in force from
211 and after July 1, 2024, and shall stand repealed on June 30, 2024.

