

By: Senator(s) England

To: Elections

SENATE BILL NO. 2581

1 AN ACT TO AMEND SECTION 23-15-631, MISSISSIPPI CODE OF 1972,
2 TO ALLOW ABSENTEE VOTERS TO COMPLETE THE SIGNING REQUIREMENTS ON
3 THE BACK OF THE ENVELOPE RATHER THAN THE ENVELOPE FLAP; TO AMEND
4 SECTIONS 23-15-633, 23-15-635 AND 23-15-719, MISSISSIPPI CODE OF
5 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

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

9 23-15-631. (1) The registrar shall enclose with each ballot
10 mailed to an absent elector separate printed instructions
11 furnished by the registrar containing the following:

12 (a) All absentee voters, excepting those with temporary
13 or permanent physical disabilities or those who are sixty-five
14 (65) years of age or older, who mark their ballots in the county
15 of the residence shall use the registrar of that county as the
16 witness. The absentee voter shall come to the office of the
17 registrar and neither the registrar nor his or her deputy shall be
18 required to go out of the registrar's office to serve as an
19 attesting witness.



20 (b) Upon receipt of the enclosed ballot, you will not
21 mark the ballot except in view or sight of the attesting witness.
22 In the sight or view of the attesting witness, mark the ballot
23 according to instructions.

24 (c) After marking the ballot, fill out and sign the
25 "ELECTOR'S CERTIFICATE" on the back of the envelope * * *. All
26 absent electors shall have the attesting witness sign the
27 "ATTESTING WITNESS CERTIFICATE" * * * on the back of the envelope.
28 Place the necessary postage on the envelope and deposit it in the
29 post office or some government receptacle provided for the deposit
30 of mail so that the absent elector's ballot will be postmarked on
31 or before the date of the election and received by the registrar
32 no more than five (5) business days after the election.

33 Any notary public, United States postmaster, assistant United
34 States postmaster, United States postal supervisor, clerk in
35 charge of a contract postal station * * * or other officer having
36 authority to administer an oath or take an acknowledgment may be
37 an attesting witness; provided, however, that in the case of an
38 absent elector who is temporarily or permanently physically
39 disabled, the attesting witness may be any person eighteen (18)
40 years of age or older and such person is not required to have the
41 authority to administer an oath. If a postmaster, assistant
42 postmaster, postal supervisor * * * or clerk in charge of a
43 contract postal station acts as an attesting witness, his or her
44 signature on the elector's certificate must be authenticated by



45 the cancellation stamp of their respective post offices. If an
46 officer having authority to administer an oath or take an * * *
47 acknowledgment acts as attesting witness, his or her signature on
48 the elector's certificate, together with his or her title and
49 address, but no seal, shall be required. Any affidavits made by
50 an absent elector who is in the Armed Forces may be executed
51 before a commissioned officer, warrant officer * * * or
52 noncommissioned officer not lower in grade than sergeant rating or
53 any person authorized to administer oaths.

54 (d) When the application accompanies the ballot it
55 shall not be returned in the same envelope as the ballot but shall
56 be returned in a separate preaddressed envelope provided by the
57 registrar.

58 (e) A candidate for public office, or the spouse,
59 parent or child of a candidate for public office, may not be an
60 attesting witness for any absentee ballot upon which the
61 candidate's name appears, unless the voter is related within the
62 first degree to the candidate or the spouse, parent or child of
63 the candidate.

64 (f) Any voter casting an absentee ballot who declares
65 that he or she requires assistance to vote by reason of blindness,
66 temporary or permanent physical disability or inability to read or
67 write, shall be entitled to receive assistance in the marking of
68 his or her absentee ballot and in completing the affidavit on the
69 absentee ballot envelope. The voter may be given assistance by



70 anyone of the voter's choice other than a candidate whose name
71 appears on the absentee ballot being marked, the spouse, parent or
72 child of a candidate whose name appears on the absentee ballot
73 being marked or the voter's employer, an agent of that employer or
74 a union representative; however, a candidate whose name is on the
75 ballot or the spouse, parent or child of such candidate may
76 provide assistance upon request to any voter who is related within
77 the first degree. In order to ensure the integrity of the ballot,
78 any person who provides assistance to an absentee voter shall be
79 required to sign and complete the "Certificate of Person Providing
80 Voter Assistance" on the absentee ballot envelope.

81 (2) The foregoing instructions required to be provided by
82 the registrar to the elector shall also constitute the substantive
83 law pertaining to the handling of absentee ballots by the elector
84 and registrar.

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

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

90 23-15-633. On any envelope where the elector's signature and
91 the signature of the attesting witness are required, the signature
92 lines and the signatures shall be * * * on the back of the
93 envelope to * * * ensure the integrity of the ballot and the
94 following shall be printed * * * on the back of the envelope in



95 bold print and in a distinguishing color: "YOUR VOTE WILL BE
96 REJECTED AND NOT COUNTED IF THE BACK OF THIS ENVELOPE IS NOT
97 SIGNED * * * BY YOU AND AN ATTESTING WITNESS."

98 SECTION 3. Section 23-15-635, Mississippi Code of 1972, is
99 amended as follows:

100 23-15-635. (1) The form of the elector's certificate,
101 attesting witness certification and certificate of the person
102 providing voter assistance on the back of the envelope used by
103 absentee voters who are not absent voters as defined in Section
104 23-15-673, shall be as follows:

105 "ELECTOR'S CERTIFICATE

106 STATE OF _____

107 COUNTY OF _____

108 I, _____, under penalty of perjury do solemnly swear
109 that this envelope contains the ballot marked by me indicating my
110 choice of the candidates or propositions to be submitted at the
111 election to be held on the ___ day of _____, 2____, and I
112 hereby authorize the registrar to place this envelope in the
113 ballot box on my behalf, and I further authorize the election
114 managers to open this envelope and place my ballot among the other
115 ballots cast before such ballots are counted, and record my name
116 on the poll list as if I were present in person and voted.

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

118 **Penalties for vote fraud are up to five (5) years in prison and a**
119 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**



120 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
121 **to one (1) year in jail and a fine of up to One Thousand Dollars**
122 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

123 _____
124 (Signature of voter)

125 CERTIFICATE OF ATTESTING WITNESS

126 Under penalty of perjury I affirm that the above named voter
127 personally appeared before me, on this the ___ day of _____,
128 2____, and is known by me to be the person named, and who, after
129 being duly sworn or having affirmed, subscribed the foregoing oath
130 or affirmation. That the voter exhibited to me his or her blank
131 ballot; that the ballot was not marked or voted before the voter
132 exhibited the ballot to me; that the voter was not solicited or
133 advised by me to vote for any candidate, question or issue, and
134 that the voter, after marking his or her ballot, placed it in the
135 envelope, closed and sealed the envelope in my presence, and
136 signed and swore or affirmed the above certificate.

137 _____
138 (Attesting witness) (Address)

139 _____
140 (Official title) (City and State)

141 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

142 (To be completed only if the voter has received assistance in
143 marking the enclosed ballot.) I, under penalty of perjury, hereby
144 certify that the above-named voter declared to me that he or she



145 is blind, temporarily or permanently physically disabled, or
146 cannot read or write, and that the voter requested that I assist
147 the voter in marking the enclosed absentee ballot. I hereby
148 certify that the ballot preferences on the enclosed ballot are
149 those communicated by the voter to me, and that I have marked the
150 enclosed ballot in accordance with the voter's instructions.

151 **Penalties for vote fraud are up to five (5) years in prison and a**
152 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
153 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
154 **to one (1) year in jail and a fine of up to One Thousand Dollars**
155 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

156 _____
157 Signature of person providing assistance

158 _____
159 Printed name of person providing assistance

160 _____
161 Address of person providing assistance

162 _____
163 Date and time assistance provided

164 _____
165 Family relationship to voter (if any)"

166 (2) The envelope shall have printed * * * on the back of the
167 envelope in bold print and in a distinguishing color, the
168 following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THE**



169 **BACK OF THIS ENVELOPE IS NOT SIGNED * * * BY YOU AND AN ATTESTING**
170 **WITNESS."**

171 **SECTION 4.** Section 23-15-719, Mississippi Code of 1972, is
172 amended as follows:

173 23-15-719. (1) Except where the registrar has already
174 mailed a ballot with an application, upon receipt of a properly
175 completed application form by an elector qualified to vote
176 absentee as provided in this article, the registrar shall mail the
177 absent voter an absentee ballot within one (1) business day, or as
178 soon as the absentee ballot is prepared and available, containing
179 the names of all the candidates and propositions, if any, to be
180 voted on in the election. The registrar shall include with the
181 absentee ballot an official envelope that complies with the
182 provisions of this article, as well as information to comply with
183 Section 23-15-641(3) related to the status of the elector's
184 ballot. The registrar shall identify the applicant by requiring
185 him or her to present identification as required by Section
186 23-15-563, and shall then deliver the ballots to the applicant by
187 mail or to the applicant in the registrar's office. The registrar
188 shall not personally hand deliver ballots to voters. After the
189 applicant has properly marked the ballot and properly folded it,
190 he or she shall deposit it in the envelope furnished to him or her
191 by the registrar.

192 After the absentee voter has sealed the envelope, he or she
193 shall subscribe and swear to an affidavit and mail the ballot to



194 the address provided on the absentee ballot official envelope.
195 The affidavit shall be in the following form, which shall be
196 printed on the back of the envelope containing the applicant's
197 ballot:

198 "STATE OF MISSISSIPPI
199 COUNTY OF _____

200 I, _____, do solemnly swear that this envelope contains
201 the ballot marked by me indicating my choice of the candidates or
202 propositions to be submitted at the election to be held on the ___
203 day of _____, 2___, and I hereby authorize the registrar to
204 place this envelope in the ballot box on my behalf, and I further
205 authorize the election managers to open this envelope and place my
206 ballot among the other ballots cast before such ballots are
207 counted, and record my name on the poll list as if I were present
208 in person and voted.

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

210 _____
211 (Signature of voter)

212 SWORN TO AND SUBSCRIBED before me, _____, this the ___
213 day of _____, 2___.

214 (Registrar) _____
215 (Registrar) "

216 After the completion of the requirements of this section, the
217 elector shall deliver the envelope containing the ballot to the
218 registrar.



219 (2) If the voter has received assistance in marking his or
220 her ballot, the person providing the assistance shall complete the
221 following form which shall be printed on the back of the envelope
222 containing the applicant's ballot:

223 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

224 (To be completed only if the voter has received assistance in
225 marking the enclosed ballot.) I hereby certify that the
226 above-named voter declared to me that he or she is blind,
227 temporarily or permanently physically disabled, or cannot read or
228 write, and that the voter requested that I assist the voter in
229 marking the enclosed absentee ballot. I hereby certify that the
230 ballot preferences on the enclosed ballot are those communicated
231 by the voter to me, and that I have marked the enclosed ballot in
232 accordance with the voter's instructions.

233 _____

234 Signature of person providing assistance

235 _____

236 Printed name of person providing assistance

237 _____

238 Address of person providing assistance

239 _____

240 Date and time assistance provided

241 _____

242 Family relationship to voter (if any)"



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

249 **SECTION 5.** This act shall take effect and be in force from
250 and after July 1, 2024.

