

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 169

1 AN ACT TO AMEND SECTION 23-15-719, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A REGISTRAR SHALL BE AUTHORIZED TO ALLOW A
3 PHYSICALLY DISABLED PERSON TO ABSENTEE VOTE CURBSIDE DURING THE
4 HOURS IN WHICH THE REGISTRAR'S OFFICE IS OPEN FOR ABSENTEE VOTING;
5 TO PROVIDE THE PROCESS FOR CURBSIDE ABSENTEE VOTING; TO AMEND
6 SECTIONS 23-15-637 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO
7 CONFORM; TO BRING FORWARD SECTIONS 23-15-627, 23-15-631 AND
8 23-15-697, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
9 AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 23-15-719, Mississippi Code of 1972, is
12 amended as follows:

13 23-15-719. (1) Except where the registrar has already
14 mailed a ballot with an application, upon receipt of a properly
15 completed application form by an elector qualified to vote
16 absentee as provided in this article, the registrar shall mail the
17 absent voter an absentee ballot within one (1) business day, or as
18 soon as the absentee ballot is prepared and available, containing
19 the names of all the candidates and propositions, if any, to be
20 voted on in the election. The registrar shall include with the
21 absentee ballot an official envelope that complies with the



22 provisions of Section 23-15-635, as well as information to comply
23 with Section 23-15-641(3) related to the status of the elector's
24 ballot.

25 (2) (a) When an absentee voter appears before the registrar
26 to vote, the registrar shall identify the applicant by requiring
27 him or her to present identification as required by Section
28 23-15-563, and shall then deliver the ballot to the applicant in
29 the registrar's office. After the applicant has properly marked
30 the ballot and properly folded it, he or she shall deposit it in
31 the envelope furnished to him or her by the registrar.

32 After the absentee voter has sealed the envelope, he or she
33 shall ensure the absentee application on the front of the envelope
34 is complete and shall subscribe and swear to an affidavit. The
35 affidavit shall be in the following form, which shall be printed
36 on the back of the envelope containing the applicant's ballot:

37 "STATE OF MISSISSIPPI
38 COUNTY OF _____

39 I, _____, do solemnly swear that this envelope contains
40 the ballot marked by me indicating my choice of the candidates or
41 propositions to be submitted at the election to be held on the ____
42 day of _____, 2____, and I hereby authorize the registrar to
43 place this envelope in the ballot box on my behalf, and I further
44 authorize the resolution board to open this envelope and place my
45 ballot among the other ballots cast before such ballots are



counted, and record my name on the poll list as if I were present in person and voted.

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

(Signature of voter)

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

(Registrar) _____

(Registrar) "

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

(b) A registrar shall be authorized to allow a physically disabled person to absentee vote curbside during the hours in which the registrar's office is open for absentee voting. Where the registrar of county, exercising his or her sound discretion, determines that a physically disabled person has arrived at the registrar's office in a motor vehicle to absentee vote, the registrar shall identify the applicant by requiring him or her to present identification as required by Section 23-15-563, and shall then deliver the ballot to the disabled applicant in the applicant's motor vehicle. The applicant shall cast his or her ballot in secret. To ensure the secrecy of the absentee vote of the disabled applicant, other passengers in the motor vehicle, except the disabled applicant and any other disabled persons in



71 the motor vehicle, shall exit the motor vehicle until the disabled
72 applicant has completed the marking of his or her absentee ballot.
73 After the applicant has properly marked the absentee ballot and
74 properly folded it, he or she shall deposit it in the envelope
75 furnished to him or her by the registrar.

76 After the absentee voter has sealed the envelope, he or she
77 shall ensure the absentee application on the front of the envelope
78 is complete and shall subscribe and swear to an affidavit. The
79 affidavit shall be in the following form, which shall be printed
80 on the back of the envelope containing the applicant's ballot:

81 "STATE OF MISSISSIPPI

82 COUNTY OF _____

83 I, _____, do solemnly swear that this envelope contains
84 the ballot marked by me indicating my choice of the candidates or
85 propositions to be submitted at the election to be held on the
86 day of _____, 20____, and I hereby authorize the registrar to
87 place this envelope in the ballot box on my behalf, and I further
88 authorize the resolution board to open this envelope and place my
89 ballot among the other ballots cast before such ballots are
90 counted, and record my name on the poll list as if I were present
91 in person and voted.

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

93 _____
94 (Signature of voter)



120

121

Address of person providing assistance

122

123

Date and time assistance provided

124

125

Family relationship to voter (if any)"

126

127

128

129

130

131

132

(4) The envelope used pursuant to this section shall not contain the form prescribed by Section 23-15-635 and 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 BY YOU AND AN ATTESTING WITNESS IN THE BOXES ACROSS THE FLAP OF THIS ENVELOPE."**

133

134

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

135

136

137

138

(5) The registrar shall not personally hand deliver ballots to voters, except to those who personally appear in the registrar's office to absentee vote and to those who curbside absentee vote as provided in this Section.

139

140

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

141

142

143

144

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, or common carrier, such as United Parcel Service or FedEx



Corporation, 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) Except as otherwise provided in Section 23-15-719, 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 a sealed ballot box 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 ballot box used shall be sealed and not unsealed until the beginning of the next business day, and the seal number shall be recorded with the number of ballots cast which shall be stored in a secure location in the registrar's office.

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

(3) The Secretary of State shall promulgate rules and regulations necessary to ensure that when a qualified elector who



is qualified to vote absentee votes by absentee ballot, either by mail or in person with a regular paper ballot, that person's absentee vote is final and he or she may not vote at the polling place on election day. Notwithstanding any other provisions of law to the contrary, the Secretary of State shall promulgate rules and regulations necessary to ensure that absentee ballots shall remain in the registrar's office for counting and not be taken to the precincts on election day.

SECTION 3. Section 23-15-735, Mississippi Code of 1972, is amended as follows:

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

SECTION 4. Section 23-15-627, Mississippi Code of 1972, is brought forward as follows:

23-15-627. (1) Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the office of the registrar in the county in which he or she resides. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Such form shall be printed on the absentee ballot envelope as provided in Section 23-15-659. Except as otherwise provided in Section 23-15-625, absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee



195 ballot; however, the parent, child, spouse, sibling, legal
196 guardian, those empowered with a power of attorney for that
197 elector's affairs or agent of the elector, who is designated in
198 writing and witnessed by a resident of this state who shall write
199 his or her physical address on such designation, may orally
200 request an absentee ballot application on behalf of the elector.
201 The written designation shall be valid for one (1) year after the
202 date of the designation. An absentee ballot application must have
203 the seal of the circuit or municipal clerk affixed to it and be
204 initialed by the registrar or his or her deputy in order to be
205 used to obtain an absentee ballot. A reproduction of an absentee
206 ballot application shall not be valid unless it is a reproduction
207 provided by the office of the registrar of the jurisdiction in
208 which the election is being held and which contains the seal and
209 initials required by this section.

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

212 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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



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

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

224 () I am a member of the Merchant Marine or the American Red
225 Cross and am a citizen of Mississippi or spouse or dependent of
226 such member.

227 () I am a disabled war veteran who is a patient in any
228 hospital and am a citizen of Mississippi or spouse or dependent of
229 such veteran.

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

234 () I am a citizen of Mississippi temporarily residing
235 outside the territorial limits of the United States and the
236 District of Columbia.

237 () I am a student, teacher or administrator at a college,
238 university, junior or community college, high, junior high,
239 elementary or grade school, whose studies or employment at such
240 institution necessitates my absence from the county of my voting
241 residence or spouse or dependent of such student, teacher or
242 administrator who maintains a common domicile outside the county



243 of my voting residence with such student, teacher or
244 administrator.

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

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

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

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

253 () I am a member of the congressional delegation, or spouse
254 or dependent of a member of the congressional delegation.

255 () I am required to be at work on election day during the
256 times when the polls will be open or I am required to be on-call
257 on election day during the times when the polls will be open.

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

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

263 Mail 'Absent Elector's Ballot' to me at the following address
264 _____.

265 () I wish to receive an absentee ballot for the runoff
266 election _____.



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

269 Phone number: _____

270 Email address: _____

271 Mailing address: _____

272 I realize that I can be fined up to Five Thousand Dollars
273 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
274 for making a false statement in this application and for selling
275 my vote and violating the Mississippi Absentee Voter Law. (This
276 sentence is to be in bold print.)

277 If you are temporarily or permanently disabled, you are not
278 required to have this application notarized or signed by an
279 official authorized to administer oaths for absentee balloting.
280 You are required to sign this application in the proper place and
281 have a person eighteen (18) years of age or older witness your
282 signature and sign this application in the proper place.

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

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

287 _____

288 (Signature of absent elector)

289 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
290 2____.

291 _____



(Official authorized to administer oaths
for absentee balloting.)

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

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

(Signature of witness)

CERTIFICATE OF DELIVERY

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

(Signature of person delivering application)

(Address of person delivering application)"

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

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ____ Precinct
of the County of _____, and State of Mississippi, coming within



317 the purview of the definition 'ABSENT ELECTOR' will be absent from
318 the county of my residence on election day, or unable to vote in
319 person because (check appropriate reason):

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

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

326 () I am a member of the Merchant Marine or the American Red
327 Cross and am a citizen of Mississippi or spouse or dependent of
328 such member.

329 () I am a disabled war veteran who is a patient in any
330 hospital and am a citizen of Mississippi or spouse or dependent of
331 such veteran.

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

336 () I am a citizen of Mississippi temporarily residing
337 outside the territorial limits of the United States and the
338 District of Columbia.

339 () I am a student, teacher or administrator at a college,
340 university, junior or community college, high, junior high,
341 elementary or grade school, whose studies or employment at such



342 institution necessitates my absence from the county of my voting
343 residence or spouse or dependent of such student, teacher or
344 administrator who maintains a common domicile outside the county
345 of my voting residence with such student, teacher or
346 administrator.

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

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

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

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

355 () I am a member of the congressional delegation, or spouse
356 or dependent of a member of the congressional delegation.

357 () I am required to be at work on election day during the
358 times when the polls will be open or I am required to be on-call
359 on election day during the times when the polls will be open.

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

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

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



367 Phone number: _____

368 Email address: _____

369 Mailing address: _____

370 I realize that I can be fined up to Five Thousand Dollars
371 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
372 for making a false statement in this application and for selling
373 my vote and violating the Mississippi Absentee Voter Law. (This
374 sentence is to be in bold print.)"

375 **SECTION 5.** Section 23-15-631, Mississippi Code of 1972, is
376 brought forward as follows:

377 23-15-631. (1) The registrar shall enclose with each ballot
378 mailed to an absent elector separate printed instructions
379 furnished by the registrar containing the following:

380 (a) All absentee voters, excepting those with temporary
381 or permanent physical disabilities or those who are sixty-five
382 (65) years of age or older, who mark their ballots in the county
383 of the residence shall use the registrar of that county as the
384 witness. The absentee voter shall come to the office of the
385 registrar and neither the registrar nor his or her deputy shall be
386 required to go out of the registrar's office to serve as an
387 attesting witness.

388 (b) Upon receipt of the enclosed ballot, you will not
389 mark the ballot except in view or sight of the attesting witness.
390 In the sight or view of the attesting witness, mark the ballot
391 according to instructions.



(c) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" in the box on the back of the envelope so that the signature is across the flap of the envelope to ensure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" in the box across the flap on the back of the envelope. A portion of the elector's signature extending outside of the box shall not be grounds for rejecting that elector's ballot. Place the necessary postage on the envelope and deposit it in the post office or some government receptacle provided for the deposit of mail so that the absent elector's ballot will 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. The ballot may only be transmitted by the United States Postal Service or other common carriers, including, but not limited to, United Parcel Service or FedEx Corporation.

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



417 postmaster, postal supervisor, or clerk in charge of a contract
418 postal station acts as an attesting witness, his or her signature
419 in a box on the elector's certificate must be authenticated by the
420 cancellation stamp of their respective post offices. If an
421 officer having authority to administer an oath or take an
422 acknowledgment acts as attesting witness, his or her signature in
423 a box on the elector's certificate, together with his or her title
424 and address, but no seal, shall be required. A portion of the
425 elector's signature extending outside of the box shall not be
426 grounds for rejecting that elector's ballot. Any affidavits made
427 by an absent elector who is in the Armed Forces may be executed
428 before a commissioned officer, warrant officer, or noncommissioned
429 officer not lower in grade than sergeant rating or any person
430 authorized to administer oaths.

431 (d) When the application accompanies the ballot it
432 shall not be returned in the same envelope as the ballot but shall
433 be returned in a separate pre-addressed envelope provided by the
434 registrar.

435 (e) A candidate for public office, or the spouse,
436 parent or child of a candidate for public office, may not be an
437 attesting witness for any absentee ballot upon which the
438 candidate's name appears, unless the voter is related within the
439 first degree to the candidate or the spouse, parent or child of
440 the candidate.



441 (f) Any voter casting an absentee ballot who declares
442 that he or she requires assistance to vote by reason of blindness,
443 temporary or permanent physical disability or inability to read or
444 write, shall be entitled to receive assistance in the marking of
445 his or her absentee ballot and in completing the affidavit on the
446 absentee ballot envelope. The voter may be given assistance by
447 anyone of the voter's choice other than a candidate whose name
448 appears on the absentee ballot being marked, the spouse, parent or
449 child of a candidate whose name appears on the absentee ballot
450 being marked or the voter's employer, an agent of that employer or
451 a union representative; however, a candidate whose name is on the
452 ballot or the spouse, parent or child of such candidate may
453 provide assistance upon request to any voter who is related within
454 the first degree. In order to ensure the integrity of the ballot,
455 any person who provides assistance to an absentee voter shall be
456 required to sign and complete the "Certificate of Person Providing
457 Voter Assistance" on the absentee ballot envelope.

458 (2) The foregoing instructions required to be provided by
459 the registrar to the elector shall also constitute the substantive
460 law pertaining to the handling of absentee ballots by the elector
461 and registrar.

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



SECTION 6. Section 23-15-697, Mississippi Code of 1972, is brought forward as follows:

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

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

SECTION 7. This act shall take effect and be in force from and after July 1, 2025.

