

## House Amendments to Senate Bill No. 2654

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

37           **SECTION 1.** Section 23-15-637, Mississippi Code of 1972, is  
38 amended as follows:

39           23-15-637. (1) (a) Absentee ballots and applications  
40 received by mail, except for fax or electronically transmitted  
41 ballots as otherwise provided by Section 23-15-699 for UOCAVA  
42 ballots, or common carrier, such as United Parcel Service or FedEx  
43 Corporation, must be postmarked on or before the date of the  
44 election and received by the registrar no more than five (5)  
45 business days after the election; any received after such time  
46 shall be handled as provided in Section 23-15-647 and shall not be  
47 counted.

48           (b) All ballots cast by the absent elector appearing in  
49 person in the office of the registrar shall be cast with an  
50 absentee paper ballot capable of being fed into the optical mark  
51 reading (OMR) equipment and deposited into \* \* \* the OMR equipment  
52 by the voter, not later than 12:00 noon on the Saturday  
53 immediately preceding elections held on Tuesday, the Thursday

54 immediately preceding elections held on Saturday, or the second  
55 day immediately preceding the date of elections held on other  
56 days. At the close of business each day at the office of the  
57 registrar, the \* \* \* OMR equipment used shall be sealed as  
58 provided in Section 23-15-519 and not unsealed until the beginning  
59 of the next business day, and the seal \* \* \* log shall be \* \* \*  
60 kept as provided in Section 23-15-519 with the number of ballots  
61 cast which shall be stored in a secure location in the registrar's  
62 office. If for any reason the OMR equipment shall become  
63 inoperable, the registrar shall direct voters to cast paper  
64 absentee ballots. The paper ballots shall be administered in  
65 accordance with the laws concerning paper absentee ballots.

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

71 (3) The Secretary of State shall promulgate rules and  
72 regulations necessary to ensure that when a qualified elector who  
73 is qualified to vote absentee votes by absentee ballot, either by  
74 mail or in person with \* \* \* the OMR equipment, that person's  
75 absentee vote is final and he or she may not vote at the polling  
76 place on election day. Notwithstanding any other provisions of  
77 law to the contrary, the Secretary of State shall promulgate rules  
78 and regulations necessary to ensure that absentee ballots shall

79 remain in the registrar's office for counting and not be taken to  
80 the precincts on election day.

81 **SECTION 2.** Section 23-15-659, Mississippi Code of 1972, is  
82 amended as follows:

83 23-15-659. For the purpose of this article, for all absentee  
84 ballots that are cast in person at the office of the registrar,  
85 the absentee ballot application and the required elector  
86 certificates shall be printed on the same \* \* \* form, with the  
87 application being printed on the front side of the \* \* \* form and  
88 the elector's certificates printed on the back side of the \* \* \*  
89 form. Such \* \* \* form shall not be smaller than eight and  
90 one-half (8-1/2) inches by eleven (11) inches. Once a voter has  
91 completed the application, he or she shall proceed to cast his or  
92 her absentee ballot and then place the ballot in the \* \* \* OMR  
93 equipment as otherwise provided by law. After the \* \* \* OMR  
94 equipment has scanned the ballot, the elector shall complete the  
95 elector's certificate. A signature mismatch shall not be grounds  
96 for rejecting an absentee ballot that was cast in person in the  
97 registrar's office.

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

100 23-15-639. (1) The examination and counting of all absentee  
101 ballots shall be conducted as follows:

102 (a) At the opening of the regular balloting and at the  
103 opening of the polls, the resolution board established under  
104 Section 23-15-523 and trained in the process of canvassing

105 absentee ballots shall first take the envelopes containing the  
106 mailed absentee ballots of such electors from the secure location  
107 at the registrar's office, and the name, address and precinct  
108 inscribed on each envelope shall be announced by the resolution  
109 board. The resolution board may begin canvassing the mailed  
110 absentee ballots on the Monday before an election day.

111 (b) \* \* \* For absentee ballots that were received by  
112 mail, the signature on the application shall then be compared with  
113 the signature in the box on the back of the envelope. A portion  
114 of the elector's signature extending outside of the box shall not  
115 be grounds for rejecting that elector's ballot. If it corresponds  
116 and the affidavit, if one is required, is sufficient and the  
117 resolution board finds that the applicant is a registered and  
118 qualified voter or otherwise qualified to vote, the envelope shall  
119 then be opened and the ballot removed from the envelope, without  
120 its being unfolded, or permitted to be unfolded or examined.

121 \* \* \*

122 (c) Having observed and found the mailed absentee  
123 ballot to be regular as far as can be observed from its official  
124 endorsement, the resolution board shall deposit it in the ballot  
125 box with the other ballots before counting any ballots and enter  
126 the voter's name in the receipt book provided for that purpose.  
127 All absentee ballots received prior to 7:00 p.m. the day before  
128 the election shall be counted in the registrar's office by the  
129 resolution board when the polls close and then added to the votes  
130 cast in each precinct as well as the in-person absentee votes cast

131 on the OMR equipment in the registrar's office. All absentee  
132 ballots received after 7:00 p.m. the day before the election but  
133 not later than the fifth business day after the election shall be  
134 processed by the resolution board.

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

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

140 **SECTION 4.** Section 23-15-645, Mississippi Code of 1972, is  
141 amended as follows:

142 23-15-645. (1) Absentee ballots cast in the registrar's  
143 office on the OMR equipment and absentee ballots that are received  
144 by mail that are deposited into a sealed ballot box shall be  
145 processed on election day but not tallied until after closing of  
146 the polls and announced simultaneously with all other votes cast  
147 on election day. Mailed absentee ballots may be processed on the  
148 Monday before the election day as provided in Section 23-15-639.

149 (2) After the votes have been counted, the officials shall  
150 preserve all applications, envelopes of mailed absentee ballots  
151 and the list of absent voters along with the mailed paper and  
152 paper ballots and other election materials and return the same to  
153 the registrar.

154 (3) Notwithstanding any other provision of law to the  
155 contrary, for federal and presidential general, special or primary  
156 elections, packages of protested, void and wholly blank ballots,

157 voted ballots, open packages of unused ballots, sealed packages of  
158 unused ballots, and all absentee and military ballots and ballot  
159 envelopes, if any, shall be preserved for twenty-two (22) months  
160 after the date of any such general, special or primary election.  
161 For all other statewide, county or municipal elections, sealed  
162 packages of unused ballots, packages of protested, void and wholly  
163 blank ballots, open packages of unused ballots and all absentee  
164 and military ballots and ballot envelopes shall be retained for  
165 four (4) months, and may then be destroyed, provided a certificate  
166 articulating the election district identifying data and numbers of  
167 such ballots is filed with the balance of ballots described in  
168 this section, for the balance of the twenty-two-month retention  
169 period.

170       **SECTION 5.** Section 23-15-627, Mississippi Code of 1972, is  
171 amended as follows:

172       23-15-627. (1) Any elector described in Section 23-15-713  
173 may request an absentee ballot application and vote in person at  
174 the office of the registrar in the county in which he or she  
175 resides. The registrar shall be responsible for furnishing an  
176 absentee ballot application form to any elector authorized to  
177 receive an absentee ballot. Such form shall be printed \* \* \* as  
178 provided in Section 23-15-659. Except as otherwise provided in  
179 Section 23-15-625, absentee ballot applications shall be furnished  
180 to a person only upon the oral or written request of the elector  
181 who seeks to vote by absentee ballot; however, the parent, child,  
182 spouse, sibling, legal guardian, those empowered with a power of

183 attorney for that elector's affairs or agent of the elector, who  
184 is designated in writing and witnessed by a resident of this state  
185 who shall write his or her physical address on such designation,  
186 may orally request an absentee ballot application on behalf of the  
187 elector. The written designation shall be valid for one (1) year  
188 after the date of the designation. An absentee ballot application  
189 must have the seal of the circuit or municipal clerk affixed to it  
190 and be initialed by the registrar or his or her deputy in order to  
191 be used to obtain an absentee ballot. A reproduction of an  
192 absentee ballot application shall not be valid unless it is a  
193 reproduction provided by the office of the registrar of the  
194 jurisdiction in which the election is being held and which  
195 contains the seal and initials required by this section.

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

198 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

210           ( ) I am a member of the Merchant Marine or the American Red  
211 Cross and am a citizen of Mississippi or spouse or dependent of  
212 such member.

213           ( ) I am a disabled war veteran who is a patient in any  
214 hospital and am a citizen of Mississippi or spouse or dependent of  
215 such veteran.

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

220           ( ) I am a citizen of Mississippi temporarily residing  
221 outside the territorial limits of the United States and the  
222 District of Columbia.

223           ( ) I am a student, teacher or administrator at a college,  
224 university, junior or community college, high, junior high,  
225 elementary or grade school, whose studies or employment at such  
226 institution necessitates my absence from the county of my voting  
227 residence or spouse or dependent of such student, teacher or  
228 administrator who maintains a common domicile outside the county  
229 of my voting residence with such student, teacher or  
230 administrator.

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

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



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

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

239           \* \* \*

240           ( ) I \* \* \* anticipate being at work on election day during  
241 the times when the polls will be open or I \* \* \* anticipate being  
242 on-call on election day during the times when the polls will be  
243 open.

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

247           ( ) I am the caretaker, parent and/or guardian of a disabled  
248 person, an elderly person(s), or a minor child or children and  
249 expect to be unable to vote on election day due to my  
250 responsibilities of caring for that person.

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

253           Mail 'Absent Elector's Ballot' to me at the following address  
254 \_\_\_\_\_.

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

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

259 Phone number: \_\_\_\_\_

260 Email address: \_\_\_\_\_

261 Mailing address: \_\_\_\_\_

262 I realize that I can be fined up to Five Thousand Dollars  
263 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
264 for making a false statement in this application and for selling  
265 my vote and violating the Mississippi Absentee Voter Law. (This  
266 sentence is to be in bold print.)

267 If you are temporarily or permanently disabled, you are not  
268 required to have this application notarized or signed by an  
269 official authorized to administer oaths for absentee balloting.  
270 You are required to sign this application in the proper place and  
271 have a person eighteen (18) years of age or older witness your  
272 signature and sign this application in the proper place.

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

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

277 \_\_\_\_\_

278 (Signature of absent elector)

279 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
280 2\_\_.

281 \_\_\_\_\_

282 (Official authorized to administer oaths  
283 for absentee balloting.)

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

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

290 \_\_\_\_\_

291 (Signature of witness)

292 CERTIFICATE OF DELIVERY

293 I hereby certify that \_\_\_\_\_ (print name of voter)  
294 has requested that I, \_\_\_\_\_ (print name of person  
295 delivering application), deliver to the voter this absentee ballot  
296 application.

297 \_\_\_\_\_

298 (Signature of person delivering application)

299 \_\_\_\_\_

300 (Address of person delivering application)"

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

304 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

316           ( ) I am a member of the Merchant Marine or the American Red  
317 Cross and am a citizen of Mississippi or spouse or dependent of  
318 such member.

319           ( ) I am a disabled war veteran who is a patient in any  
320 hospital and am a citizen of Mississippi or spouse or dependent of  
321 such veteran.

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

326           ( ) I am a citizen of Mississippi temporarily residing  
327 outside the territorial limits of the United States and the  
328 District of Columbia.

329           ( ) I am a student, teacher or administrator at a college,  
330 university, junior or community college, high, junior high,  
331 elementary or grade school, whose studies or employment at such  
332 institution necessitates my absence from the county of my voting  
333 residence or spouse or dependent of such student, teacher or  
334 administrator who maintains a common domicile outside the county

335 of my voting residence with such student, teacher or  
336 administrator.

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

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

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

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

345 \* \* \*

346 ( ) I \* \* \* anticipate being at work on election day during  
347 the times when the polls will be open or I \* \* \* anticipate being  
348 on-call on election day during the times when the polls will be  
349 open.

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

353 ( ) I am the caretaker, parent and/or guardian of a disabled  
354 person, an elderly person(s), or a minor child or children and  
355 expect to be unable to vote on election day due to my  
356 responsibilities of caring for that person.

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

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

361 Phone number: \_\_\_\_\_

362 Email address: \_\_\_\_\_

363 Mailing address: \_\_\_\_\_

364 I realize that I can be fined up to Five Thousand Dollars  
365 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
366 for making a false statement in this application and for selling  
367 my vote and violating the Mississippi Absentee Voter Law. (This  
368 sentence is to be in bold print.)"

369 **SECTION 6.** Section 23-15-633, Mississippi Code of 1972, is  
370 amended as follows:

371 23-15-633. \* \* \* On any envelope where the elector's  
372 signature and the signature of the attesting witness are required,  
373 the signature lines and the signatures shall be in the boxes  
374 across the flap of the envelope to ensure the integrity of the  
375 ballot and the following shall be printed on the flap on the back  
376 of the envelope in bold print and in a distinguishing color:

377 **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS**  
378 **NOT SIGNED BY YOU AND AN ATTESTING WITNESS IN THE BOXES ACROSS THE**  
379 **FLAP OF THIS ENVELOPE."**

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

382 \* \* \*

383 **SECTION 7.** Section 23-15-625, Mississippi Code of 1972, is  
384 amended as follows:

385 23-15-625. (1) The registrar shall be responsible for  
386 providing applications for absentee voting as provided in this

387 section. At least sixty (60) days before any election in which  
388 absentee voting is provided for by law, the registrar shall  
389 provide a sufficient number of applications. In the event a  
390 special election is called and set at a date which makes it  
391 impractical or impossible to prepare applications for absent  
392 elector's ballot sixty (60) days before the election, the  
393 registrar shall provide applications as soon as practicable after  
394 the election is called. The registrar shall fill in the date of  
395 the particular election on the application for which the  
396 application will be used. For voters appearing in person to cast  
397 an absentee vote, the application and elector certificate shall be  
398 printed \* \* \* as provided in Section 23-15-659.

399 (2) The registrar shall be authorized to disburse  
400 applications for absentee ballots to any qualified elector within  
401 the county where he or she serves. Any person who presents to the  
402 registrar an oral or written request for an absentee ballot  
403 application for a voter entitled to vote absentee by mail, other  
404 than the elector who seeks to vote by absentee ballot, shall, in  
405 the presence of the registrar, sign the application and print on  
406 the application his or her name and address and the name of the  
407 elector for whom the application is being requested in the place  
408 provided for on the application for that purpose. However, if for  
409 any reason such person is unable to write the information  
410 required, then the registrar shall write the information on a  
411 printed form which has been prescribed by the Secretary of State.

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

414 (3) It shall be unlawful for any person to solicit absentee  
415 ballot applications or absentee ballots for persons staying in any  
416 skilled nursing facility as defined in Section 41-7-173 unless the  
417 person soliciting the absentee ballot applications or absentee  
418 ballots is:

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

421 (b) A person designated by the person for whom the  
422 absentee ballot application or absentee ballot is sought, the  
423 registrar or the deputy registrar.

424 As used in this subsection, "family member" means a spouse,  
425 parent, grandparent, sibling, adult child, grandchild or legal  
426 guardian.

427 (4) The registrar in the county wherein a voter is qualified  
428 to vote upon receiving by mail the envelope containing the  
429 absentee ballots shall keep an accurate list of all persons  
430 preparing such ballots. The list shall be kept in a conspicuous  
431 place accessible to the public near the entrance to the  
432 registrar's office. The registrar shall also furnish to each  
433 precinct manager a list of the names of all persons in each  
434 respective precinct voting absentee by mail and in person to be  
435 posted in a conspicuous place at the polling place for public  
436 notice. The application on file with the registrar and the  
437 envelopes containing the ballots that voters mailed to the



438 registrar shall be kept by the registrar in his or her office in a  
439 secure location. At the time such boxes are delivered to the  
440 election commissioners or managers, the registrar shall also turn  
441 over a list of all such persons who have voted and whose mailed  
442 ballots are in the registrar's office.

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

447 (6) The registrar shall process all applications for  
448 absentee ballots by using the Statewide Election Management  
449 System. The registrar shall account for all absentee ballots  
450 delivered to and received by mail as well as those who voted  
451 absentee in person from qualified voters by processing such  
452 ballots using the Statewide Election Management System.

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

455 23-15-715. Any elector desiring an absentee ballot as  
456 provided in this subarticle may secure same if:

457 (a) Not more than forty-five (45) days nor later than  
458 12:00 noon, on the Saturday immediately preceding elections held  
459 on Tuesday, the Thursday immediately preceding elections held on  
460 Saturday, or the second day immediately preceding the date of  
461 elections held on other days, he or she shall appear in person  
462 before the registrar of the county in which he resides, or for  
463 municipal elections he shall appear in person before the city

464 clerk of the municipality in which he or she resides and, when the  
465 elector so appears, he or she shall execute and file an  
466 application as provided in Section 23-15-627 and vote by absentee  
467 ballot and shall then proceed to feed his ballot into the OMR  
468 equipment. If the absentee ballot has not been printed by  
469 forty-five (45) days preceding the election, the elector may  
470 appear and file an application anytime before the election. Then  
471 the absentee ballot shall be mailed by the registrar to the  
472 elector as soon as the ballot has been printed.

473 (b) Within forty-five (45) days next prior to any  
474 election, any elector who cannot comply with paragraph (a) of this  
475 section by reason of temporarily residing outside the county, or  
476 any person who has a temporary or permanent physical disability,  
477 persons who are sixty-five (65) years of age or older, any person  
478 who is incarcerated in prison or jail in the county where the  
479 person is registered to vote and has not been convicted of a  
480 disenfranchising crime, or any person who is the parent, spouse or  
481 dependent of a temporarily or permanently physically disabled  
482 person who is hospitalized outside of his or her county of  
483 residence or more than fifty (50) miles away from his or her  
484 residence and such parent, spouse or dependent will be with such  
485 person on election day, may make application for an absentee  
486 ballot by mailing the appropriate application to the registrar.  
487 Only persons temporarily residing out of the county of their  
488 residence, persons having a temporary or permanent physical  
489 disability, persons who are sixty-five (65) years of age or older,

490 any person who is incarcerated in prison or jail in the county  
491 where the person is registered to vote and has not been convicted  
492 of a disenfranchising crime, or any person who is the parent,  
493 spouse or dependent of a temporarily or permanently physically  
494 disabled person who is hospitalized outside of his or her county  
495 of residence or more than fifty (50) miles away from his or her  
496 residence, and such parent, spouse or dependent will be with such  
497 person on election day, may obtain absentee ballots by mail under  
498 the provisions of this subsection and as provided by Section  
499 23-15-713. Applications of persons temporarily residing outside  
500 the county shall be sworn to and subscribed before an official who  
501 is authorized to administer oaths or other official authorized to  
502 witness absentee balloting as provided in this chapter, said  
503 application to be accompanied by such verifying affidavits as  
504 required by this chapter. The applications of persons having a  
505 temporary or permanent physical disability shall not be required  
506 to be accompanied by an affidavit but shall be witnessed and  
507 signed by a person eighteen (18) years of age or older. The  
508 registrar shall send to such absent voter a proper absentee voter  
509 ballot within twenty-four (24) hours, or as soon thereafter as the  
510 ballots are available, containing the names of all candidates who  
511 qualify or the proposition to be voted on in such election, and  
512 with such ballot there shall be sent an official envelope  
513 containing upon it in printed form the recitals and data  
514 hereinafter required.

515           (c) Except when the voter has requested a runoff ballot  
516 on the initial absentee ballot application, upon request for a  
517 runoff ballot pursuant to Section 23-15-719, the registrar shall  
518 mail together the absentee ballot application and the absentee  
519 ballot to the absent voter for the runoff election.

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

522           23-15-719. (1) Except where the registrar has already  
523 mailed a ballot with an application, upon receipt of a properly  
524 completed application form by an elector qualified to vote  
525 absentee as provided in this article, the registrar shall mail the  
526 absent voter an absentee ballot within one (1) business day, or as  
527 soon as the absentee ballot is prepared and available, containing  
528 the names of all the candidates and propositions, if any, to be  
529 voted on in the election. The registrar shall include with the  
530 absentee ballot an official envelope that complies with the  
531 provisions of Section 23-15-635, as well as information to comply  
532 with Section 23-15-641(3) related to the status of the elector's  
533 ballot.

534           (2) When an absentee voter appears before the registrar to  
535 vote, the registrar shall identify the applicant by requiring him  
536 or her to present identification as required by Section 23-15-563,  
537 and shall then deliver the ballot to the applicant in the  
538 registrar's office. After the applicant has properly marked the  
539 ballot and properly folded it, he or she shall deposit it in  
540 the \* \* \* OMR equipment.

541 After the absentee voter has \* \* \* deposited his or her  
542 ballot in the OMR equipment, he or she shall ensure the absentee  
543 application on the \* \* \* form prescribed in Section 23-15-659 is  
544 complete \* \* \*.

545 (3) If the voter has received assistance in marking his or  
546 her ballot, the person providing the assistance shall complete the  
547 following form which shall be printed on the back of the \* \* \*  
548 form containing the applicant's \* \* \* application:

549 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

550 (To be completed only if the voter has received assistance in  
551 marking the enclosed ballot.) I hereby certify that the  
552 above-named voter declared to me that he or she is blind,  
553 temporarily or permanently physically disabled, or cannot read or  
554 write, and that the voter requested that I assist the voter in  
555 marking the \* \* \* absentee ballot. I hereby certify that the  
556 ballot preferences on the \* \* \* ballot are those communicated by  
557 the voter to me, and that I have marked the \* \* \* ballot in  
558 accordance with the voter's instructions.

559 \_\_\_\_\_

560 Signature of person providing assistance

561 \_\_\_\_\_

562 Printed name of person providing assistance

563 \_\_\_\_\_

564 Address of person providing assistance

565 \_\_\_\_\_

566 Date and time assistance provided

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Family relationship to voter (if any)"

(4) \* \* \* The registrar shall not personally hand deliver ballots to voters, except to those who personally appear in the registrar's office to absentee vote.

**SECTION 10.** Section 23-15-507, Mississippi Code of 1972, is amended as follows:

23-15-507. No OMR equipment shall be acquired or used in accordance with this chapter unless it shall:

(a) Permit eligible voters to vote at any election for all persons for whom they are lawfully entitled to vote; to vote for as many persons for an office as they are lawfully entitled to vote; to vote for or against any ballot initiative, measure or other local issue upon which they are lawfully entitled to vote;

(b) The OMR equipment shall be capable of rejecting choices marked on the ballot if the number of choices exceeds the number that the voter is entitled to vote for the office or on the measure;

(c) Permit each voter, in presidential elections, by one (1) mark to vote for the candidates of that party for President, Vice President, and their presidential electors, or to vote individually for the electors of their choice when permitted by law;

(d) Permit each voter, in other than primary elections, to vote for the nominees of one or more parties and for independent candidates;

593 (e) Permit each voter to vote for candidates only in  
594 the primary in which he or she is qualified to vote;

595 (f) Permit each voter to vote for persons whose names  
596 are not on the printed ballot;

597 (g) Be suitably designed for the purpose used, of  
598 durable construction, and may be used safely, efficiently and  
599 accurately in the conduct of elections and the counting of  
600 ballots;

601 (h) Be provided with means for sealing the ballots  
602 after the close of the polls and during the absentee voting  
603 period;

604 (i) When properly operated, record correctly and count  
605 accurately all votes cast; and

606 (j) Provide the voter with a set of instructions that  
607 will be displayed in such a way that a voter may readily learn the  
608 method of voting.

609 **SECTION 11.** Section 23-15-515, Mississippi Code of 1972, is  
610 amended as follows:

611 23-15-515. The circuit clerk shall be the custodian of OMR  
612 equipment acquired by the county, who shall be charged with the  
613 proper storage, maintenance and repair of the OMR equipment. The  
614 municipal clerk shall be the custodian of the OMR equipment  
615 acquired by the municipality, and shall be charged with the proper  
616 storage, maintenance and repair of the OMR equipment. The  
617 custodian or the officials in charge of the election shall repair

618 or replace any OMR equipment which fails to function properly on  
619 election day or during the absentee voting period.

620 **SECTION 12.** Section 23-15-517, Mississippi Code of 1972, is  
621 amended as follows:

622 23-15-517. At least one (1) hour before the opening of the  
623 polls, the officials in charge of the election shall arrive at the  
624 polling place and set up the voting booths so that they will be in  
625 clear view of the poll managers; the poll managers shall examine  
626 the ballots to verify that they have the correct ballots for their  
627 precinct and check the supplies, records and forms, and post the  
628 sample ballots and instructions to the voters. \* \* \*

629 Each voter shall receive written and/or verbal instructions  
630 by the poll managers instructing the voter how to properly vote  
631 the paper ballot before the voter enters the voting booth. If any  
632 voter needs additional instructions after entering the voting  
633 booth, two (2) poll managers may, if necessary, enter the booth  
634 and give him or her such additional instructions. If any voter  
635 spoils a ballot the voter may obtain others, one (1) at a time,  
636 not exceeding three (3) in all, upon returning each spoiled  
637 ballot. The word "SPOILED" shall be written across the face of  
638 the ballot and it shall be deposited into the sealed ballot box.  
639 When the polls close once the last ballot has been cast or at 7:00  
640 p.m., whichever is later, the poll managers shall break the seal  
641 on the ballot box to process the absentee ballots. All ballots  
642 shall be processed on the night of the election and reported to  
643 the tabulation center before the ballot box is sealed and returned



644 to the officials in charge of the election. Ballots marked as  
645 spoiled shall be bundled together and placed in an envelope  
646 designated for spoiled ballots. Once the polls have officially  
647 closed, the envelope that contains the spoiled ballots and the  
648 unused ballots shall be placed in the ballot box or other  
649 container provided for that purpose which shall be sealed and  
650 returned to the officials in charge of the election.

651 **SECTION 13.** Section 23-15-523, Mississippi Code of 1972, is  
652 amended as follows:

653 23-15-523. (1) All proceedings at the counting center shall  
654 be under the direction of the election commissioners or officials  
655 in charge of the election, and shall be conducted under the  
656 observations of the public, but no persons except those authorized  
657 for the purpose shall touch any ballot. All persons who are  
658 engaged in processing and counting of the ballots shall take the  
659 oath provided in Section 268, Mississippi Constitution of 1890.

660 (2) The election commissioners or the officials in charge of  
661 the election shall appoint qualified electors who have received  
662 the training required by subsection (1) of this section to serve  
663 as members of the "resolution board." An odd number of not less  
664 than three (3) members shall be appointed to the resolution board.  
665 The members of the board shall take the oath provided in Section  
666 268, Mississippi Constitution of 1890. All ballots that have been  
667 rejected by the OMR equipment and that are damaged or defective,  
668 blank or overvoted will be reviewed by the board. Election  
669 commissioners, candidates who are on the ballot and the spouse,

670 parents, siblings or children of such a candidate shall not be  
671 appointed to the resolution board. In general and special  
672 elections, members of the party executive committees shall not be  
673 appointed to the resolution board unless members of all of the  
674 party executive committees who have a candidate on the ballot are  
675 appointed to the resolution board.

676 (3) (a) If any ballot is damaged or defective so that it  
677 cannot be properly counted by the OMR equipment, the ballot will  
678 be deposited in an envelope provided for that purpose marked  
679 "RESOLUTION BOARD." All such ballots shall be carefully handled  
680 so as to avoid altering, removing or adding any mark on the  
681 ballot.

682 (b) The election commissioners or the officials in  
683 charge of the election shall have the members of the resolution  
684 board ascertain the intent of the voter, if possible, and, if so,  
685 manually count any damaged or defective ballots.

686 (c) The resolution board shall prepare a duplicate to  
687 the damaged or defective ballot in the following manner:

688 (i) The resolution board shall prepare a duplicate  
689 to the original damaged or defective ballot marked identically to  
690 the original.

691 (ii) The resolution board shall mark the first  
692 original they examine as "Original #1" and the duplicate of this  
693 original as "Duplicate #1." Later originals and duplicates shall  
694 be likewise marked and numbered consecutively so the duplicate of  
695 each original can be identified. Duplicate ballots shall be

696 stamped in a different manner from the original ballots so that  
697 they may be easily distinguished from the originals.

698 (iii) The duplicate ballots prepared pursuant to  
699 this paragraph shall be counted by the OMR equipment.

700 (4) The resolution board shall examine ballots that have  
701 been rejected by the OMR equipment for appearing to be "blank" to  
702 verify if they are blank or were marked with a "nondetectable"  
703 marking device. If it is determined that the ballot was marked  
704 with a nondetectable device, the resolution board shall prepare a  
705 duplicate to the original blank ballot in the same manner and in  
706 accordance with the same process provided in subsection (3)(c).

707 (5) All ballots that are rejected by the OMR equipment and  
708 that contain overvotes shall be inspected by the resolution board.  
709 Regarding those rejected ballots upon which an overvote appears,  
710 if the voter intent cannot be determined by the resolution board,  
711 the officials in charge of the election may use the OMR equipment  
712 in determining the vote in the races that are unaffected by the  
713 overvote. All other ballots that are overvoted shall be counted  
714 manually following the provisions of this section at the direction  
715 of the officials in charge of the election. The return printed by  
716 the OMR equipment to which have been added the manually tallied  
717 ballots, which shall be duly certified by the officials in charge  
718 of the election, shall constitute the official return of each  
719 voting precinct. Unofficial and incomplete returns may be  
720 released during the count. Upon the completion of the counting,  
721 the official returns shall be open to the public.

722           (6) When the resolution board reviews any OMR ballot in  
723 which the voter has failed to fill in the arrow, oval, circle or  
724 square for a candidate or a ballot measure, the resolution board  
725 shall, if the intent of the voter can be ascertained, count the  
726 vote if:

727           (a) The voter marks the ballot with a "cross" (X) or  
728 "checkmark" (✓) and the lines that form the mark intersect within  
729 or on the line of the arrow, oval, circle or square by the ballot  
730 measure or the name of the candidate.

731           (b) The voter blackens the arrow, oval, circle or  
732 square adjacent to the ballot measure or the name of the candidate  
733 in pencil or ink and the blackened portion extends beyond the  
734 boundaries of the arrow, oval, circle or square.

735           (c) The voter marks the ballot with a "cross" (X) or  
736 "checkmark" (✓) and the lines that form the mark intersect  
737 adjacent to the ballot measure or the name of the candidate.

738           (d) The voter underlines the ballot measure or the name  
739 of a candidate.

740           (e) The voter draws a line from the arrow, oval, circle  
741 or square to a ballot measure or the name of a candidate.

742           (f) The voter draws a circle or oval around the ballot  
743 measure or the name of the candidate.

744           (g) The voter draws a circle or oval around the arrow,  
745 oval, circle or square adjacent to the ballot measure or the name  
746 of the candidate.

747           (7) The resolution board, when inspecting an OMR ballot that  
748 contains or appears to contain one or more overvotes, appears to  
749 be damaged or defective, or is rejected by the OMR equipment for  
750 any reason or cannot be counted by the OMR equipment, shall make  
751 its determination in accordance with the following:

752           (a) When an elector casts more votes for any office or  
753 measure than he or she is entitled to cast at an election, all the  
754 elector's votes for that office or measure are invalid and the  
755 elector is deemed to have voted for none of them. If an elector  
756 casts less votes for any office or measure than he or she is  
757 entitled to cast at an election, all votes cast by the elector  
758 shall be counted but no vote shall be counted more than once.

759           (b) If an elector casts more than one (1) vote for the  
760 same candidate for the same office, the first vote is valid and  
761 the remaining votes for that candidate are invalid.

762           (c) No write-in vote for a candidate whose name is  
763 printed on the ballot shall be regarded as invalid due to  
764 misspelling a candidate's name, or by abbreviation, addition or  
765 omission or use of a wrong initial in the name, as long as the  
766 intent of the voter can be ascertained.

767           (d) In any case where a voter writes in the name of a  
768 candidate for President of the United States whose name is printed  
769 on the general election ballot, the failure by the voter to write  
770 in the name of a candidate for the Office of Vice President of the  
771 United States on the general election ballot does not invalidate  
772 the elector's vote for the slate of electors for any candidate

773 whose name is written in for the Office of President of the United  
774 States.

775           (e) For any ballot measure in which the words "for" or  
776 "against" are printed on a ballot, if the voter shall write the  
777 word "for" or the word "against" instead of or in addition to  
778 marking the ballot in accordance with the ballot instruction in  
779 the space adjacent to the preprinted words "for" or "against," the  
780 resolution board shall, in reviewing such ballot, count the vote  
781 in accordance with the voter's handwritten preference, unless the  
782 voter marks the ballot in the space adjacent to the preprinted  
783 words "for" or "against" contrary to the handwritten preference,  
784 in which case no vote shall be recorded for such ballot in regard  
785 to the ballot measure.

786           (f) For any ballot measure in which the words "yes" or  
787 "no" are printed on a ballot, if the voter shall write the word  
788 "yes" or the word "no" instead of or in addition to marking the  
789 ballot in accordance with the ballot instructions in the space  
790 adjacent to the preprinted words "yes" or "no," the resolution  
791 board shall, in reviewing such ballot, count the vote in  
792 accordance with the voter's handwritten preference, unless the  
793 voter marks the ballot in the space adjacent to the preprinted  
794 words "yes" or "no" contrary to the handwritten preference, in  
795 which case no vote shall be recorded for such ballot in regard to  
796 the ballot measure.

797           (8) OMR equipment shall be programmed, calibrated, adjusted  
798 and set up to reject ballots that appear to be damaged or

799 defective. Any switch, lever or feature on OMR equipment that  
800 enables or permits the OMR equipment to override the rejection of  
801 damaged or defective ballots so that such ballots will not be  
802 reviewed by the resolution board, shall not be used.

803 (9) Ballots shall be manually counted by the resolution  
804 board only when the ballots are:

805 (a) Properly before the resolution board due to being  
806 rejected by the OMR equipment because the ballots appear to be  
807 damaged or defective or are rejected by the OMR equipment for any  
808 other reason; or

809 (b) Properly before the resolution board due to a  
810 malfunction in the OMR equipment.

811 (10) The resolution board shall make and keep a record  
812 regarding the handling and counting of all ballots inspected under  
813 this section.

814 (11) The executive committee of each county or municipality,  
815 in the case of a primary election, or the election commissioners  
816 of each county or municipality, in the case of all other  
817 elections, in conjunction with the circuit or municipal clerk  
818 respectively, shall sponsor and conduct, a training session for up  
819 to two (2) hours, not less than five (5) days before each election  
820 and before the absentee voting period begins, to instruct those  
821 qualified electors who are appointed to serve as members of the  
822 resolution board as to their specific duties in the election. No  
823 member appointed to serve on the resolution board shall serve in  
824 any election unless he or she has received such instruction once

825 during the twelve (12) months immediately preceding the date upon  
826 which the election is held. Online training courses developed by  
827 the Secretary of State, though not sponsored or conducted by the  
828 executive committee or the election commissioners, may be used to  
829 meet the requirements of this subsection (11).

830 **SECTION 14.** Section 23-15-525, Mississippi Code of 1972, is  
831 amended as follows:

832 23-15-525. (1) The Secretary of State shall have the power  
833 to issue supplementary instructions and procedures for the safe  
834 and efficient use of OMR equipment within the State of Mississippi  
835 and to carry out the purpose of the chapter. Subject to such  
836 instructions and procedures provided by the Secretary of State and  
837 the provisions of this chapter, the election commissioners shall  
838 have the power to make additional provisions for the conduct of  
839 elections with the OMR equipment.

840 (2) If for any reason the OMR equipment shall become  
841 inoperable, the poll managers or the registrar, if during absentee  
842 voting, shall direct voters to operating OMR equipment or to cast  
843 emergency paper ballots. The paper ballots shall be administered  
844 in accordance with the laws concerning paper ballots.

845 **SECTION 15.** Section 23-15-505, Mississippi Code of 1972, is  
846 brought forward as follows:

847 23-15-505. The board of supervisors of any county and the  
848 governing authorities of any municipality are hereby authorized  
849 and empowered, in their discretion, to purchase or rent OMR  
850 equipment that meets the requirements of Section 23-15-507 and may



851 use such system in all or a part of the precincts within its  
852 boundaries. The provisions of this chapter shall be controlling  
853 with respect to elections in which OMR equipment is used, and  
854 shall be liberally construed so as to carry out the purpose of  
855 this chapter. The provisions of the election law relating to the  
856 conduct of elections with paper ballots, insofar as they are  
857 applicable, shall apply.

858         **SECTION 16.** Section 23-15-511, Mississippi Code of 1972, is  
859 brought forward as follows:

860         23-15-511. The ballots shall, as far as practicable, be in  
861 the same order of arrangement as provided for paper ballots that  
862 are to be counted manually, except that the information may be  
863 printed in vertical or horizontal rows. Nothing in this chapter  
864 shall be construed as prohibiting the information being presented  
865 to the voters from being printed on both sides of a single ballot.  
866 In those years when a special election shall occur on the same day  
867 as the general election, the names of candidates in any special  
868 election and the general election shall be placed on the same  
869 ballot by the election commissioners or officials in charge of the  
870 election, but the general election candidates shall be clearly  
871 distinguished from the special election candidates. At any time a  
872 special election is held on the same day as a party primary  
873 election, the names of the candidates in the special election may  
874 be placed on the same ballot by the officials in charge of the  
875 election, but shall be clearly distinguished as special election  
876 candidates or primary election candidates.

877 Ballots shall be printed in plain clear type in black ink and  
878 upon clear white materials of such size and arrangement as to be  
879 compatible with the OMR equipment. Absentee ballots shall be  
880 prepared and printed in the same form and shall be on the same  
881 size and texture as the regular official ballots, except that they  
882 shall be printed on tinted paper; or the ink used to print the  
883 ballots shall be of a color different from that of the ink used to  
884 print the regular official ballots. Arrows may be printed on the  
885 ballot to indicate the place to mark the ballot, which may be to  
886 the right or left of the names of candidates and propositions.  
887 The titles of offices may be arranged in vertical columns on the  
888 ballot and shall be printed above or at the side of the names of  
889 candidates so as to indicate clearly the candidates for each  
890 office and the number to be elected. In case there are more  
891 candidates for an office than can be printed in one (1) column,  
892 the ballot shall be clearly marked that the list of candidates is  
893 continued on the following column. The names of candidates for  
894 each office shall be printed in vertical columns, grouped by the  
895 offices that they seek. In partisan elections, the party  
896 designation of each candidate, which may be abbreviated, shall be  
897 printed following his or her name.

898 One (1) sample ballot, which shall be a facsimile of the  
899 official ballot and instructions to the voters, shall be provided  
900 for each precinct and shall be posted in each polling place on  
901 election day.

902           A separate ballot security envelope or suitable equivalent in  
903 which the voter can place his or her ballot after voting, shall be  
904 provided to conceal the choices the voter has made. Absentee  
905 voters will receive a similar ballot security envelope provided by  
906 the county in which the absentee voter will insert their voted  
907 ballot, which then can be inserted into a return envelope to be  
908 mailed back to the election official. Absentee ballots will not  
909 be required to be folded when a ballot security envelope is  
910 provided.

911           **SECTION 17.** Section 23-15-513, Mississippi Code of 1972, is  
912 brought forward as follows:

913           23-15-513. (1) The official ballots, sample ballots and  
914 other necessary forms and supplies of the forms and description  
915 required by this chapter or required for the conduct of elections  
916 with an electronic voting system shall be prepared and furnished  
917 by the same official, in the same manner and time, and delivered  
918 to the same officials as provided by law with respect to paper  
919 ballots that are to be counted manually.

920           (2) For each primary election, the number of official  
921 ballots that shall be printed by each executive committee shall be  
922 not less than one hundred twenty-five percent (125%) of the  
923 highest number of votes cast in a comparable primary election  
924 conducted by the same political party in the preceding ten (10)  
925 years.

926           (3) For each general election, the number of official  
927 ballots that shall be printed shall be a number equal to not less

928 than sixty percent (60%) of the registered voters eligible to vote  
929 in the election.

930         **SECTION 18.** Section 23-15-519, Mississippi Code of 1972, is  
931 brought forward as follows:

932         23-15-519. The poll managers shall prepare a ballot  
933 accounting report that documents the number of voters who have  
934 voted, as indicated by the receipt book and the number of ballots  
935 used in the election. The poll managers shall place the report in  
936 the ballot box, with the seal logs, receipt books, absentee  
937 ballots, affidavit ballots, challenged ballots, curbside ballots,  
938 emergency ballots, spoiled ballots and unused ballots, which  
939 thereupon shall be sealed with a tamper-evident seal, which is a  
940 seal that has been designed in such a way to allow someone to  
941 easily detect any tampering, so that no additional ballots may be  
942 deposited or removed from the ballot box. The poll managers,  
943 while they have possession of the election materials, and the  
944 officials in charge of the election, once the poll managers have  
945 delivered the ballot box to the counting center or other  
946 designated place, shall be required to keep a seal log to document  
947 each time a tamper-evident seal for a ballot box is opened or  
948 changed. The seal log shall require the name of the person who  
949 opened the seal, the old seal number, the new seal number, the  
950 date the seal was opened and the purpose for opening the seal.  
951 The receiving and returning poll manager shall deliver the ballot  
952 box to the counting center or other designated place and receive a  
953 signed, numbered receipt therefor. The poll books and other

954 records and supplies shall be returned as directed by the  
955 officials in charge of the election. Failure to strictly comply  
956 with the provisions of this section shall not result in a  
957 presumption of fraud.

958         **SECTION 19.** Section 23-15-521, Mississippi Code of 1972, is  
959 brought forward as follows:

960         23-15-521. Before counting the ballots, the election  
961 commissioners, or their designees, shall have the OMR equipment  
962 tested to ascertain that it will accurately count the votes cast  
963 for all offices and on all measures. Representatives of the  
964 political parties, candidates, the press and the general public  
965 may witness the test conducted on the OMR equipment. The test  
966 shall be conducted by processing a preaudited group of ballots so  
967 marked as to record a predetermined number of valid votes for each  
968 candidate and on each measure, and shall include for each office  
969 one or more ballots that have votes in excess of the number  
970 allowed by law in order to test the ability of the OMR equipment  
971 to reject such votes. If any error is detected, the cause of the  
972 error shall be ascertained and corrected and an errorless count  
973 shall be made and certified to by the officials in charge before  
974 the count is started. On completion of the count, the programs,  
975 test materials and ballots shall be sealed and retained as  
976 provided for paper ballots.

977         **SECTION 20.** Section 23-15-591, Mississippi Code of 1972, is  
978 amended as follows:

979           23-15-591. When the votes have been completely and correctly  
980 counted and tallied by the poll managers they shall publicly  
981 proclaim the result of the election at their box and shall certify  
982 in duplicate a statement of the result, the certificate to be  
983 signed by the poll managers, one (1) of the certificates to be  
984 enclosed in the ballot box, and the other to be delivered to and  
985 to be kept by one (1) of the poll managers and to be inspected at  
986 any time by any voter who so requests. When the count of the  
987 votes and the tally of the votes have been completed on the night  
988 of the election, the poll managers shall lock and seal the ballot  
989 box, having first placed therein all ballots voted, all spoiled  
990 ballots and all unused ballots. There shall also be enclosed one  
991 (1) of the duplicate receipts given by the poll manager who  
992 received the blank ballots received for that box; and the total  
993 ballots voted, and the spoiled ballots, and the unused ballots  
994 must correspond in total with the duplicate receipt or else the  
995 failure thereof must be perfectly accounted for by a written  
996 statement, under oath of the poll managers, which statement must  
997 be enclosed in the ballot box. There shall also be enclosed in  
998 the box the tally list, the receipt book containing the signed  
999 names of the voters who voted; and the number of ballots voted  
1000 must correspond with the number of names signed in the receipt  
1001 book.

1002           **SECTION 21.** Section 23-15-581, Mississippi Code of 1972, is  
1003 amended as follows:

1004           23-15-581. When the last qualified voter, who was standing  
1005 in line at the polling place at 7:00 p.m., has cast his or her  
1006 ballot, or 7:00 p.m., whichever is later, the poll managers shall  
1007 proclaim that the polls are closed and publicly break the seal and  
1008 open the ballot box to immediately proceed to count the ballots,  
1009 at the same time reading aloud the names of the persons voted for,  
1010 which shall be taken down. During the holding of the election and  
1011 the counting of the ballots, the whole proceedings shall be in  
1012 fair and full view of the voting public, candidates or their duly  
1013 authorized representatives and other authorized poll watchers,  
1014 without unnecessary interference, delay or encroachment upon the  
1015 good order of the duties and proceedings of the poll managers and  
1016 other officers of the election. There shall be no unnecessary  
1017 delay and no adjournment except as provided by law; however, no  
1018 ballot box shall be sealed until all the votes for that precinct  
1019 have been counted and reported to the tabulation center.

1020           **SECTION 22.** Section 23-15-595, Mississippi Code of 1972, is  
1021 amended as follows:

1022           23-15-595. The box containing the ballots and other records  
1023 required by this chapter shall, immediately after the ballots have  
1024 been counted, be delivered by one (1) of the poll managers to the  
1025 clerk of the circuit court of the county and the clerk shall, in  
1026 the presence of the poll manager making delivery of the box, place  
1027 upon the lock of such box a tamper-evident seal. The seals shall  
1028 be numbered consecutively to the number of ballot boxes used in  
1029 the election in the county, and the clerk shall keep in a place

1030 separate from such boxes a record of the number of the seal of  
1031 each separate box in the county. The board of supervisors of the  
1032 county shall pay the cost of providing the seals. Upon demand of  
1033 the chair of the county executive committee in the case of primary  
1034 elections, or the county election commissioner in the case of  
1035 other elections, the boxes and their contents shall be delivered  
1036 to the county executive committee, or the county election  
1037 commission, as appropriate, and after such committee or  
1038 commission, as appropriate, has finished the work of tabulating  
1039 returns and counting ballots as required by law on the night of  
1040 the election, the committee or commission, as appropriate, shall  
1041 return all papers and ballots to the box of the precinct where the  
1042 election was held, and it shall make redelivery of the boxes and  
1043 their contents to the circuit clerk who shall reseal the boxes.  
1044 Upon every occasion the boxes shall be reopened and each resealing  
1045 shall be done as provided in this chapter. The tabulating of all  
1046 returns and the counting of all ballots must be finished on the  
1047 night of the election and reported to the tabulating center.

1048       **SECTION 23.** Section 23-15-713, Mississippi Code of 1972, is  
1049 amended as follows:

1050       23-15-713. For the purpose of this subarticle, any duly  
1051 qualified elector may vote as provided in this subarticle if the  
1052 elector falls within at least one (1) of the following categories:

1053           (a) Any qualified elector who is a bona fide student,  
1054 teacher or administrator at any college, university, junior  
1055 college, high, junior high, or elementary grade school whose



1056 studies or employment at such institution necessitates his or her  
1057 absence from the county of his or her voting residence on the date  
1058 of any primary, general or special election, or the spouse and  
1059 dependents of that student, teacher or administrator if such  
1060 spouse or dependent(s) maintain a common domicile, outside of the  
1061 county of his or her voting residence, with such student, teacher  
1062 or administrator.

1063           (b) Any qualified elector who is required to be away  
1064 from his or her place of residence on any election day due to his  
1065 or her employment as an employee of a member of the Mississippi  
1066 congressional delegation and the spouse and dependents of such  
1067 person if he or she shall be residing with such absentee voter  
1068 away from the county of the spouse's voting residence.

1069           (c) Any qualified elector who is away from his or her  
1070 county of residence on election day for any reason.

1071           (d) Any person who has a temporary or permanent  
1072 physical disability and who, because of such disability, is unable  
1073 to vote in person without substantial hardship to himself, herself  
1074 or others, or whose attendance at the voting place could  
1075 reasonably cause danger to himself, herself or others.

1076           (e) The parent, spouse or dependent of a person with a  
1077 temporary or permanent physical disability who is hospitalized  
1078 outside of his or her county of residence or more than fifty (50)  
1079 miles distant from his or her residence, if the parent, spouse or  
1080 dependent will be with such person on election day.

1081 (f) Any person who is sixty-five (65) years of age or  
1082 older.

1083 \* \* \*

1084 ( \* \* \*g) Any qualified elector who will be unable to  
1085 vote in person because he or she \* \* \* anticipates being at work  
1086 on election day during the times when the polls will be open or  
1087 any qualified elector who \* \* \* anticipates being on-call on  
1088 election day during the times when the polls will be open.

1089 ( \* \* \*h) Any qualified elector who is incarcerated in  
1090 prison or jail in the county where he or she is registered to vote  
1091 and has not been convicted of a disenfranchising crime.

1092 (i) I am the caretaker, parent and/or guardian of a  
1093 disabled person, an elderly person(s), or a minor child or  
1094 children and expect to be unable to vote on election day due to my  
1095 responsibilities of caring for that person.

1096 **SECTION 24.** (1) There is created the Mississippi Early  
1097 Voting Study Committee. The purpose of the committee is to study  
1098 early voting for elections in Mississippi.

1099 (2) The Mississippi Early Voting Study Committee shall be  
1100 comprised of the following members:

1101 (a) The Chairman of the House of Representatives  
1102 Apportionment and Elections Committee;

1103 (b) The Vice Chairman of the House of Representatives  
1104 Apportionment and Elections Committee;

1105 (c) The Chairman of the Senate Elections Committee;

- 1106                   (d) The Vice Chairman of the Senate Elections  
1107 Committee;
- 1108                   (e) The Governor, or his or her designee;
- 1109                   (f) The Lieutenant Governor, or his or her designee;
- 1110                   (g) The Speaker of the House of Representatives, or his  
1111 or her designee;
- 1112                   (h) The Secretary of State, or his or her designee;
- 1113                   (i) One (1) person to be appointed by the Mississippi  
1114 Circuit Clerks Association; and
- 1115                   (j) One (1) person to be appointed by the Election  
1116 Commissioners' Association of Mississippi.

1117           (3) Appointments shall be made within thirty (30) days after  
1118 the sine die adjournment of the 2025 Regular Session. At the  
1119 first meeting, the study committee shall elect a chair and a vice  
1120 chair. The study committee shall meet and organize fifteen (15)  
1121 days after all appointments have been made. The vice chair shall  
1122 also serve as secretary and shall be responsible for keeping all  
1123 records of the study committee. A majority of the members of the  
1124 study committee shall constitute a quorum. In the selection of  
1125 its officers and the adoption of rules, resolutions and reports,  
1126 an affirmative vote of a majority of the study committee shall be  
1127 required. All members shall be notified in writing of all  
1128 meetings, such notices to be mailed at least fifteen (15) days  
1129 before the date on which a meeting is to be held. Members of the  
1130 study committee shall not be compensated or reimbursed for travel  
1131 expenses.

1132           (4) The study committee shall study and make a report on the  
1133 following:

1134                   (a) Whether early voting should be implemented in the  
1135 state;

1136                   (b) If the committee decides that early voting should  
1137 be implemented in the state, how to effectively implement early  
1138 voting;

1139                   (c) How to ensure safe and secure elections in the  
1140 state if early voting is implemented;

1141                   (d) Any costs associated with implementing early voting  
1142 in elections in the state;

1143                   (e) Any training that may be required to implement  
1144 early voting in the state;

1145                   (f) Any statutory changes needed to implement early  
1146 voting in the state; and

1147                   (g) Any other issues related to early voting that the  
1148 committee deems appropriate.

1149           (5) To effectuate the purposes of this act, any department,  
1150 division, board, bureau, committee, institution or agency of the  
1151 state, or any political subdivision thereof, shall, at the request  
1152 of the chair of the study committee, provide the facilities,  
1153 assistance, information and data needed to enable the study  
1154 committee to carry out its duties.

1155           (6) The study committee shall develop its report and present  
1156 it to the Legislature, Governor and Secretary of State by December

1157 1, 2025, and after such report is submitted, the study committee  
1158 shall be dissolved.

1159 **SECTION 25.** Sections 1 through 23 of this act shall take  
1160 effect and be in force from and after July 1, 2025, and Section 24  
1161 of this act shall take effect and be in force from and after its  
1162 passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ALL ABSENTEE BALLOTS CAST IN PERSON AT THE OFFICE  
3 OF THE REGISTRAR SHALL BE CAST USING THE OPTICAL MARK READING  
4 EQUIPMENT; TO PROVIDE THAT THE OPTICAL MARK READING EQUIPMENT  
5 SHALL BE SEALED EACH NIGHT; TO PROVIDE THAT IF FOR ANY REASON THE  
6 OPTICAL MARK READING EQUIPMENT BECOMES INOPERABLE, PAPER ABSENTEE  
7 BALLOTS SHALL BE USED; TO AMEND SECTION 23-15-659, MISSISSIPPI  
8 CODE OF 1972, TO REVISE HOW THE ABSENTEE BALLOT APPLICATIONS AND  
9 ELECTOR'S CERTIFICATES ARE PRINTED FOR ALL ABSENTEE BALLOTS THAT  
10 ARE CAST IN PERSON AT THE OFFICE OF THE REGISTRAR; TO AMEND  
11 SECTIONS 23-15-639, 23-15-645, 23-15-627, 23-15-633, 23-15-625,  
12 23-15-715, 23-15-719, 23-15-507, 23-15-515, 23-15-517, 23-15-523  
13 AND 23-15-525, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
14 PROVISIONS OF THIS ACT; TO AMEND SECTIONS 23-15-591, 23-15-581 AND  
15 23-15-595, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE  
16 PROCESSING OF ABSENTEE BALLOTS MAY BEGIN ON THE MONDAY BEFORE THE  
17 ELECTION BUT THE ABSENTEE BALLOTS SHALL BE ANNOUNCED  
18 SIMULTANEOUSLY WITH ALL OTHER VOTES CAST ON ELECTION DAY; TO  
19 PROVIDE THAT THE COUNTING AND TALLYING OF BALLOTS MUST BE FINISHED  
20 ON ELECTION NIGHT; TO PROVIDE THAT NO BALLOT BOX SHALL BE SEALED  
21 UNTIL ALL THE VOTES FOR THAT PRECINCT HAVE BEEN COUNTED AND  
22 REPORTED TO THE TABULATION CENTER; TO BRING FORWARD SECTIONS  
23 23-15-505, 23-15-511, 23-15-513, 23-15-519 AND 23-15-521,  
24 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
25 TO AMEND SECTION 23-15-713, MISSISSIPPI CODE OF 1972, TO REVISE  
26 THE ABSENTEE VOTING EXCUSE RELATED TO BEING AT WORK ON ELECTION  
27 DAY; TO PROVIDE AN EXCUSE FOR ABSENTEE VOTING FOR A PERSON WHO IS  
28 A CARETAKER, PARENT OR GUARDIAN OF A PERSON WITH A TEMPORARY OR  
29 PERMANENT DISABILITY, AN ELDERLY PERSON(S), A CHILD OR CHILDREN;  
30 TO CREATE THE MISSISSIPPI EARLY VOTING STUDY COMMITTEE TO STUDY  
31 THE IMPACT OF IMPLEMENTING EARLY VOTING IN ALL ELECTIONS IN THE  
32 STATE; TO PROVIDE FOR THE MEMBERS OF THE STUDY COMMITTEE; TO  
33 REQUIRE THE STUDY COMMITTEE TO SUBMIT A REPORT TO THE LEGISLATURE,

34 GOVERNOR AND SECRETARY OF STATE BY DECEMBER 1, 2025; AND FOR  
35 RELATED PURPOSES.

HR26\SB2654A.1J

Andrew Ketchings  
Clerk of the House of Representatives