

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2654

BY: Committee

**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
567 _____
568 Family relationship to voter (if any)"

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

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

574 23-15-507. No OMR equipment shall be acquired or used in
575 accordance with this chapter unless it shall:

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

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

585 (c) Permit each voter, in presidential elections, by
586 one (1) mark to vote for the candidates of that party for
587 President, Vice President, and their presidential electors, or to



588 vote individually for the electors of their choice when permitted
589 by law;

590 (d) Permit each voter, in other than primary elections,
591 to vote for the nominees of one or more parties and for
592 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.

