

By: Representative Beckett

To: Apportionment and
Elections

HOUSE BILL NO. 1521
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 23-15-637 AND 23-15-651, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY MAIL
3 MUST BE POSTMARKED BY THE DATE OF THE ELECTION AND RECEIVED BY THE
4 REGISTRAR NO MORE THAN FIVE BUSINESS DAYS AFTER THE ELECTION; TO
5 PRESCRIBE THE TIME FOR CASING ALL ABSENTEE BALLOTS IN PERSON IN
6 THE OFFICE OF THE REGISTRAR TO BE DEPOSITED IN A SECURED AND
7 SEALED BOX IN THE CIRCUIT CLERK'S OFFICE UPON RECEIPT; TO PROVIDE
8 THAT THE BALLOT BOX USED SHALL BE SEALED AT THE CLOSE OF EACH
9 BUSINESS DAY AND SHALL REMAIN SEALED UNTIL THE BEGINNING OF THE
10 NEXT BUSINESS DAY; TO PROVIDE THAT ALL VOTES CAST BY ABSENTEE
11 BALLOT SHALL BE FINAL; TO PROVIDE THAT NO PERSON WHO VOTES
12 ABSENTEE BEFORE THE ELECTION SHALL BE ALLOWED TO VOTE IN PERSON ON
13 ELECTION DAY; TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE CERTAIN
14 RULES RELATING TO ABSENTEE BALLOTS; TO AMEND SECTION 23-15-645,
15 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ABSENTEE BALLOTS CAST IN
16 THE REGISTRAR'S OFFICE SHALL BE PROCESSED ON ELECTION DAY AND
17 ANNOUNCED SIMULTANEOUSLY WITH ALL OTHER VOTES CAST ON ELECTION
18 DAY; TO PROVIDE FOR THE RETENTION AND DESTRUCTION OF PACKAGES OF
19 PROTESTED, VOID AND WHOLLY BLANK BALLOTS, VOTED BALLOTS, OPEN
20 PACKAGES OF UNUSED BALLOTS, SEALED PACKAGES OF UNUSED BALLOTS, AND
21 ALL ABSENTEE AND MILITARY BALLOTS AND BALLOT ENVELOPES; TO AMEND
22 SECTION 23-15-649, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR
23 ALL ELECTIONS THE ELECTION OFFICIALS SHALL PREPARE ABSENTEE
24 BALLOTS IN THE SAME FORM AS OFFICIAL BALLOTS OR BALLOTS WITH A
25 HEADER OF DIFFERENT TINT; TO AMEND SECTIONS 23-15-627 AND
26 23-15-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE ELIGIBILITY FOR
27 ABSENTEE VOTING IN PERSON OR BY MAIL TO ANY PERSON UNABLE TO
28 APPEAR PERSONALLY AT THE POLLING PLACE OF THE ELECTION DISTRICT IN
29 WHICH HE OR SHE IS A QUALIFIED VOTER BECAUSE OF A
30 PHYSICIAN-IMPOSED QUARANTINE DUE TO COVID-19 DURING THE YEAR 2020
31 OR THE VOTER IS CARING FOR A PERSON WHO MAY BE EXPOSED TO SUCH
32 RISK; TO AMEND SECTIONS 23-15-715 AND 23-15-719, MISSISSIPPI CODE
33 OF 1972, TO PROVIDE THAT FOR ALL ELECTIONS THE REGISTRAR SHALL
34 MAIL TOGETHER TO THE ABSENTEE VOTER THE APPLICATION AND PROPER



35 ABSENTEE VOTER BALLOT; TO PROVIDE CERTAIN CONDITIONS ON COUNTING
36 ABSENTEE BALLOTS BY THE RESOLUTION BOARD; TO AMEND SECTIONS
37 23-15-625, 23-15-629, 23-15-631, 23-15-635, 23-15-639, 23-15-641,
38 23-15-647, 23-15-699, 23-15-721, 23-15-731, 23-15-733 AND
39 23-15-735, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
40 OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

44 23-15-637. (1) (a) Absentee ballots and applications
45 received by mail, except * * * for fax or electronically
46 transmitted ballots as otherwise provided by Section 23-15-699 for
47 UOCAVA ballots, must be * * * postmarked on or before the date of
48 the election and received by the registrar no more than five (5)
49 business days after the election; any received after such time
50 shall be handled as provided in Section 23-15-647 and shall not be
51 counted.

52 (b) All ballots cast by the absent elector appearing in
53 person in the office of the registrar shall be cast with an
54 absentee paper ballot and deposited into a sealed ballot box by
55 the voter, not later than 12:00 noon, or 5:00 p.m. during the year
56 2020 on the Saturday immediately preceding elections held on
57 Tuesday, the Thursday immediately preceding elections held on
58 Saturday, or the second day immediately preceding the date of
59 elections held on other days. At the close of business each day
60 at the office of the registrar, the ballot box used shall be
61 sealed and not unsealed until the beginning of the next business
62 day, and the seal number shall be recorded with the number of



63 ballots cast which shall be stored in a secure location in the
64 registrar's office.

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

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

80 **SECTION 2.** Section 23-15-651, Mississippi Code of 1972, is
81 amended as follows:

82 23-15-651. The results of the vote by absentee balloting
83 shall be announced simultaneously with the vote cast on election
84 day; provided that absentee ballots received after 7:00 p.m. the
85 day before the election shall be kept in a secured and sealed
86 ballot box, and shall be announced after the five-business-day
87 period for receiving absentee ballots.



88 **SECTION 3.** Section 23-15-645, Mississippi Code of 1972, is
89 amended as follows:

90 23-15-645. (1) Absentee ballots cast in the registrar's
91 office and received by mail that are deposited into a sealed
92 ballot box shall be processed on election day but not tallied
93 until after closing of the polls and announced simultaneously with
94 all other votes cast on election day.

95 (2) After the votes have been counted, the officials shall
96 preserve all applications, envelopes and the list of absent voters
97 along with the mailed paper and paper ballots and other election
98 materials and return the same to the registrar.

99 (3) Notwithstanding any other provision of law to the
100 contrary, for federal and presidential general, special or primary
101 elections, packages of protested, void and wholly blank ballots,
102 voted ballots, open packages of unused ballots, sealed packages of
103 unused ballots, and all absentee and military ballots and ballot
104 envelopes, if any, shall be preserved for twenty-two (22) months
105 after the date of any such general, special or primary election.
106 For all other statewide, county or municipal elections, sealed
107 packages of unused ballots, packages of protested, void and wholly
108 blank ballots, open packages of unused ballots and all absentee
109 and military ballots and ballot envelopes shall be retained for
110 four (4) months, and may then be destroyed, provided a certificate
111 articulating the election district identifying data and numbers of
112 such ballots is filed with the balance of ballots described in



113 this section, for the balance of the twenty-two-month retention
114 period.

115 **SECTION 4.** Section 23-15-649, Mississippi Code of 1972, is
116 amended as follows:

117 23-15-649. For all elections, * * * the election officials
118 shall prepare and print, as soon as the deadline for the
119 qualification of candidates has passed or forty-five (45)
120 days * * * before the election, whichever is later, official
121 ballots for each voting precinct to be known as absentee voter
122 ballots, which ballots shall be prepared and printed in the same
123 form and shall be of the same size and texture as the regular
124 official ballot except that they shall be printed on tinted paper
125 of a tint different from that of the regular official ballot or
126 with a header of different tint.

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

129 23-15-627. Any elector described in Section 23-15-713 may
130 request an absentee ballot application and vote in person at the
131 office of the registrar in the county in which he or she resides.

132 The registrar shall be responsible for furnishing an absentee
133 ballot application form to any elector authorized to receive an
134 absentee ballot. Except as otherwise provided in Section
135 23-15-625, absentee ballot applications shall be furnished to a
136 person only upon the oral or written request of the elector who
137 seeks to vote by absentee ballot; however, the parent, child,



138 spouse, sibling, legal guardian, those empowered with a power of
139 attorney for that elector's affairs or agent of the elector, who
140 is designated in writing and witnessed by a resident of this state
141 who shall write his or her physical address on such designation,
142 may orally request an absentee ballot application on behalf of the
143 elector. The written designation shall be valid for one (1) year
144 after the date of the designation. An absentee ballot application
145 must have the seal of the circuit or municipal clerk affixed to it
146 and be initialed by the registrar or his or her deputy in order to
147 be * * * used to obtain an absentee ballot. A reproduction of an
148 absentee ballot application shall not be valid unless it is a
149 reproduction provided by the office of the registrar of the
150 jurisdiction in which the election is being held and which
151 contains the seal and initials required by this section. Such
152 application shall be substantially in the following form:

153 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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



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

165 () I am a member of the Merchant Marine or the American Red
166 Cross and am a citizen of Mississippi or spouse or dependent of
167 such member.

168 () I am a disabled war veteran who is a patient in any
169 hospital and am a citizen of Mississippi or spouse or dependent of
170 such veteran.

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

175 () I am a citizen of Mississippi temporarily residing
176 outside the territorial limits of the United States and the
177 District of Columbia.

178 () I am a student, teacher or administrator at a college,
179 university, junior or community college, high, junior high,
180 elementary or grade school, whose studies or employment at such
181 institution necessitates my absence from the county of my voting
182 residence or spouse or dependent of such student, teacher or
183 administrator who maintains a common domicile outside the county
184 of my voting residence with such student, teacher or
185 administrator.

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



187 () I have a temporary or permanent physical disability,
188 which may include, but is not limited to, a physician-imposed
189 quarantine due to COVID-19 during the year 2020. Or, I am caring
190 for a dependent that is under a physician-imposed quarantine due
191 to COVID-19 beginning with the effective date of this act and the
192 same being repealed on December 31, 2020.

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

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

199 () I am a member of the congressional delegation, or spouse
200 or dependent of a member of the congressional delegation.

201 () I am required to be at work on election day during the
202 times which the polls will be open.

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

205 Mail 'Absent Elector's Ballot' to me at the following address
206 _____ * * *.

207 () I wish to receive an absentee ballot for the runoff
208 election_____.

209 I realize that I can be fined up to Five Thousand Dollars
210 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
211 for making a false statement in this application and for selling



212 my vote and violating the Mississippi Absentee Voter Law. (This
213 sentence is to be in bold print.)

214 If you are temporarily or permanently disabled, you are not
215 required to have this application notarized or signed by an
216 official authorized to administer oaths for absentee balloting.
217 You are required to sign this application in the proper place and
218 have a person eighteen (18) years of age or older witness your
219 signature and sign this application in the proper place.

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

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

224 _____
225 (Signature of absent elector)

226 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
227 2____.

228 _____
229 (Official authorized to administer oaths
230 for absentee balloting.)

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

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



237

(Signature of witness)

238

239 CERTIFICATE OF DELIVERY

240 I hereby certify that _____ (print name of voter)

241 has requested that I, _____ (print name of person

242 delivering application), deliver to the voter this absentee ballot

243 application.

244

(Signature of person delivering application)

245

246

(Address of person delivering application)"

247

248 **SECTION 6.** Section 23-15-713, Mississippi Code of 1972, is
249 amended as follows:

250 23-15-713. For the purpose of this subarticle, any duly
251 qualified elector may vote as provided in this subarticle if * * *

252 the elector falls within at least one (1) of the following
253 categories:

254 (a) Any qualified elector who is a bona fide student,
255 teacher or administrator at any college, university, junior

256 college, high, junior high, or elementary grade school whose
257 studies or employment at such institution necessitates his or her

258 absence from the county of his or her voting residence on the date
259 of any primary, general or special election, or the spouse and

260 dependents of * * * that student, teacher or administrator if such
261 spouse or dependent(s) maintain a common domicile, outside of the



262 county of his or her voting residence, with such student, teacher
263 or administrator.

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

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

272 (d) Any person who has a temporary or permanent
273 physical disability and who, because of such disability, is unable
274 to vote in person without substantial hardship to himself, herself
275 or others, or whose attendance at the voting place could
276 reasonably cause danger to himself, herself or others. For
277 purposes of this paragraph (d), "temporary physical disability"
278 shall include any qualified elector who is under a
279 physician-imposed quarantine due to COVID-19 during the year 2020
280 or is caring for a dependent who is under a physician-imposed
281 quarantine due to COVID-19 beginning with the effective date of
282 this act and the same being repealed on December 31, 2020.

283 (e) The parent, spouse or dependent of a person with a
284 temporary or permanent physical disability who is hospitalized
285 outside of his or her county of residence or more than fifty (50)
286 miles distant from his or her residence, if the parent, spouse or



287 dependent will be with such person on election day. For purposes
288 of this paragraph (e), "temporary physical disability" shall
289 include any qualified elector who is under a physician-imposed
290 quarantine due to COVID-19 during the year 2020 or is caring for a
291 dependent who is under a physician-imposed quarantine due to
292 COVID-19 beginning with the effective date of this act and the
293 same being repealed on December 31, 2020.

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

296 (g) Any member of the Mississippi congressional
297 delegation absent from Mississippi on election day, and the spouse
298 and dependents of such member of the congressional delegation.

299 (h) Any qualified elector who will be unable to vote in
300 person because he or she is required to be at work on election day
301 during the times at which the polls will be open.

302 **SECTION 7.** Section 23-15-715, Mississippi Code of 1972, is
303 amended as follows:

304 23-15-715. Any elector desiring an absentee ballot as
305 provided in this subarticle may secure same if:

306 (a) Not more than forty-five (45) days nor later than
307 12:00 noon, or 5:00 p.m. during the year 2020, on the Saturday
308 immediately preceding elections held on Tuesday, the Thursday
309 immediately preceding elections held on Saturday, or the second
310 day immediately preceding the date of elections held on other
311 days, he shall appear in person before the registrar of the county



312 in which he resides, or for municipal elections he shall appear in
313 person before the city clerk of the municipality in which he
314 resides and, when the elector so appears, he shall execute and
315 file an application as provided in Section 23-15-627 and vote by
316 absentee ballot, except that if the ballot has not been printed by
317 forty-five (45) days preceding the election, the elector may
318 appear and file an application anytime before the election. Then
319 the absentee ballot shall be mailed by the circuit clerk to the
320 elector as soon as the ballot has been printed.

321 (b) Within forty-five (45) days next prior to any
322 election, any elector who cannot comply with paragraph (a) of this
323 section by reason of temporarily residing outside the county, or
324 any person who has a temporary or permanent physical disability,
325 persons who are sixty-five (65) years of age or older, or any
326 person who is the parent, spouse or dependent of a temporarily or
327 permanently physically disabled person who is hospitalized outside
328 of his county of residence or more than fifty (50) miles away from
329 his residence and such parent, spouse or dependent will be with
330 such person on election day, may make application for an absentee
331 ballot by mailing the appropriate application to the registrar.
332 Only persons temporarily residing out of the county of their
333 residence, persons having a temporary or permanent physical
334 disability, persons who are sixty-five (65) years of age or older,
335 or any person who is the parent, spouse or dependent of a
336 temporarily or permanently physically disabled person who is



337 hospitalized outside of his county of residence or more than fifty
338 (50) miles away from his residence, and such parent, spouse or
339 dependent will be with such person on election day, may obtain
340 absentee ballots by mail under the provisions of this subsection
341 and as provided by Section 23-15-713. Applications of persons
342 temporarily residing outside the county shall be sworn to and
343 subscribed before an official who is authorized to administer
344 oaths or other official authorized to witness absentee balloting
345 as provided in this chapter, said application to be accompanied by
346 such verifying affidavits as required by this chapter. The
347 applications of persons having a temporary or permanent physical
348 disability shall not be required to be accompanied by an affidavit
349 but shall be witnessed and signed by a person eighteen (18) years
350 of age or older. The registrar shall send to such absent voter a
351 proper absentee voter ballot within twenty-four (24) hours, or as
352 soon thereafter as the ballots are available, containing the names
353 of all candidates who qualify or the proposition to be voted on in
354 such election, and with such ballot there shall be sent an
355 official envelope containing upon it in printed form the recitals
356 and data hereinafter required.

357 (c) Except when the voter has requested a runoff ballot
358 on the initial absentee ballot application, upon request for a
359 runoff ballot pursuant to Section 23-15-719, the registrar shall
360 mail together the absentee ballot application and the absentee
361 ballot to the absent voter for the runoff election.



362 **SECTION 8.** Section 23-15-719, Mississippi Code of 1972, is
363 amended as follows:

364 23-15-719. (1) * * * Except where the registrar has already
365 mailed a ballot with an application, upon receipt of a properly
366 completed application form by an elector qualified to vote
367 absentee as provided in this article, the registrar shall mail the
368 absent voter an absentee ballot within one (1) business day, or as
369 soon as the absentee ballot is prepared and available, containing
370 the names of all the candidates and propositions, if any, to be
371 voted on in the election. The registrar shall include with the
372 absentee ballot an official envelope that complies with the
373 provisions of this article, as well as information to comply with
374 Section 23-15-641(3) related to the status of the elector's
375 ballot. The registrar shall identify the applicant by requiring
376 him to present identification as required by Section 23-15-563,
377 and shall then deliver the ballots to the applicant by mail or to
378 the applicant in the registrar's office. The registrar shall not
379 personally hand deliver ballots to voters * * *. After the
380 applicant has properly marked the ballot and properly folded it,
381 he shall deposit it in the envelope furnished him by the
382 registrar.

383 After * * * the absentee voter has sealed the envelope, he or
384 she shall subscribe and swear to an affidavit and mail the ballot
385 to the address provided on the absentee ballot official envelope.
386 The affidavit shall be in the following form, which shall be



387 printed on the back of the envelope containing the applicant's
388 ballot:

389 "STATE OF MISSISSIPPI
390 COUNTY OF _____

391 I, _____, do solemnly swear that this envelope contains
392 the ballot marked by me indicating my choice of the candidates or
393 propositions to be submitted at the election to be held on the ___
394 day of _____, 2___, and I hereby authorize the registrar to
395 place this envelope in the ballot box on my behalf, and I further
396 authorize the election managers to open this envelope and place my
397 ballot among the other ballots cast before such ballots are
398 counted, and record my name on the poll list as if I were present
399 in person and voted.

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

401 _____
402 (Signature of voter)

403 SWORN TO AND SUBSCRIBED before me, _____, this the ___
404 day of _____, 2___.

405 (Registrar) _____
406 (Registrar) "

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

410 (2) If the voter has received assistance in marking his
411 ballot, the person providing the assistance shall complete the



412 following form which shall be printed on the back of the envelope
413 containing the applicant's ballot:

414 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

415 (To be completed only if the voter has received assistance in
416 marking the enclosed ballot.) I hereby certify that the
417 above-named voter declared to me that he or she is blind,
418 temporarily or permanently physically disabled, or cannot read or
419 write, and that the voter requested that I assist the voter in
420 marking the enclosed absentee ballot. I hereby certify that the
421 ballot preferences on the enclosed ballot are those communicated
422 by the voter to me, and that I have marked the enclosed ballot in
423 accordance with the voter's instructions.

424 _____
425 Signature of person providing assistance

426 _____
427 Printed name of person providing assistance

428 _____
429 Address of person providing assistance

430 _____
431 Date and time assistance provided

432 _____
433 Family relationship to voter (if any)"

434 (3) The envelope used pursuant to this section shall not
435 contain the form prescribed by Section 23-15-635 and shall have
436 printed on the flap on the back of the envelope in bold print and



437 in a distinguishing color, the following: **"YOUR VOTE WILL BE**
438 **REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE**
439 **FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

440 **SECTION 9.** Section 23-15-625, Mississippi Code of 1972, is
441 amended as follows:

442 23-15-625. (1) The registrar shall be responsible for
443 providing applications for absentee voting as provided in this
444 section. At least sixty (60) days * * * before any election in
445 which absentee voting is provided for by law, the registrar shall
446 provide a sufficient number of applications. In the event a
447 special election is called and set at a date which makes it
448 impractical or impossible to prepare applications for absent
449 elector's ballot sixty (60) days * * * before the election, the
450 registrar shall provide applications as soon as practicable after
451 the election is called. The registrar shall fill in the date of
452 the particular election on the application for which the
453 application will be used.

454 (2) The registrar shall be authorized to disburse
455 applications for absentee ballots to any qualified elector within
456 the county where he or she serves. Any person who presents to the
457 registrar an oral or written request for an absentee ballot
458 application for a voter entitled to vote absentee by mail, other
459 than the elector who seeks to vote by absentee ballot, shall, in
460 the presence of the registrar, sign the application and print on
461 the application his or her name and address and the name of the



462 elector for whom the application is being requested in the place
463 provided for on the application for that purpose. However, if for
464 any reason such person is unable to write the information
465 required, then the registrar shall write the information on a
466 printed form which has been prescribed by the Secretary of State.
467 The form shall provide a place for such person to place his or her
468 mark after the form has been filled out by the registrar.

469 (3) It shall be unlawful for any person to solicit absentee
470 ballot applications or absentee ballots for persons staying in any
471 skilled nursing facility as defined in Section 41-7-173 * * *
472 unless the person soliciting the absentee ballot applications or
473 absentee ballots is:

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

476 (b) A person designated by the person for whom the
477 absentee ballot application or absentee ballot is sought, the
478 registrar or the deputy registrar.

479 As used in this subsection, "family member" means a spouse,
480 parent, grandparent, sibling, adult child, grandchild or legal
481 guardian.

482 (4) The registrar in the county wherein a voter is qualified
483 to vote upon receiving by mail the envelope containing the
484 absentee ballots shall keep an accurate list of all persons
485 preparing such ballots * * *. The list shall be kept in a
486 conspicuous place accessible to the public near the entrance



487 to * * * the registrar's office. The registrar shall also furnish
488 to each precinct manager a list of the names of all persons in
489 each respective precinct voting absentee * * * by mail and in
490 person to be posted in a conspicuous place at the polling place
491 for public notice. The application on file with the registrar and
492 the envelopes containing the ballots that voters mailed to the
493 registrar shall be kept by the registrar * * * in his or her
494 office in a secure location. At the time such boxes are delivered
495 to the election commissioners or managers, the registrar shall
496 also turn over a list of all such persons who have voted and whose
497 mailed ballots are in * * * the registrar's office.

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

502 (6) The registrar shall process all applications for
503 absentee ballots by using the Statewide Election Management
504 System. The registrar shall account for all absentee ballots
505 delivered to and received by mail as well as those who voted
506 absentee in person from qualified voters by processing such
507 ballots using the Statewide Election Management System.

508 **SECTION 10.** Section 23-15-629, Mississippi Code of 1972, is
509 amended as follows:

510 23-15-629. (1) The application for an absentee ballot of a
511 person who is permanently physically disabled shall be accompanied



512 by a statement signed by such person's physician, or nurse
513 practitioner, which statement must show that the person signing
514 the statement is a licensed, practicing medical doctor or nurse
515 practitioner and must indicate that the person applying for the
516 absentee ballot is permanently physically disabled to such a
517 degree that it is difficult for him or her to vote in person.

518 (2) An application accompanied by the statement provided for
519 in subsection (1) of this section shall entitle such permanently
520 physically disabled person to automatically receive an absentee
521 ballot for all elections on a continuing basis without the
522 necessity for reapplication.

523 (3) The registrar of each county shall keep an accurate list
524 of the names and addresses of all persons whose applications for
525 absentee ballot are accompanied by the statement set forth in
526 subsection (1) of this section. Sixty (60) days * * * before each
527 election, the registrar shall deliver such list to the election
528 commissioners * * * who shall examine the list and delete from it
529 the names of all persons listed who are no longer qualified
530 electors of the county. Upon completion of such examination, the
531 election commissioners * * * shall return the list to the
532 registrar by no later than forty-five (45) days * * * before the
533 election.

534 (4) The registrar shall * * * mail a ballot to all persons
535 who are determined by the election commissioners * * * to be



536 qualified electors pursuant to subsection (3) of this section by
537 no later than forty (40) days * * * before the election.

538 **SECTION 11.** Section 23-15-631, Mississippi Code of 1972, is
539 amended as follows:

540 23-15-631. (1) The registrar shall enclose with each
541 ballot * * * mailed to an absent elector separate printed
542 instructions furnished by the registrar containing the following:

543 (a) All absentee voters, excepting those with temporary
544 or permanent physical disabilities or those who are sixty-five
545 (65) years of age or older, who mark their ballots in the county
546 of the residence shall use the registrar of that county as the
547 witness. The absentee voter shall come to the office of the
548 registrar and neither the registrar nor his or her deputy shall be
549 required to go out of the registrar's office to serve as an
550 attesting witness.

551 (b) Upon receipt of the enclosed ballot, you will not
552 mark the ballot except in view or sight of the attesting witness.
553 In the sight or view of the attesting witness, mark the ballot
554 according to instructions.

555 (c) After marking the ballot, fill out and sign the
556 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
557 signature is across the flap of the envelope to ensure the
558 integrity of the ballot. All absent electors shall have the
559 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
560 the flap on the back of the envelope. Place the necessary postage



561 on the envelope and deposit it in the post office or some
562 government receptacle provided for deposit of mail so that the
563 absent elector's ballot * * * will * * * be postmarked on or
564 before the date of the election and received by the registrar no
565 more than five (5) business days after the election.

566 Any notary public, United States postmaster, assistant United
567 States postmaster, United States postal supervisor, clerk in
568 charge of a contract postal station, or other officer having
569 authority to administer an oath or take an acknowledgment may be
570 an attesting witness; provided, however, that in the case of an
571 absent elector who is temporarily or permanently physically
572 disabled, the attesting witness may be any person eighteen (18)
573 years of age or older and such person is not required to have the
574 authority to administer an oath. If a postmaster, assistant
575 postmaster, postal supervisor, or clerk in charge of a contract
576 postal station acts as an attesting witness, his or her signature
577 on the elector's certificate must be authenticated by the
578 cancellation stamp of their respective post offices. If an
579 officer having authority to administer an oath or take an
580 acknowledgement acts as attesting witness, his or her signature on
581 the elector's certificate, together with his or her title and
582 address, but no seal, shall be required. Any affidavits made by
583 an absent elector who is in the Armed Forces may be executed
584 before a commissioned officer, warrant officer, or noncommissioned



585 officer not lower in grade than sergeant rating or any person
586 authorized to administer oaths.

587 (d) When the application accompanies the ballot it
588 shall not be returned in the same envelope as the ballot but shall
589 be returned in a separate preaddressed envelope provided by the
590 registrar.

591 (e) A candidate for public office, or the spouse,
592 parent or child of a candidate for public office, may not be an
593 attesting witness for any absentee ballot upon which the
594 candidate's name appears, unless the voter is related within the
595 first degree to the candidate or the spouse, parent or child of
596 the candidate.

597 (f) Any voter casting an absentee ballot who declares
598 that he or she requires assistance to vote by reason of blindness,
599 temporary or permanent physical disability or inability to read or
600 write, shall be entitled to receive assistance in the marking of
601 his or her absentee ballot and in completing the affidavit on the
602 absentee ballot envelope. The voter may be given assistance by
603 anyone of the voter's choice other than a candidate whose name
604 appears on the absentee ballot being marked, the spouse, parent or
605 child of a candidate whose name appears on the absentee ballot
606 being marked or the voter's employer, an agent of that employer or
607 a union representative; however, a candidate whose name is on the
608 ballot or the spouse, parent or child of such candidate may
609 provide assistance upon request to any voter who is related within



610 the first degree. In order to ensure the integrity of the ballot,
611 any person who provides assistance to an absentee voter shall be
612 required to sign and complete the "Certificate of Person Providing
613 Voter Assistance" on the absentee ballot envelope.

614 (2) The foregoing instructions required to be provided by
615 the registrar to the elector shall also constitute the substantive
616 law pertaining to the handling of absentee ballots by the elector
617 and registrar.

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

621 **SECTION 12.** Section 23-15-635, Mississippi Code of 1972, is
622 amended as follows:

623 23-15-635. (1) The form of the elector's certificate,
624 attesting witness certification and certificate of person
625 providing voter assistance on the back of the envelope used by
626 absentee voters * * * who are not absent voters as defined in
627 Section 23-15-673, shall be as follows:

628 "ELECTOR'S CERTIFICATE

629 STATE OF _____

630 COUNTY * * * OF _____

631 I, _____, under penalty of perjury do solemnly swear
632 that this envelope contains the ballot marked by me indicating my
633 choice of the candidates or propositions to be submitted at the
634 election to be held on the ___ day of _____, 2____, and I



635 hereby authorize the registrar to place this envelope in the
636 ballot box on my behalf, and I further authorize the election
637 managers to open this envelope and place my ballot among the other
638 ballots cast before such ballots are counted, and record my name
639 on the poll list as if I were present in person and voted.

640 I further swear that I marked the enclosed ballot in secret.
641 **Penalties for vote fraud are up to five (5) years in prison and a**
642 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
643 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
644 **to one (1) year in jail and a fine of up to One Thousand Dollars**
645 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

646 _____
647 (Signature of voter)

648 CERTIFICATE OF ATTESTING WITNESS

649 Under penalty of perjury I affirm that the above named voter
650 personally appeared before me, on this the ___ day of _____,
651 2____, and is known by me to be the person named, and who, after
652 being duly sworn or having affirmed, subscribed the foregoing oath
653 or affirmation. That the voter exhibited to me his or her blank
654 ballot; that the ballot was not marked or voted before the voter
655 exhibited the ballot to me; that the voter was not solicited or
656 advised by me to vote for any candidate, question or issue, and
657 that the voter, after marking his or her ballot, placed it in the
658 envelope, closed and sealed the envelope in my presence, and
659 signed and swore or affirmed the above certificate.



660 _____
661 (Attesting witness) (Address)
662 _____
663 (Official title) (City and State)

664 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

665 (To be completed only if the voter has received assistance in
666 marking the enclosed ballot.) I, under penalty of perjury, hereby
667 certify that the above-named voter declared to me that he or she
668 is blind, temporarily or permanently physically disabled, or
669 cannot read or write, and that the voter requested that I assist
670 the voter in marking the enclosed absentee ballot. I hereby
671 certify that the ballot preferences on the enclosed ballot are
672 those communicated by the voter to me, and that I have marked the
673 enclosed ballot in accordance with the voter's instructions.

674 **Penalties for vote fraud are up to five (5) years in prison and a**
675 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
676 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
677 **to one (1) year in jail and a fine of up to One Thousand Dollars**
678 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

679 _____
680 Signature of person providing assistance
681 _____
682 Printed name of person providing assistance
683 _____
684 Address of person providing assistance



685

Date and time assistance provided

687

Family relationship to voter (if any)"

689

(2) The envelope * * * shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

694

SECTION 13. Section 23-15-639, Mississippi Code of 1972, is amended as follows:

696

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

698

(a) At the * * * opening of the regular balloting and at the * * * opening of the polls, the * * * resolution board established under Section 23-15-523 and trained in the process of canvassing absentee ballots shall first take the envelopes containing the absentee ballots of such electors from the * * * secure location at the circuit clerk's office, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

706

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the * * * resolution board find that the applicant is a



710 registered and qualified voter or otherwise qualified to
711 vote, * * * the envelope shall then be opened and the ballot
712 removed from the envelope, without its being unfolded, or
713 permitted to be unfolded or examined.

714 (c) Having observed and found the ballot to be regular
715 as far as can be observed from its official endorsement, the * * *
716 resolution board shall deposit it in the ballot box with the other
717 ballots before counting any ballots and enter the voter's name in
718 the receipt book provided for that purpose. * * * All absentee
719 ballots received prior to 7:00 p.m. the day before the election
720 shall be counted in the registrar's office by the resolution board
721 when the polls close and then added to the votes cast in each
722 precinct. All absentee ballots received after 7:00 p.m. the day
723 before the election but not later than the fifth business day
724 after the election shall be processed by the resolution board.

725 * * *

726 (* * *2) The * * * resolution board shall also take such
727 action as may be prescribed by the Secretary of State to ensure
728 compliance with the identification requirements of Section
729 23-15-563.

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

732 **SECTION 14.** Section 23-15-641, Mississippi Code of 1972, is
733 amended as follows:



734 23-15-641. (1) For all absentee votes received by mail, if
735 an affidavit or the certificate of the officer before whom the
736 affidavit is taken is required and such affidavit or certificate
737 is found to be insufficient, or if it is found that the signatures
738 do not correspond, or that the applicant is not a duly qualified
739 elector in the precinct, or otherwise qualified to vote, or that
740 the ballot envelope is open or has been opened and resealed, or
741 the voter is not eligible to vote absentee * * *, the previously
742 cast vote shall not be allowed. Without opening the voter's
743 envelope the * * * resolution board shall mark across its face
744 "REJECTED", with the reason therefor.

745 (2) For all absentee votes received by mail, if the ballot
746 envelope contains more than one (1) ballot of any kind, the ballot
747 shall not be counted but shall be marked "REJECTED", with the
748 reason therefor, and the registrar shall promptly notify the voter
749 of such rejection. The voter's envelopes and affidavits, and the
750 voter's envelope with its contents unopened, when such vote is
751 rejected, shall be retained and preserved in the same manner as
752 other ballots at the election. Such votes may be challenged in
753 the same manner and for the same reasons that any other vote cast
754 in such election may be challenged.

755 (3) If an affidavit is required and the officials find that
756 the affidavit is insufficient, or if the officials find that the
757 absentee voter is otherwise disqualified to vote, the envelope
758 shall not be opened and a commissioner or executive committee



759 member shall write across the face of the envelope "REJECTED"
760 giving the reason therefor, and the registrar shall promptly
761 notify the voter of such rejection.

762 (4) The ballots marked "REJECTED" shall be placed in a
763 separate envelope in the secure ballot transfer case and delivered
764 to the officials in charge of conducting the election at the
765 central tabulation point of the county.

766 (5) All electors voting absentee shall be provided with
767 written information to inform the person how to ascertain whether
768 his or her ballot was counted and, if rejected, the reason
769 therefor.

770 **SECTION 15.** Section 23-15-647, Mississippi Code of 1972, is
771 amended as follows:

772 23-15-647. The registrar shall keep safely and unopened all
773 official absentee ballots which are received * * * by mail after
774 the applicable cutoff period establishing its validity. Upon
775 receipt of such ballot, the registrar shall write the day and hour
776 of the receipt of the ballot on its envelope. All such absentee
777 ballots returned to the registrar after the cutoff time shall be
778 safely kept unopened by the registrar for the period of time
779 required for the preservation of ballots used in the election, and
780 shall then, without being opened, be destroyed in like manner as
781 the used ballots of the election.

782 **SECTION 16.** Section 23-15-699, Mississippi Code of 1972, is
783 amended as follows:



784 23-15-699. (1) Absent voters who have requested to receive
785 absentee ballots and balloting materials may choose to receive
786 such ballots and balloting materials by mail, facsimile device
787 (FAX) or electronic mail delivery (e-mail). The Secretary of
788 State shall establish procedures that allow an absent voter to
789 make the choice authorized by this subsection.

790 (2) Consistent with the choice that the absent voter
791 exercises pursuant to subsection (1) of this section, the
792 registrar shall, in addition to mail, be authorized to use
793 electronic facsimile (FAX) devices and electronic mail delivery
794 (e-mail) to transmit balloting materials and absentee ballots. If
795 the absent voter does not indicate a preference, delivery of such
796 information shall be by mail.

797 (3) The registrar is authorized to receive by electronic
798 facsimile (FAX) devices and electronic mail delivery (e-mail):

799 (a) Voted absentee ballots;

800 (b) Completed federal postcard applications as
801 described in Section 23-15-677, which shall serve to request
802 absentee ballots or to register to vote or to do both
803 simultaneously; and

804 (c) Completed Federal Write-In-Absentee Ballots as
805 described in Section 23-15-692.

806 (4) Once the registrar has received a voted absentee ballot
807 pursuant to this section, he shall place the ballot in an absentee
808 ballot envelope designated for absentee ballots under this



809 subarticle and fill out the required information on the envelope.
810 The registrar shall then notate on the envelope that the ballot
811 was received under this section and a signature across the flap of
812 the envelope shall not be required. Except as provided in this
813 section, absentee ballots received under this subsection shall be
814 treated in the same manner as other absentee ballots received
815 under this subarticle.

816 (5) Access to voted absentee ballots before they are placed
817 in an absentee ballot envelope shall be strictly limited to
818 election officials who must process the ballot and any election
819 official who views the ballots before they are placed in the
820 envelope shall have the duty to protect the secrecy of the ballot
821 choices; however, the failure of an election official to comply
822 with this subsection shall not invalidate the ballot.

823 (6) Each circuit clerk shall furnish a suitable electronic
824 mail delivery (e-mail) address that can be used to allow absent
825 voters to comply with the provisions of this subarticle. Absentee
826 ballots returned by mail by any absent voter as defined in Section
827 23-15-673 must be received by the registrar by * * * the deadline
828 for receipt of mail absentee ballots provided for in Section
829 23-15-637.

830 **SECTION 17.** Section 23-15-721, Mississippi Code of 1972, is
831 amended as follows:

832 23-15-721. (1) Absentee ballots requested under the
833 provisions of Section 23-15-715 for electors temporarily residing



834 outside the county * * * of residence shall be mailed to the
835 elector's address outside of the county in which he or she is
836 registered, and such electors shall appear before any official
837 authorized to administer oaths or other official authorized to
838 witness absentee balloting as provided in this * * * article. The
839 elector shall exhibit to such official his or her absentee ballot
840 unmarked and thereupon proceed in secret to fill in * * * the
841 ballot. After the elector has properly marked the ballot and
842 properly folded it, he or she shall deposit it in the envelope
843 furnished him or her. After * * * the elector has sealed the
844 envelope he or she shall deliver it to the official before whom he
845 or she is appearing and shall subscribe and swear to the elector's
846 certificate provided for in Section 23-15-635, which affidavit
847 shall be printed on the back of the envelope as provided for in
848 Section 23-15-635 containing the elector's ballot.

849 (2) Electors who are temporarily or permanently physically
850 disabled shall sign the elector's certificate and the certificate
851 of attesting witness shall be signed by any person eighteen (18)
852 years of age or older.

853 (3) After the completion of the requirements of this
854 section, the elector shall mail the envelope containing the ballot
855 to the registrar in the county wherein * * * the elector is
856 qualified to vote. * * * The ballots must be * * * postmarked by
857 the date of the election and received by the registrar no more
858 than five (5) business days after the election to be counted; any



859 received after such time shall be handled as provided in Section
860 23-15-647 and shall not be counted.

861 **SECTION 18.** Section 23-15-731, Mississippi Code of 1972, is
862 amended as follows:

863 23-15-731. Any presidential absentee ballots received in the
864 mail by the registrar * * * after the delivery of ballot boxes to
865 the election managers and * * * before the deadline for receipt of
866 absentee ballots provided for in Section 23-15-637 shall be
867 retained by the registrar and shall be delivered, together with
868 the applications of the qualified absentee elector to an election
869 official designated to receive them. The registrar shall receive
870 a receipt from the designated election official for all such
871 ballots and applications delivered. The designated election
872 officials shall, upon the canvassing of the returns, count such
873 ballots as if delivered to the proper precincts and such ballots
874 shall be considered valid for all purposes as if they had been
875 actually deposited in the proper precinct ballot boxes. The
876 appropriate election officials shall examine the affidavit of each
877 envelope. If the officials are satisfied that the affidavit is
878 sufficient and that the absentee voter is otherwise qualified to
879 vote, an official shall announce the name of the voter and shall
880 give any person present an opportunity to challenge in like manner
881 and for the same cause as the voter could have been challenged had
882 he or she presented himself or herself personally in such precinct
883 to vote. The ineligibility of the voter to vote by absentee



884 ballot shall be a ground for a challenge. The officials shall
885 consider any absentee voter challenged when a person has
886 previously filed a written challenge of such voter's right to
887 vote. The election officials shall handle any such challenge in
888 the same manner as other challenged ballots are handled, and if
889 the challenge is not affirmed, the officials shall then open the
890 envelope. The officials shall then open the envelope in such
891 manner as not to destroy the affidavit printed thereon and shall
892 deposit the ballot marked "OFFICIAL ABSENTEE BALLOT," in a ballot
893 box reserved for absentee ballots. The commissioners shall
894 endorse on their pollbooks a proper notation to indicate that the
895 absentee voter has voted in such election by absentee ballot.

896 **SECTION 19.** Section 23-15-733, Mississippi Code of 1972, is
897 amended as follows:

898 23-15-733. The registrar shall keep safely and unopened all
899 official presidential absentee ballots which are received
900 subsequent to the * * * deadline for receipt of mail absentee
901 ballots provided for in Section 23-15-637. Upon receipt of such
902 ballot, the registrar shall write the day and hour of the receipt
903 of the ballot on its envelope. All such absentee ballots returned
904 to the registrar shall be safely kept unopened by the registrar
905 for the period of time required for the preservation of ballots
906 used in the election, and shall then, without being opened, be
907 destroyed in like manner as the used ballots of the election.



908 Such information shall be processed through the Statewide Election
909 Management System.

910 **SECTION 20.** Section 23-15-735, Mississippi Code of 1972, is
911 amended as follows:

912 23-15-735. Except for ballots voted in person at the office
913 of the registrar, absentee ballots shall not be delivered in
914 person to an absentee voter or to any other person * * *.

915 **SECTION 21.** This act shall take effect and be in force from
916 and after its passage.

