

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2424: Absentee ballots; voters can cure ballots declared defective due to signature issues.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

7 **SECTION 1.** Section 23-15-639, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-639. (1) The examination and counting of all absentee
10 ballots shall be conducted as follows:

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

19 (b) The signature on the application shall then be
20 compared with the signature on the back of the envelope. If it



21 corresponds and the affidavit, if one is required, is sufficient
22 and the resolution board finds that the applicant is a registered
23 and qualified voter or otherwise qualified to vote, the envelope
24 shall then be opened and the ballot removed from the envelope,
25 without its being unfolded, or permitted to be unfolded or
26 examined.

27 (c) When a voter's absentee ballot is rejected because
28 the signatures on the application and the envelope do not
29 correspond, the registrar shall notify the voter within one (1)
30 business day of the voter's absentee ballot having been
31 tentatively rejected because the signature on the application does
32 not correspond with the signature on the envelope. The notice
33 shall inform the voter about the process of curing the deficiency
34 and that if the voter does not cure the signatures by 12:00 p.m.
35 on the fifth business day after the election, then the voter's
36 ballot shall be rejected. Notice to the voter shall be made using
37 the contact information that the voter provided on his or her
38 absentee ballot application. The absentee cure form shall be
39 transmitted to the voter via email or facsimile; however, if
40 neither are available, then the form shall be transmitted by
41 first-class mail to the voter. The form of the notice and the
42 absentee cure form shall be provided for in rules and regulations
43 prescribed by the Secretary of State.

44 (* * *d) Having observed and found the ballot to be
45 regular as far as can be observed from its official endorsement,



46 the resolution board shall deposit it in the ballot box with the
47 other ballots before counting any ballots and enter the voter's
48 name in the receipt book provided for that purpose. All absentee
49 ballots received prior to 7:00 p.m. the day before the election
50 shall be counted in the registrar's office by the resolution board
51 when the polls close and then added to the votes cast in each
52 precinct. All absentee ballots received after 7:00 p.m. the day
53 before the election but not later than the fifth business day
54 after the election shall be processed by the resolution board.

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

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

60 **SECTION 2.** Section 23-15-641, Mississippi Code of 1972, is
61 amended as follows:

62 23-15-641. (1) For all absentee votes received by mail, if
63 an affidavit or the certificate of the officer before whom the
64 affidavit is taken is required and such affidavit or certificate
65 is found to be insufficient, or if it is found that the signatures
66 do not correspond and the voter has not cured his or her ballot as
67 provided in Section 23-15-639, or that the applicant is not a duly
68 qualified elector in the precinct, or otherwise qualified to vote,
69 or that the ballot envelope is open or has been opened and
70 resealed, or the voter is not eligible to vote absentee, the



71 previously cast vote shall not be allowed. Without opening the
72 voter's envelope the resolution board shall mark across its face
73 "REJECTED", with the reason therefor.

74 (2) For all absentee votes received by mail, if the ballot
75 envelope contains more than one (1) ballot of any kind, the ballot
76 shall not be counted but shall be marked "REJECTED", with the
77 reason therefor, and the registrar shall promptly notify the voter
78 of such rejection. The voter's envelopes and affidavits, and the
79 voter's envelope with its contents unopened, when such vote is
80 rejected, shall be retained and preserved in the same manner as
81 other ballots at the election. Such votes may be challenged in
82 the same manner and for the same reasons that any other vote cast
83 in such election may be challenged.

84 (3) If an affidavit is required and the officials find that
85 the affidavit is insufficient, or if the officials find that the
86 absentee voter is otherwise disqualified to vote, the envelope
87 shall not be opened and a commissioner or executive committee
88 member shall write across the face of the envelope "REJECTED"
89 giving the reason therefor, and the registrar shall promptly
90 notify the voter of such rejection.

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



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

99 **SECTION 3.** Section 23-15-627, Mississippi Code of 1972, is
100 amended as follows:

101 23-15-627. Any elector described in Section 23-15-713 may
102 request an absentee ballot application and vote in person at the
103 office of the registrar in the county in which he or she resides.
104 The registrar shall be responsible for furnishing an absentee
105 ballot application form to any elector authorized to receive an
106 absentee ballot. Except as otherwise provided in Section
107 23-15-625, absentee ballot applications shall be furnished to a
108 person only upon the oral or written request of the elector who
109 seeks to vote by absentee ballot; however, the parent, child,
110 spouse, sibling, legal guardian, those empowered with a power of
111 attorney for that elector's affairs or agent of the elector, who
112 is designated in writing and witnessed by a resident of this state
113 who shall write his or her physical address on such designation,
114 may orally request an absentee ballot application on behalf of the
115 elector. The written designation shall be valid for one (1) year
116 after the date of the designation. An absentee ballot application
117 must have the seal of the circuit or municipal clerk affixed to it
118 and be initialed by the registrar or his or her deputy in order to
119 be used to obtain an absentee ballot. A reproduction of an



120 absentee ballot application shall not be valid unless it is a
121 reproduction provided by the office of the registrar of the
122 jurisdiction in which the election is being held and which
123 contains the seal and initials required by this section. Such
124 application shall be substantially in the following form:

125 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

137 () I am a member of the Merchant Marine or the American Red
138 Cross and am a citizen of Mississippi or spouse or dependent of
139 such member.

140 () I am a disabled war veteran who is a patient in any
141 hospital and am a citizen of Mississippi or spouse or dependent of
142 such veteran.

143 () I am a civilian attached to and serving outside of the
144 United States with any branch of the Armed Forces or with the



145 Merchant Marine or American Red Cross, and am a citizen of
146 Mississippi or spouse or dependent of such civilian.

147 () I am a citizen of Mississippi temporarily residing
148 outside the territorial limits of the United States and the
149 District of Columbia.

150 () I am a student, teacher or administrator at a college,
151 university, junior or community college, high, junior high,
152 elementary or grade school, whose studies or employment at such
153 institution necessitates my absence from the county of my voting
154 residence or spouse or dependent of such student, teacher or
155 administrator who maintains a common domicile outside the county
156 of my voting residence with such student, teacher or
157 administrator.

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

159 () I have a temporary or permanent physical
160 disability * * *.

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

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

167 () I am a member of the congressional delegation, or spouse
168 or dependent of a member of the congressional delegation.



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

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

173 Mail 'Absent Elector's Ballot' to me at the following address
174 _____.

175 () I wish to receive an absentee ballot for the runoff
176 election _____.

177 Notify me of problem with my "Absent Elector's Ballot" at the
178 following:

179 Phone number: _____

180 Email address: _____

181 Mailing address: _____

182 I realize that I can be fined up to Five Thousand Dollars
183 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
184 for making a false statement in this application and for selling
185 my vote and violating the Mississippi Absentee Voter Law. (This
186 sentence is to be in bold print.)

187 If you are temporarily or permanently disabled, you are not
188 required to have this application notarized or signed by an
189 official authorized to administer oaths for absentee balloting.
190 You are required to sign this application in the proper place and
191 have a person eighteen (18) years of age or older witness your
192 signature and sign this application in the proper place.



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

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

197 _____
198 (Signature of absent elector)

199 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
200 2____.

201 _____
202 (Official authorized to administer oaths
203 for absentee balloting.)

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

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

210 _____
211 (Signature of witness)

212 CERTIFICATE OF DELIVERY

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

217 _____



218 (Signature of person delivering application)

219 _____

220 (Address of person delivering application)"

221 **SECTION 4.** This act shall take effect and be in force from
222 and after July 1, 2024.

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

1 AN ACT TO AMEND SECTION 23-15-639, MISSISSIPPI CODE OF 1972,
2 TO ALLOW ABSENTEE BALLOT VOTERS TO CURE BALLOTS DECLARED DEFECTIVE
3 DUE TO SIGNATURE ISSUES; TO AMEND SECTIONS 23-15-641 AND
4 23-15-627, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
5 PURPOSES.

X (SIGNED)
England

X (SIGNED)
Sanford

X (SIGNED)
Tate

X (SIGNED)
Tullos

X (SIGNED)
Parker

X (SIGNED)
Newman

