

By: Senator(s) England

To: Elections

SENATE BILL NO. 2654

1 AN ACT TO CREATE THE "IN-PERSON EARLY VOTING ACT"; TO PROVIDE
 2 DEFINITIONS; TO PROVIDE THAT THE IN-PERSON EARLY VOTING PERIOD
 3 SHALL BEGIN 15 DAYS BEFORE THE ELECTION AND CONTINUE UNTIL 12:00
 4 P.M. ON THE SATURDAY IMMEDIATELY PRECEDING THE ELECTION; TO
 5 PROVIDE THAT IN-PERSON EARLY VOTING SHALL BE FOR EACH PRIMARY,
 6 GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION FOR PUBLIC OFFICE;
 7 TO PROVIDE THE HOURS FOR IN-PERSON EARLY VOTING IN THE REGISTRAR'S
 8 OFFICE DURING REGULAR BUSINESS HOURS; TO PROVIDE EXTENDED HOURS TO
 9 VOTE DURING THE LAST FULL WEEK PRECEDING AN ELECTION; TO PROVIDE
 10 THAT NOTICE OF IN-PERSON EARLY VOTING SHALL BE PROVIDED IN THREE
 11 PUBLIC PLACES EIGHT DAYS BEFORE THE VOTING BEGINS; TO PROVIDE THE
 12 PROCEDURES TO FOLLOW WHEN CASTING A BALLOT DURING THE IN-PERSON
 13 EARLY VOTING PERIOD; TO PROVIDE THE MANNER FOR CHALLENGING THE
 14 QUALIFICATIONS OF A VOTER DURING THE IN-PERSON EARLY VOTING
 15 PERIOD; TO PROHIBIT VOTING VIA BALLOT HARVESTING, BALLOT DROP
 16 BOXES OR WITH MAIL-IN OR ABSENTEE BALLOTS FOR REASONS OR INSTANCES
 17 OTHER THAN WHAT IS ALLOWED BY THE MISSISSIPPI ELECTION CODE; TO
 18 AMEND SECTIONS 23-15-625, 23-15-627, 23-15-631, 23-15-637,
 19 23-15-713, 23-15-715 AND 23-15-719, MISSISSIPPI CODE OF 1972, TO
 20 CONFORM; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** Sections 1 through 6 of this act shall be known
 23 and may be cited as the "In-Person Early Voting Act."

24 **SECTION 2.** For purposes of this act, these words will have
 25 the following meanings, unless their context clearly suggests
 26 otherwise:



27 (a) "Election" means the period of time that is
28 available for casting a final vote. References to the time of an
29 election or the duration of the election shall encompass, unless
30 the context clearly indicates otherwise, the fifteen-day period
31 that has been designed for in-person early voting.

32 (b) "Polling place" or "voting precinct" means any
33 place where a qualified elector votes during the in-person early
34 voting period and on the actual election day.

35 **SECTION 3.** (1) The in-person early voting period shall
36 begin fifteen (15) days before the date of each primary, general,
37 runoff, special and municipal election for public office and
38 continue until 12:00 p.m. on the Saturday immediately preceding
39 the election day. Any qualified elector may vote during the times
40 established for in-person early voting in this chapter only in the
41 office of the registrar in which the elector is registered to
42 vote. No other or additional location for in-person early voting
43 is permitted.

44 (2) In-person early voting shall be conducted in the office
45 of the appropriate registrar during regular business hours.
46 During the last full week preceding an election, the office of the
47 appropriate registrar may extend the office hours to accommodate
48 in-person early voters to allow voting during the lunch period and
49 until 7:00 p.m. All registrar offices shall remain open from 8:00
50 a.m. until 12:00 p.m. for the two (2) Saturdays immediately
51 preceding each election.



52 (3) Notice of the in-person early voting hours shall be
53 given by the officials in charge of the election not less than
54 eight (8) days before the in-person early voting period begins.
55 Such notice shall be posted in three (3) public places within the
56 county or municipality, with one (1) place being the county
57 courthouse in a county election or city hall in a municipal
58 election.

59 **SECTION 4.** (1) A qualified elector who desires to vote
60 during the in-person early voting period shall appear at the
61 office of the appropriate registrar in the county or municipality
62 in which the elector is a resident and registered to vote and
63 shall present an acceptable form of photo identification. Upon
64 verification of the proper location and identity, the elector
65 shall be marked in the Statewide Elections Management System as
66 "VOTED IPE," sign the appropriate receipt book and cast his or her
67 vote in the same manner that such vote would be cast on the day of
68 the election. Except as otherwise provided in Sections 1 through
69 5 of this act, the election laws that govern the procedures for a
70 person who appears to vote on the day of an election shall apply
71 when a person appears to vote during the in-person early voting
72 period.

73 (2) All votes cast during the in-person early voting period
74 shall be final.

75 (3) The votes cast during the in-person early voting period
76 shall be tabulated and announced simultaneously with all other



77 votes cast on election day after the polls close at 7:00 p.m., and
78 not before that time.

79 **SECTION 5.** Each political party, candidate or any
80 representative of a political party or candidate pursuant to
81 Section 23-15-577 shall have the right to be present at the office
82 of the appropriate registrar when it is open for in-person early
83 voting and to challenge the qualifications of any person offering
84 to vote in the same manner as provided by law for challenging
85 qualifications at the polling place on election day.

86 **SECTION 6.** (1) The Secretary of State shall promulgate
87 rules and regulations necessary to effectuate in-person early
88 voting.

89 (2) The Secretary of State shall promulgate specific
90 instructions for the security and integrity of the voting systems
91 during the in-person early voting period. All voting systems used
92 under this section shall be maintained and locked in a secure
93 location at the registrar's office or building each day after the
94 close of in-person early voting hours.

95 **SECTION 7.** (1) As used in this section, the following words
96 shall have the following meanings, unless the context clearly
97 provides otherwise:

98 (a) "Ballot harvesting" means a person who knowingly
99 collects and transmits a ballot belonging to another person
100 outside of the exceptions provided in Section 23-15-907.



101 (b) "Ballot drop boxes" means an unsupervised
102 receptacle where voters can return absentee or mail ballots in
103 sealed and signed envelopes. Ballot drop boxes shall also include
104 supervised drop-box locations that are not voting locations
105 authorized by state law.

106 (2) Voting via ballot harvesting, ballot drop boxes, or by
107 mail-in or absentee ballots other than for reasons or instances
108 allowed by the Mississippi Election Code, shall be prohibited.

109 **SECTION 8.** Section 23-15-625, Mississippi Code of 1972, is
110 amended as follows:

111 23-15-625. (1) The registrar shall be responsible for
112 providing applications for absentee voting as provided in this
113 section. At least sixty (60) days before any election in which
114 absentee voting is provided for by law, the registrar shall
115 provide a sufficient number of applications. In the event a
116 special election is called and set at a date which makes it
117 impractical or impossible to prepare applications for absent
118 elector's ballot sixty (60) days before the election, the
119 registrar shall provide applications as soon as practicable after
120 the election is called. The registrar shall fill in the date of
121 the particular election on the application for which the
122 application will be used. For voters appearing in person to cast
123 an absentee vote, the application and elector certificate shall be
124 printed on the absentee ballot envelope as provided in Section
125 23-15-659.



126 (2) The registrar shall be authorized to disburse
127 applications for absentee ballots to any qualified elector within
128 the county where he or she serves. Any person who presents to the
129 registrar an oral or written request for an absentee ballot
130 application for a voter entitled to vote absentee by mail, other
131 than the elector who seeks to vote by absentee ballot, shall, in
132 the presence of the registrar, sign the application and print on
133 the application his or her name and address and the name of the
134 elector for whom the application is being requested in the place
135 provided for on the application for that purpose. However, if for
136 any reason such person is unable to write the information
137 required, then the registrar shall write the information on a
138 printed form which has been prescribed by the Secretary of State.
139 The form shall provide a place for such person to place his or her
140 mark after the form has been filled out by the registrar.

141 (3) It shall be unlawful for any person to solicit absentee
142 ballot applications or absentee ballots for persons staying in any
143 skilled nursing facility as defined in Section 41-7-173 unless the
144 person soliciting the absentee ballot applications or absentee
145 ballots is:

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

148 (b) A person designated by the person for whom the
149 absentee ballot application or absentee ballot is sought, the
150 registrar or the deputy registrar.



151 As used in this subsection, "family member" means a spouse,
152 parent, grandparent, sibling, adult child, grandchild or legal
153 guardian.

154 (4) The registrar in the county wherein a voter is qualified
155 to vote upon receiving by mail the envelope containing the
156 absentee ballots shall keep an accurate list of all persons
157 preparing such ballots. The list shall be kept in a conspicuous
158 place accessible to the public near the entrance to the
159 registrar's office. The registrar shall also furnish to
160 each * * * poll manager a list of the names of all persons in each
161 respective precinct voting absentee by mail and during in-person
162 early voting to be posted in a conspicuous place at the polling
163 place for public notice. The application on file with the
164 registrar and the envelopes containing the ballots that voters
165 mailed to the registrar shall be kept by the registrar in his or
166 her office in a secure location. At the time such boxes are
167 delivered to the election commissioners or poll managers, the
168 registrar shall also turn over a list of all such persons who have
169 voted during in-person early voting and whose mailed ballots are
170 in the registrar's office.

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



175 (6) The registrar shall process all applications for
176 absentee ballots by using the Statewide Election Management
177 System. The registrar shall account for all absentee ballots
178 delivered to and received by mail as well as those who voted
179 absentee in person from qualified voters by processing such
180 ballots using the Statewide Election Management System.

181 **SECTION 9.** Section 23-15-627, Mississippi Code of 1972, is
182 amended as follows:

183 23-15-627. (1) Any elector described in Section 23-15-713
184 may request an absentee ballot application and * * * have the
185 application and absentee ballot mailed to the elector. The
186 registrar shall be responsible for furnishing an absentee ballot
187 application form to any elector authorized to receive an absentee
188 ballot. Such form shall be printed on the absentee ballot
189 envelope as provided in Section 23-15-659. Except as otherwise
190 provided in Section 23-15-625, absentee ballot applications shall
191 be furnished to a person only upon the oral or written request of
192 the elector who seeks to vote by absentee ballot; however, the
193 parent, child, spouse, sibling, legal guardian, those empowered
194 with a power of attorney for that elector's affairs or agent of
195 the elector, who is designated in writing and witnessed by a
196 resident of this state who shall write his or her physical address
197 on such designation, may orally request an absentee ballot
198 application on behalf of the elector. The written designation
199 shall be valid for one (1) year after the date of the designation.



200 An absentee ballot application must have the seal of the circuit
201 or municipal clerk affixed to it and be initialed by the registrar
202 or his or her deputy in order to be used to obtain an absentee
203 ballot. A reproduction of an absentee ballot application shall
204 not be valid unless it is a reproduction provided by the office of
205 the registrar of the jurisdiction in which the election is being
206 held and which contains the seal and initials required by this
207 section.

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

210 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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



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

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

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

235 * * *

236 () I am a citizen of Mississippi temporarily residing
237 outside of the county of my residence during the in-person early
238 voting period or on election day.

239 () I am an emergency response provider, deployed due to a
240 state of emergency declared by the President of the United States
241 or the governor of any state within the United States during the
242 time period provided by state law for in-person early voting and
243 election day.

244 * * *

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

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

247 () I am the parent, spouse or dependent of a person with a
248 temporary or permanent physical disability who is hospitalized
249 outside his or her county of residence or more than fifty (50)



250 miles away from his or her residence, and I will be with such
251 person on election day.

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

254 * * *

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

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

260 Mail 'Absent Elector's Ballot' to me at the following address
261 _____.

262 () I wish to receive an absentee ballot for the runoff
263 election _____.

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

266 Phone number: _____

267 Email address: _____

268 Mailing address: _____

269 I realize that I can be fined up to Five Thousand Dollars
270 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
271 for making a false statement in this application and for selling
272 my vote and violating the Mississippi Absentee Voter Law. (This
273 sentence is to be in bold print.)



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

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

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

284 _____
285 (Signature of absent elector)

286 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
287 2__.

288 _____
289 (Official authorized to administer oaths
290 for absentee balloting.)

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

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

297 _____
298 (Signature of witness)



299 CERTIFICATE OF DELIVERY

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

304 _____
305 (Signature of person delivering application)

306 _____
307 (Address of person delivering application)"

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

311 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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



323 () I am a member of the Merchant Marine or the American Red
324 Cross and am a citizen of Mississippi or spouse or dependent of
325 such member.

326 () I am a disabled war veteran who is a patient in any
327 hospital and am a citizen of Mississippi or spouse or dependent of
328 such veteran.

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

333 () I am a citizen of Mississippi temporarily residing
334 outside the territorial limits of the United States and the
335 District of Columbia.

336 * * *

337 () I am a citizen of Mississippi temporarily residing
338 outside of the county of my residence during the in-person early
339 voting period or on election day.

340 () I am an emergency first response provider, deployed due
341 to a state of emergency declared by the President of the United
342 States or the Governor of any state within the United States
343 during the time period provided by law for in-person early voting
344 and election day.

345 * * *

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

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



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

353 () I am a member of the congressional delegation, or spouse
354 or dependent of a member of the congressional delegation.

355 * * *

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

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

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

363 Phone number: _____

364 Email address: _____

365 Mailing address: _____

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

371 **SECTION 10.** Section 23-15-631, Mississippi Code of 1972, is
372 amended as follows:



373 23-15-631. (1) The registrar shall enclose with each ballot
374 mailed to an absent elector separate printed instructions
375 furnished by the registrar containing the following:

376 * * *

377 (* * *a) Upon receipt of the enclosed ballot, you will
378 not mark the ballot except in view or sight of the attesting
379 witness. In the sight or view of the attesting witness, mark the
380 ballot according to instructions.

381 (* * *b) After marking the ballot, fill out and sign
382 the "ELECTOR'S CERTIFICATE" in the box on the back of the envelope
383 so that the signature is across the flap of the envelope to ensure
384 the integrity of the ballot. All absent electors shall have the
385 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" in the
386 box across the flap on the back of the envelope. A portion of the
387 elector's signature extending outside of the box shall not be
388 grounds for rejecting that elector's ballot. Place the necessary
389 postage on the envelope and deposit it in the post office or some
390 government receptacle provided for the deposit of mail so that the
391 absent elector's ballot will be postmarked on or before the date
392 of the election and received by the registrar no more than five
393 (5) business days after the election. The ballot may only be
394 transmitted by the United States Postal Service or other common
395 carriers, including, but not limited to, United Parcel Service or
396 FedEx Corporation.



397 Any notary public, United States postmaster, assistant United
398 States postmaster, United States postal supervisor, clerk in
399 charge of a contract postal station, or other officer having
400 authority to administer an oath or take an acknowledgment may be
401 an attesting witness; provided, however, that in the case of an
402 absent elector who is temporarily or permanently physically
403 disabled, the attesting witness may be any person eighteen (18)
404 years of age or older and such person is not required to have the
405 authority to administer an oath. If a postmaster, assistant
406 postmaster, postal supervisor, or clerk in charge of a contract
407 postal station acts as an attesting witness, his or her signature
408 in a box on the elector's certificate must be authenticated by the
409 cancellation stamp of their respective post offices. If an
410 officer having authority to administer an oath or take an
411 acknowledgment acts as an attesting witness, his or her signature
412 in a box on the elector's certificate, together with his or her
413 title and address, but no seal, shall be required. A portion of
414 the elector's signature extending outside of the box shall not be
415 grounds for rejecting that elector's ballot. Any affidavits made
416 by an absent elector who is in the Armed Forces may be executed
417 before a commissioned officer, warrant officer, or noncommissioned
418 officer not lower in grade than sergeant rating or any person
419 authorized to administer oaths.

420 (* * *c) When the application accompanies the ballot
421 it shall not be returned in the same envelope as the ballot but



422 shall be returned in a separate pre-addressed envelope provided by
423 the registrar.

424 (* * *d) A candidate for public office, or the spouse,
425 parent or child of a candidate for public office, may not be an
426 attesting witness for any absentee ballot upon which the
427 candidate's name appears, unless the voter is related within the
428 first degree to the candidate or the spouse, parent or child of
429 the candidate.

430 (* * *e) Any voter casting an absentee ballot who
431 declares that he or she requires assistance to vote by reason of
432 blindness, temporary or permanent physical disability or inability
433 to read or write, shall be entitled to receive assistance in the
434 marking of his or her absentee ballot and in completing the
435 affidavit on the absentee ballot envelope. The voter may be given
436 assistance by anyone of the voter's choice other than a candidate
437 whose name appears on the absentee ballot being marked, the
438 spouse, parent or child of a candidate whose name appears on the
439 absentee ballot being marked or the voter's employer, an agent of
440 that employer or a union representative; however, a candidate
441 whose name is on the ballot or the spouse, parent or child of such
442 candidate may provide assistance upon request to any voter who is
443 related within the first degree. In order to ensure the integrity
444 of the ballot, any person who provides assistance to an absentee
445 voter shall be required to sign and complete the "Certificate of



446 Person Providing Voter Assistance" on the absentee ballot
447 envelope.

448 (2) The foregoing instructions required to be provided by
449 the registrar to the elector shall also constitute the substantive
450 law pertaining to the handling of absentee ballots by the elector
451 and registrar.

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

455 **SECTION 11.** Section 23-15-637, Mississippi Code of 1972, is
456 amended as follows:

457 23-15-637. (1) * * * Absentee ballots and applications
458 received by mail, except for fax or electronically transmitted
459 ballots as otherwise provided by Section 23-15-699 for UOCAVA
460 ballots, or common carrier, such as United Parcel Service or FedEx
461 Corporation, must be * * * received by the registrar no more than
462 five (5) business days after the election; any received after such
463 time shall be handled as provided in Section 23-15-647 and shall
464 not be counted.

465 * * *

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



471 (3) The Secretary of State shall promulgate rules and
472 regulations necessary to ensure that when a qualified elector who
473 is qualified to vote absentee votes by absentee mail-in
474 ballot, * * * that person's absentee vote is final and he or she
475 may not vote at the polling place on election day.
476 Notwithstanding any other provisions of law to the contrary, the
477 Secretary of State shall promulgate rules and regulations
478 necessary to ensure that absentee ballots shall remain in the
479 registrar's office for counting and not be taken to the precincts
480 on election day.

481 **SECTION 12.** Section 23-15-713, Mississippi Code of 1972, is
482 amended as follows:

483 23-15-713. For the purpose of this subarticle, any duly
484 qualified elector may vote as provided in this subarticle if the
485 elector falls within at least one (1) of the following categories:

486 * * *

487 (* * * a) Any qualified elector who is required to be
488 away from his or her place of residence on any election day due to
489 his or her employment as an employee of a member of the
490 Mississippi congressional delegation and the spouse and dependents
491 of such person if he or she shall be residing with such absentee
492 voter away from the county of the spouse's voting residence.

493 * * *

494 (* * * b) Any person who has a temporary or permanent
495 physical disability and who, because of such disability, is unable



496 to vote in person without substantial hardship to himself, herself
497 or others, or whose attendance at the voting place could
498 reasonably cause danger to himself, herself or others.

499 (* * *c) The parent, spouse or dependent of a person
500 with a temporary or permanent physical disability who is
501 hospitalized outside of his or her county of residence or more
502 than fifty (50) miles distant from his or her residence, if the
503 parent, spouse or dependent will be with such person on election
504 day.

505 (* * *d) Any person who is sixty-five (65) years of
506 age or older.

507 (* * *e) Any member of the Mississippi congressional
508 delegation absent from Mississippi on election day, and the spouse
509 and dependents of such member of the congressional delegation.

510 (* * *f) Any qualified elector who * * * is
511 temporarily residing outside of their county of residence during
512 the in-person early voting period and on election day during the
513 times when the polls will be open.

514 (g) I am an emergency response provider, deployed due
515 to a state of emergency declared by the President of the United
516 States or the governor of any state within the United States
517 during the time period provided by state law for in-person early
518 voting and election day.



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

522 **SECTION 13.** Section 23-15-715, Mississippi Code of 1972, is
523 amended as follows:

524 23-15-715. Any elector described in Section 23-15-713 and
525 desiring an absentee ballot as provided in this subarticle may
526 secure same if * * * within forty-five (45) days * * * before any
527 election, but not less than seven (7) days before the election,
528 such elector applies for an absentee ballot as provided in the
529 provisions of this act. * * * All applications, other than those
530 of persons having a temporary or permanent physical disability,
531 shall * * * be sworn to and subscribed before an official who is
532 authorized to administer oaths or another official authorized to
533 witness absentee balloting as provided in this chapter. The
534 applications of persons having a temporary or permanent physical
535 disability are not required to be accompanied by an affidavit but
536 shall be witnessed and signed by a person eighteen (18) years of
537 age or older. The registrar shall send to such absent voter a
538 proper absentee voter ballot within twenty-four (24) hours, or as
539 soon thereafter as the ballots are available, containing the names
540 of all candidates who qualify or the proposition to be voted on in
541 such election, and with such ballot there shall be sent an
542 official envelope containing upon it in printed form the recitals
543 and data hereinafter required.



544 * * * Except when the voter has requested a runoff ballot on the
545 initial absentee ballot application, upon request for a runoff
546 ballot pursuant to Section 23-15-719, the registrar shall mail
547 together the absentee ballot application and the absentee ballot
548 to the absent voter for the runoff election.

549 **SECTION 14.** Section 23-15-719, Mississippi Code of 1972, is
550 amended as follows:

551 23-15-719. (1) Except where the registrar has already
552 mailed a ballot with an application, upon receipt of a properly
553 completed application form by an elector qualified to vote
554 absentee as provided in this article, the registrar shall mail the
555 absent voter an absentee ballot within one (1) business day, or as
556 soon as the absentee ballot is prepared and available, containing
557 the names of all the candidates and propositions, if any, to be
558 voted on in the election. The registrar shall include with the
559 absentee ballot an official envelope that complies with the
560 provisions of Section 23-15-635, as well as information to comply
561 with Section 23-15-641(3) related to the status of the elector's
562 ballot.

563 (2) When an absentee voter appears before the registrar to
564 vote, the registrar shall identify the applicant by requiring him
565 or her to present identification as required by Section 23-15-563,
566 and shall then deliver the ballot to the applicant in the
567 registrar's office. After the applicant has properly marked the



568 ballot and properly folded it, he or she shall deposit it in the
569 envelope furnished to him or her by the registrar.

570 After the absentee voter has sealed the envelope as provided
571 in Section 23-15-635, he or she shall ensure the absentee
572 application on the front of the envelope is complete and shall
573 subscribe and swear to an affidavit. The affidavit shall be in
574 the following form, which shall be printed on the back of the
575 envelope containing the applicant's ballot:

576 "STATE OF MISSISSIPPI
577 COUNTY OF _____

578 I, _____, do solemnly swear that this envelope contains
579 the ballot marked by me indicating my choice of the candidates or
580 propositions to be submitted at the election to be held on the ___
581 day of _____, 2___, and I hereby authorize the registrar to
582 place this envelope in the ballot box on my behalf, and I further
583 authorize the resolution board to open this envelope and place my
584 ballot among the other ballots cast before such ballots are
585 counted, and record my name on the poll list as if I were present
586 in person and voted.

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

588 _____
589 (Signature of voter)

590 SWORN TO AND SUBSCRIBED before me, _____, this the ___
591 day of _____, 2___.

592 (Registrar) _____



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(Registrar) "

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

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

"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance



618 Date and time assistance provided

619 _____

620 Family relationship to voter (if any)"

621 (4) The envelope used pursuant to this section shall not
622 contain the form prescribed by Section 23-15-635 and shall have
623 printed on the flap on the back of the envelope in bold print and
624 in a distinguishing color, the following: **"YOUR VOTE WILL BE
625 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED BY YOU AND
626 AN ATTESTING WITNESS IN THE BOXES ACROSS THE FLAP OF THIS
627 ENVELOPE."**

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

630 (5) The registrar shall not personally hand deliver ballots
631 to voters, except to those who personally appear in the
632 registrar's office to absentee vote.

633 (6) Ballots requested under Section 23-15-713(f) shall be
634 mailed to the voter's address outside of the county in which he or
635 she is registered.

636 **SECTION 15.** This act shall take effect and be in force from
637 and after January 1, 2026.

