MISSISSIPPI LEGISLATURE REGULAR SESSION 2026

By: Representative Sanford

To: Apportionment and Elections

HOUSE BILL NO. 859
(As Passed the House)

AN ACT TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL ABSENTEE BALLOTS CAST IN PERSON AT THE OFFICE OF THE REGISTRAR TO BE CAST USING THE OPTICAL MARK READING (OMR) EQUIPMENT; TO REQUIRE THE OMR EQUIPMENT TO BE SEALED AT NIGHT; TO REQUIRE THE USE OF PAPER BALLOTS IF THE OMR EQUIPMENT BECOMES INOPERABLE; TO AMEND SECTION 23-15-659, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE ABSENTEE BALLOT APPLICATIONS AND ELECTOR'S CERTIFICATES ARE PRINTED FOR ALL ABSENTEE BALLOTS THAT ARE CAST IN PERSON AT THE OFFICE OF THE REGISTRAR; TO PRESCRIBE THE FORM FOR THE ELECTOR'S CERTIFICATE FOR AN IN-PERSON ABSENTEE BALLOT APPLICATION; TO AMEND SECTIONS 23-15-639 AND 23-15-645, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972, TO REVISE THE FORM OF THE ABSENTEE BALLOT APPLICATION; TO AMEND SECTION 23-15-633, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 23-15-625, MISSISSIPPI CODE OF 1972, TO REQUIRE THE REGISTRAR TO CONSPICUOUSLY POST A LIST OF THOSE PERSONS VOTING IN-PERSON AT THE END OF VOTING EACH DAY; TO AMEND SECTION 23-15-715, MISSISSIPPI CODE OF 1972, TO REQUIRE ELECTORS VOTING BY ABSENTEE BALLOT IN-PERSON TO FEED THEIR BALLOTS INTO THE OMR EQUIPMENT; TO AMEND SECTION 23-15-719, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTIONS 23-15-507 AND 23-15-515, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS RELATING TO OMR EQUIPMENT; TO AMEND SECTION 23-15-517, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL BALLOTS TO BE PROCESSED ON THE NIGHT OF AN ELECTION AND REPORTED TO THE TABULATION CENTER BEFORE THE BALLOT BOX IS SEALED; TO BRING FORWARD SECTION 23-15-523, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION 23-15-525, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 23-15-505, 23-15-511, 23-15-513, 23-15-519, 23-15-521 AND 23-15-581, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 23-15-591, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE

PROVISIONS OF THIS ACT; TO AMEND SECTION 23-15-595, MISSISSIPPI CODE OF 1972, TO REQUIRE THE TABULATING OF ALL RETURNS AND THE COUNTING OF ALL BALLOTS TO BE FINISHED ON THE NIGHT OF THE ELECTION; TO AMEND SECTION 23-15-571, MISSISSIPPI CODE OF 1972, TO INCLUDE THE REGISTRAR IN THE LIST OF PERSONS AUTHORIZED TO CHALLENGE THE QUALIFICATIONS OF PERSONS OFFERING TO VOTE; TO AMEND SECTION 23-15-577, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CANDIDATES TO HAVE POLL WATCHERS PRESENT AT THE LOCATION OF THE ELECTION; TO AMEND SECTION 23-15-579, MISSISSIPPI CODE OF 1972, TO REQUIRE THE APPROPRIATE ELECTION OFFICIALS TO CONSIDER VOTES THAT ARE CHALLENGED; TO DIRECT THE SECRETARY OF STATE TO REQUIRE THE OFFICE OF THE CIRCUIT CLERK TO CAUSE A DAILY REPORT TABULATING THE TOTAL NUMBER OF IN-PERSON ABSENTEE BALLOTS CAST THAT DAY TO BE PRINTED BY THE OMR EQUIPMENT AT THE CLOSE OF BUSINESS AND MADE AVAILABLE TO THE PUBLIC; AND FOR RELATED PURPOSES.

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

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

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

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

immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. At the close of business each day at the office of the registrar, the * * * OMR equipment used shall be sealed as provided in Section 23-15-519 and not unsealed until the beginning of the next business day, and the seal * * * log shall be * * * kept as provided in Section 23-15-519 with the number of ballots cast which shall be stored in a secure location in the registrar's office. If for any reason the OMR equipment becomes inoperable, the registrar shall direct voters to cast paper absentee ballots. The paper ballots must be administered in accordance with the laws concerning paper absentee ballots. The Secretary of State shall promulgate rules and regulations necessary to ensure an accurate count of the number of ballots deposited into the OMR equipment each day and for the safe storage of ballots during the absentee voting period.

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

(3) The Secretary of State shall promulgate rules and regulations necessary to ensure that when a qualified elector who is qualified to vote absentee votes by absentee ballot, either by mail or in person with * * * the OMR equipment, that person's

absentee vote is final and he or she may not vote at the polling place on election day. Notwithstanding any other provisions of law to the contrary, the Secretary of State shall promulgate rules and regulations necessary to ensure that absentee ballots shall remain in the registrar's office for counting and not be taken to the precincts on election day.

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

23-15-659. For the purpose of this article, for all absentee ballots that are cast in person at the office of the registrar, the absentee ballot application and the required elector certificates shall be printed on the same * * * form, with the application being printed on the front side of the * * * form and the elector's certificates printed on the back side of the * * * form. Such * * * form shall not be smaller than eight and one-half (8-1/2) inches by eleven (11) inches. Once a voter has completed the application and the elector's certificate, he or she shall proceed to cast his or her absentee ballot and then place the ballot in the * * * OMR equipment as otherwise provided by law. * * * For the in-person absentee ballot application form, the elector's certificate and other certificates shall appear as follows:

"ELECTOR'S CERTIFICATE

STATE OF _____

COUNTY OF _____

I, _____, under penalty of perjury do solemnly swear that I am authorized by law to cast an in-person absentee ballot and the ballot cast by me indicates my choice of the candidates or contests to be submitted at the election to be held on the ___ day of _____, 2___.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00), as provided in Section 23-15-753, Mississippi Code of 1972. Penalties for voter intimidation are up to one (1) year in jail and a fine of up to One Thousand Dollars ($1,000.00), as provided in Section 97-13-37, Mississippi Code of 1972.

_____

(Signature of Voter)

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

_____

(Registrar or Deputy Clerk)

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(To be completed only if the voter has requested assistance in marking their ballot.) I, under penalty of perjury, 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 ballot are those communicated by the voter to me, and that I will mark the ballot in accordance with the voter's instructions.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00), as provided in Section 23-15-753, Mississippi Code of 1972. Penalties for voter intimidation are up to one (1) year in jail and a fine of up to One Thousand Dollars ($1,000.00), as provided for in Section 97-13-37, Mississippi Code of 1972.

_____

(Signature of person providing assistance)

_____

(Printed name of person providing assistance)

_____

(Address of person providing assistance)

_____

(Date and time assistance provided)"

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

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

(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 mailed absentee ballots of such electors from the secure location at the registrar's office, and the name, address and precinct inscribed on each envelope shall be announced by the resolution board.

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

*** * ***

(c) Having observed and found the mailed absentee ballot to be regular as far as can be observed from its official endorsement, the resolution board shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose. All absentee ballots received prior to 7:00 p.m. the day before

the election shall be counted in the registrar's office by the resolution board when the polls close and then added to the votes cast in each precinct as well as the in-person absentee votes cast on the OMR equipment in the registrar's office. All absentee ballots received after 7:00 p.m. the day before the election but not later than the fifth business day after the election shall be processed by the resolution board.

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

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

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

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

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

(3) Notwithstanding any other provision of law to the contrary, for federal and presidential general, special or primary elections, packages of protested, void and wholly blank ballots, voted ballots, open packages of unused ballots, sealed packages of unused ballots, and all absentee and military ballots and ballot envelopes, if any, shall be preserved for twenty-two (22) months after the date of any such general, special or primary election. For all other statewide, county or municipal elections, sealed packages of unused ballots, packages of protested, void and wholly blank ballots, open packages of unused ballots and all absentee and military ballots and ballot envelopes shall be retained for four (4) months, and may then be destroyed, provided a certificate articulating the election district identifying data and numbers of such ballots is filed with the balance of ballots described in this section, for the balance of the twenty-two-month retention period.

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

23-15-627. (1) Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the office of the registrar in the county in which he or she resides. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Such form shall be printed *** * *** as provided in Section 23-15-659. Except as otherwise provided in

Section 23-15-625, absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector, who is designated in writing and witnessed by a resident of this state who shall write his or her physical address on such designation, may orally request an absentee ballot application on behalf of the elector. The written designation shall be valid for one (1) year after the date of the designation. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his or her deputy in order to be used to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section.

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

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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

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

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

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

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

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

( ) I have a temporary or permanent physical disability.

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

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

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

( ) I am required to be at work on election day during the times when the polls will be open or I am required to be on-call on election day during the times when the polls will be open.

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

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

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

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

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

Phone number: _____

Email address: _____

Mailing address: _____

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

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

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

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

_____

(Signature of absent elector)

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

_____

(Official authorized to administer oaths for absentee balloting.)

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

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

_____

(Signature of witness)

CERTIFICATE OF DELIVERY

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

_____

(Signature of person delivering application)

_____

(Address of person delivering application)"

(3) The application * * * form printed for absentee voters appearing before the registrar shall be substantially in the following form:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ___ Precinct of the County of _____, and State of Mississippi, coming within

the purview of the definition 'ABSENT ELECTOR' will be absent from the county of my residence on election day, or unable to vote in person because (check appropriate reason):

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

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

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

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

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

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

( ) I am a student, teacher or administrator at a college, university, junior or community college, high, junior high, elementary or grade school, whose studies or employment at such

institution necessitates my absence from the county of my voting residence or spouse or dependent of such student, teacher or administrator who maintains a common domicile outside the county of my voting residence with such student, teacher or administrator.

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

( ) I have a temporary or permanent physical disability.

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

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

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

( ) I am required to be at work on election day during the times when the polls will be open or I am required to be on-call on election day during the times when the polls will be open.

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

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

*** * ***

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

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

23-15-633. *** * *** On any envelope where the elector's signature and the signature of the attesting witness are required, the signature lines and the signatures shall be in the boxes across the flap of the envelope to ensure the integrity of the ballot and the following shall be printed on the flap on the back of the envelope in bold print and in a distinguishing color: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED BY YOU AND AN ATTESTING WITNESS IN THE BOXES ACROSS THE FLAP OF THIS ENVELOPE."**

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

*** * ***

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

23-15-625. (1) The registrar shall be responsible for providing applications for absentee voting as provided in this section. At least sixty (60) days before any election in which absentee voting is provided for by law, the registrar shall

provide a sufficient number of applications for voters requesting an absentee ballot by mail. In the event a special election is called and set at a date which makes it impractical or impossible to prepare applications for absent elector's ballot sixty (60) days before the election, the registrar shall provide applications as soon as practicable after the election is called. The registrar shall fill in the date of the particular election on the application for which the application will be used. For voters appearing in person to cast an absentee vote, the application and elector certificate shall be printed *** * *** as provided in Section 23-15-659 no less than forty-five (45) days before the election and made available at the time of in-person absentee voting.

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

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

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

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

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

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

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

envelopes containing the ballots that voters mailed to the registrar shall be kept by the registrar in his or her office in a secure location. At the time such boxes are delivered to the election commissioners or managers, the registrar shall also turn over a list of all such persons who have voted and whose mailed ballots are in the registrar's office. The registrar also shall furnish a list, to be posted in a conspicuous place, of the names of every person who voted in-person. The list must be posted at the end of in-person absentee voting each day.

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

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

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

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

(a) Not more than forty-five (45) days nor later than 12:00 noon, on the Saturday immediately preceding elections held

on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days, he or she shall appear in person before the registrar of the county in which he resides, or for municipal elections he shall appear in person before the city clerk of the municipality in which he or she resides and, when the elector so appears, he or she shall execute and file an application as provided in Section 23-15-627 and vote by absentee ballot and shall then proceed to feed his ballot into the OMR equipment. If the absentee ballot has not been printed by forty-five (45) days preceding the election, the elector may appear and file an application anytime before the election. Then the absentee ballot shall be mailed by the registrar to the elector as soon as the ballot has been printed.

(b) Within forty-five (45) days next prior to any election, any elector who cannot comply with paragraph (a) of this section by reason of temporarily residing outside the county, or any person who has a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, any person who is incarcerated in prison or jail in the county where the person is registered to vote and has not been convicted of a disenfranchising crime, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his or her county of residence or more than fifty (50) miles away from his or her

residence and such parent, spouse or dependent will be with such person on election day, may make application for an absentee ballot by mailing the appropriate application to the registrar. Only persons temporarily residing out of the county of their residence, persons having a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, any person who is incarcerated in prison or jail in the county where the person is registered to vote and has not been convicted of a disenfranchising crime, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his or her county of residence or more than fifty (50) miles away from his or her residence, and such parent, spouse or dependent will be with such person on election day, may obtain absentee ballots by mail under the provisions of this subsection and as provided by Section 23-15-713. Applications of persons temporarily residing outside the county shall be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter, said application to be accompanied by such verifying affidavits as required by this chapter. The applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter

ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

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

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

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

(2) When an absentee voter appears before the registrar to vote, the registrar shall: identify the applicant by requiring him or her to present identification as required by Section 23-15-563 * * *; properly complete an absentee ballot application; and * * * then deliver the ballot to the applicant in the registrar's office. After the applicant has properly marked the ballot * * *, he or she shall deposit it in the * * * OMR equipment.

* * * Before the absentee voter has * * * deposited his or her ballot in the OMR equipment, the registrar shall ensure the absentee application on the * * * form prescribed in Section 23-15-659 is complete * * *.

(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 * * * form containing the applicant's * * * application:

"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 * * * absentee ballot. I hereby certify that the ballot preferences on the * * * ballot are those communicated by

the voter to me, and that I have marked the *** * *** ballot in accordance with the voter's instructions.

_____

Signature of person providing assistance

_____

Printed name of person providing assistance

_____

Address of person providing assistance

_____

Date and time assistance provided

_____

Family relationship to voter (if any)"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23-15-515. The circuit clerk shall be the custodian of OMR equipment acquired by the county, who shall be charged with the proper storage, maintenance and repair of the OMR equipment. The municipal clerk shall be the custodian of the OMR equipment acquired by the municipality, and shall be charged with the proper storage, maintenance and repair of the OMR equipment. The custodian or the officials in charge of the election shall repair or replace any OMR equipment which fails to function properly on election day or during the absentee voting period.

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

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

Each voter shall receive written and/or verbal instructions by the poll managers instructing the voter how to properly vote

the paper ballot before the voter enters the voting booth. If any voter needs additional instructions after entering the voting booth, two (2) poll managers may, if necessary, enter the booth and give him or her such additional instructions. If any voter spoils a ballot the voter may obtain others, one (1) at a time, not exceeding three (3) in all, upon returning each spoiled ballot. The word "SPOILED" shall be written across the face of the ballot and it shall be deposited into the sealed ballot box. *** * *** All ballots must be processed on the night of the election and reported to the tabulation center before the ballot box is sealed and returned to the officials in charge of the election. Ballots marked as spoiled shall be bundled together and placed in an envelope designated for spoiled ballots. Once the polls have officially closed, the envelope that contains the spoiled ballots and the unused ballots shall be placed in the ballot box or other container provided for that purpose which shall be sealed and returned to the officials in charge of the election.

SECTION 13. Section 23-15-523, Mississippi Code of 1972, is brought forward as follows:

23-15-523. (1) All proceedings at the counting center shall be under the direction of the election commissioners or officials in charge of the election, and shall be conducted under the observations of the public, but no persons except those authorized for the purpose shall touch any ballot. All persons who are

engaged in processing and counting of the ballots shall take the oath provided in Section 268, Mississippi Constitution of 1890.

(2) The election commissioners or the officials in charge of the election shall appoint qualified electors who have received the training required by subsection (11) of this section to serve as members of the "resolution board." An odd number of not less than three (3) members shall be appointed to the resolution board. The members of the board shall take the oath provided in Section 268, Mississippi Constitution of 1890. All ballots that have been rejected by the OMR equipment and that are damaged or defective, blank or overvoted will be reviewed by the board. Election commissioners, candidates who are on the ballot and the spouse, parents, siblings or children of such a candidate shall not be appointed to the resolution board. In general and special elections, members of the party executive committees shall not be appointed to the resolution board unless members of all of the party executive committees who have a candidate on the ballot are appointed to the resolution board.

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

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

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

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

(ii) The resolution board shall mark the first original they examine as "Original #1" and the duplicate of this original as "Duplicate #1." Later originals and duplicates shall be likewise marked and numbered consecutively so the duplicate of each original can be identified. Duplicate ballots shall be stamped in a different manner from the original ballots so that they may be easily distinguished from the originals.

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

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

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

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

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

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

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

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

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

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

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

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

(a) When an elector casts more votes for any office or measure than he or she is entitled to cast at an election, all the elector's votes for that office or measure are invalid and the elector is deemed to have voted for none of them. If an elector

casts less votes for any office or measure than he or she is entitled to cast at an election, all votes cast by the elector shall be counted but no vote shall be counted more than once.

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

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

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

(e) For any ballot measure in which the words "for" or "against" are printed on a ballot, if the voter shall write the word "for" or the word "against" instead of or in addition to marking the ballot in accordance with the ballot instruction in the space adjacent to the preprinted words "for" or "against," the resolution board shall, in reviewing such ballot, count the vote

in accordance with the voter's handwritten preference, unless the voter marks the ballot in the space adjacent to the preprinted words "for" or "against" contrary to the handwritten preference, in which case no vote shall be recorded for such ballot in regard to the ballot measure.

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

(8) OMR equipment shall be programmed, calibrated, adjusted and set up to reject ballots that appear to be damaged or defective. Any switch, lever or feature on OMR equipment that enables or permits the OMR equipment to override the rejection of damaged or defective ballots so that such ballots will not be reviewed by the resolution board, shall not be used.

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

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

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

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

(11) The executive committee of each county or municipality, in the case of a primary election, or the election commissioners of each county or municipality, in the case of all other elections, in conjunction with the circuit or municipal clerk respectively, shall sponsor and conduct, a training session for up to two (2) hours, not less than five (5) days before each election, to instruct those qualified electors who are appointed to serve as members of the resolution board as to their specific duties in the election. No member appointed to serve on the resolution board shall serve in any election unless he or she has received such instruction once during the twelve (12) months immediately preceding the date upon which the election is held. Online training courses developed by the Secretary of State, though not sponsored or conducted by the executive committee or the election commissioners, may be used to meet the requirements of this subsection (11).

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

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

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

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

23-15-505. The board of supervisors of any county and the governing authorities of any municipality are hereby authorized and empowered, in their discretion, to purchase or rent OMR equipment that meets the requirements of Section 23-15-507 and may use such system in all or a part of the precincts within its boundaries. The provisions of this chapter shall be controlling with respect to elections in which OMR equipment is used, and shall be liberally construed so as to carry out the purpose of

this chapter. The provisions of the election law relating to the conduct of elections with paper ballots, insofar as they are applicable, shall apply.

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

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

Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR equipment. Absentee ballots shall be

prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to print the regular official ballots. Arrows may be printed on the ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions. The titles of offices may be arranged in vertical columns on the ballot and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one (1) column, the ballot shall be clearly marked that the list of candidates is continued on the following column. The names of candidates for each office shall be printed in vertical columns, grouped by the offices that they seek. In partisan elections, the party designation of each candidate, which may be abbreviated, shall be printed following his or her name.

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

A separate ballot security envelope or suitable equivalent in which the voter can place his or her ballot after voting, shall be provided to conceal the choices the voter has made. Absentee

voters will receive a similar ballot security envelope provided by the county in which the absentee voter will insert their voted ballot, which then can be inserted into a return envelope to be mailed back to the election official. Absentee ballots will not be required to be folded when a ballot security envelope is provided.

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

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

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

(3) For each general election, the number of official ballots that shall be printed shall be a number equal to not less than sixty percent (60%) of the registered voters eligible to vote in the election.

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

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

officials in charge of the election. Failure to strictly comply with the provisions of this section shall not result in a presumption of fraud.

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

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

SECTION 20. Section 23-15-581, Mississippi Code of 1972, is brought forward as follows:

23-15-581. When the last qualified voter, who was standing in line at the polling place at 7:00 p.m., has cast his or her ballot, or 7:00 p.m., whichever is later, the poll managers shall proclaim that the polls are closed and publicly break the seal and open the ballot box to immediately proceed to count the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down. During the holding of the election and the counting of the ballots, the whole proceedings shall be in fair and full view of the voting public, candidates or their duly authorized representatives and other authorized poll watchers, without unnecessary interference, delay or encroachment upon the good order of the duties and proceedings of the poll managers and other officers of the election. There shall be no unnecessary delay and no adjournment except as provided by law.

SECTION 21. Section 23-15-591, Mississippi Code of 1972, is amended as follows:

23-15-591. When the votes have been completely and correctly counted and tallied by the poll managers they shall publicly proclaim the result of the election at their box and shall certify in duplicate a statement of the result, the certificate to be signed by the poll managers, one (1) of the certificates to be enclosed in the ballot box, and the other to be delivered to and to be kept by one (1) of the poll managers and to be inspected at any time by any voter who so requests. When the count of the votes and the tally of the votes have been completed <u>on the night</u>

of the election, the poll managers shall lock and seal the ballot box, having first placed therein all ballots voted, all spoiled ballots and all unused ballots. There shall also be enclosed one (1) of the duplicate receipts given by the poll manager who received the blank ballots received for that box; and the total ballots voted, and the spoiled ballots, and the unused ballots must correspond in total with the duplicate receipt or else the failure thereof must be perfectly accounted for by a written statement, under oath of the poll managers, which statement must be enclosed in the ballot box. There shall also be enclosed in the box the tally list, the receipt book containing the signed names of the voters who voted; and the number of ballots voted must correspond with the number of names signed in the receipt book.

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

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

each separate box in the county. The board of supervisors of the county shall pay the cost of providing the seals. Upon demand of the chair of the county executive committee in the case of primary elections, or the county election commissioner in the case of other elections, the boxes and their contents shall be delivered to the county executive committee, or the county election commission, as appropriate, and after such committee or commission, as appropriate, has finished the work of tabulating returns and counting ballots as required by law on the night of the election, the committee or commission, as appropriate, shall return all papers and ballots to the box of the precinct where the election was held, and it shall make redelivery of the boxes and their contents to the circuit clerk who shall reseal the boxes. Upon every occasion the boxes shall be reopened and each resealing shall be done as provided in this chapter. The tabulating of all returns and the counting of all ballots other than affidavit ballots must be finished on the night of the election and reported to the tabulating center.

SECTION 23. Section 23-15-571, Mississippi Code of 1972, is amended as follows:

23-15-571. (1) The following persons shall be designated as authorized challengers and shall be allowed to challenge the qualifications of any person offering to vote:

(a) Any candidate whose name is on the ballot in the precinct in which the challenge is made;

(b) Any official poll watcher of a candidate whose name is on the ballot in the precinct in which the challenge is made;

(c) Any official poll watcher of a political party for the precinct in which the challenge is made;

(d) Any qualified elector from the precinct in which the challenge is made; *** * ***

(e) Any poll manager or poll worker in the polling place where the person whose qualifications are challenged is offering to vote *** * ***; or

(f) The registrar in the registrar's office where the person whose qualifications are challenged is offering to vote.

(2) The challenge of any authorized challenger shall be considered and acted upon by the *** * *** appropriate election officials.

(3) A person offering to vote may be challenged upon the following grounds:

(a) That the voter is not a registered voter in the precinct;

(b) That the voter is not the registered voter under whose name the voter has applied to vote;

(c) That the voter has already voted in the election;

(d) That the voter is not a resident in the precinct where the voter is registered;

(e) That the voter has illegally registered to vote;

(f) That the voter has removed his or her ballot from the polling place; or

(g) That the voter is otherwise disqualified by law.

SECTION 24. Section 23-15-577, Mississippi Code of 1972, is amended as follows:

23-15-577. (1) Each candidate on the ballot shall have the right, either in person or by a credentialed poll watcher, to be present at the *** * *** location in which an election is being held. In general and special elections, each political party that has a candidate on the ballot shall have the right to be represented at the *** * *** location in which an election is being held by two (2) credentialed poll watchers.

(2) A credentialed poll watcher means a poll watcher of good conduct and behavior, authorized in writing to act as the representative of a candidate on the ballot or political party that has a candidate on the ballot. The written authorization of the candidate or political party must be presented to a poll manager or registrar by the certified poll watcher upon arrival at the polling place.

(3) Poll managers or the registrar shall provide candidates and credentialed poll watchers with a suitable position, to the extent possible, from which they may be able to clearly see and hear the manner in which the election is held. Candidates and credentialed poll watchers shall be authorized to bring their own

pollbooks, whether in a print or electronic form, to the polling place during each general and special election.

(4) Candidates and credentialed poll watchers shall be allowed to challenge the qualifications of any person offering to vote, and their challenge shall be considered and acted upon by the poll managers or the registrar. However, candidates and credentialed poll watchers shall not be allowed to interfere in the election process, which shall include, but not be limited to, the following:

(a) Communicating with any voter;

(b) Physically touching or handling any ballot, absentee ballot envelope, absentee ballot application or affidavit ballot envelope;

(c) Viewing or photographing the pollbooks while at the polling place; or

(d) Photographing the receipt books while at the polling place.

SECTION 25. Section 23-15-579, Mississippi Code of 1972, is amended as follows:

23-15-579. (1) All votes, which shall be challenged at the polls or registrar's office, whether the question be raised by a poll manager, registrar or another authorized challenger, shall be considered by the *** * *** appropriate election officials at that time.

(2) When it so clearly appears in the unanimous opinion of the poll managers or registrar, either by the admissions or statements of the person challenged or from documentary or oral evidence then presented to the poll managers, that the challenge is well taken, the vote shall be rejected entirely and shall not be counted. In such case, the challenged voter shall mark his or her choices and cast his or her vote by paper ballot. After the ballot has been marked by the challenged voter, it shall be marked by the poll manager on the back "REJECTED" and the name of the voter and the reason the ballot of the challenged voter was rejected shall also be written on the back of the ballot. All rejected ballots shall be placed in the ballot box until the close of the polls at which time, upon the opening of the ballot box, all rejected ballots shall be placed in a separate strong envelope and returned to the box.

(3) When it so clearly appears in the unanimous opinion of the poll managers or registrar, either by the admissions or statements of the person challenged or from documentary or oral evidence then presented to the poll managers, that the challenge is frivolous and not made in good faith, the poll managers shall disregard the challenge and the voter shall cast his or her vote as other voters in the polling place as though not challenged.

(4) When it does not so clearly appear whether the challenge is well taken or frivolous and no unanimous decision can be made by the poll managers or registrar, the challenged voter shall mark

his or her choices and cast his or her vote by paper ballot. After the ballot has been marked by the challenged voter, it shall be marked by the poll managers on the back "CHALLENGED," and the name of the voter and the reason the challenge of the voter was made shall also be written on the back of the ballot. All challenged ballots shall be placed in the ballot box until the close of the polls at which time, upon the opening of the ballot box, all challenged ballots shall be removed therefrom and separately counted, tallied and totaled with a separate return made of the challenged votes. Challenged ballots shall be placed in a separate strong envelope, and returned to the ballot box.

SECTION 26. (1) The Secretary of State shall require, at the close of business on each day during the period that in-person absentee voting is conducted, the Office of the Circuit Clerk to cause a daily report to be generated and printed by the OMR equipment tabulating the total number of absentee ballots that were cast in person that day.

(2) The circuit clerk shall make the daily report required under subsection (1) of this section available to the public upon request.

SECTION 27. This act shall take effect and be in force from and after July 1, 2026.