

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

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

H. B. No. 1406: Absentee voting; revise various provisions of.

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

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

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

25 **SECTION 1.** For the purpose of this article, for all absentee
26 ballots that are cast in person at the office of the registrar,
27 the absentee ballot application and the required elector
28 certificates shall be printed on the same absentee ballot
29 envelope, with the application being printed on the front side of
30 the envelope and the elector's certificates printed on the back
31 side of the envelope. Such envelope shall not be smaller than
32 eight and one-half (8-1/2) inches by eleven (11) inches. Once a
33 voter has completed the application, he or she shall proceed to
34 cast his or her absentee ballot and then place the ballot in the
35 absentee ballot envelope as otherwise provided by law. After the
36 ballot is sealed in the envelope, the elector shall complete the
37 elector's certificate. A signature mismatch shall not be grounds



38 for rejecting an absentee ballot that was cast in person in the
39 registrar's office.

40 **SECTION 2.** Section 23-15-633, Mississippi Code of 1972, is
41 amended as follows:

42 23-15-633. (1) On any envelope where the elector's
43 signature and the signature of the attesting witness are required,
44 the signature lines and the signatures shall be in the boxes
45 across the flap of the envelope to * * * ensure the integrity of
46 the ballot and the following shall be printed on the flap on the
47 back of the envelope in bold print and in a distinguishing color:
48 **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS**
49 **NOT SIGNED BY YOU AND AN ATTESTING WITNESS IN THE BOXES ACROSS THE**
50 **FLAP OF THIS ENVELOPE * * *."**

51 (2) For in-person absentee ballot envelopes, the form of the
52 envelope shall comply with the provisions of Section 1 of this
53 act.

54 **SECTION 3.** Section 23-15-635, Mississippi Code of 1972, is
55 amended as follows:

56 23-15-635. (1) The form of the elector's certificate,
57 attesting witness certification and certificate of the person
58 providing voter assistance on the back of the envelope used by
59 absentee voters who receive their ballot by mail and who are not
60 absent voters as defined in Section 23-15-673, shall be as
61 follows:

62 "ELECTOR'S CERTIFICATE



63 STATE OF _____

64 COUNTY OF _____

65 I, _____, under penalty of perjury do solemnly swear
66 that this envelope contains the ballot marked by me indicating my
67 choice of the candidates or propositions to be submitted at the
68 election to be held on the ___ day of _____, 2____, and I
69 hereby authorize the registrar to place this envelope in the
70 ballot box on my behalf, and I further authorize the * * *
71 resolution board to open this envelope and place my ballot among
72 the other ballots cast before such ballots are counted, and record
73 my name on the poll list as if I were present in person and voted.

74 I further swear that I marked the enclosed ballot in secret.
75 **Penalties for vote fraud are up to five (5) years in prison and a**
76 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
77 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
78 **to one (1) year in jail and a fine of up to One Thousand Dollars**
79 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

80 _____
81 (Signature of voter)

82 CERTIFICATE OF ATTESTING WITNESS

83 Under penalty of perjury I affirm that the above named voter
84 personally appeared before me, on this the ___ day of _____,
85 2____, and is known by me to be the person named, and who, after
86 being duly sworn or having affirmed, subscribed the foregoing oath
87 or affirmation. That the voter exhibited to me his or her blank



88 ballot; that the ballot was not marked or voted before the voter
89 exhibited the ballot to me; that the voter was not solicited or
90 advised by me to vote for any candidate, question or issue, and
91 that the voter, after marking his or her ballot, placed it in the
92 envelope, closed and sealed the envelope in my presence, and
93 signed and swore or affirmed the above certificate.

94 _____

95 (Attesting witness)

_____ (Address)

96 _____

97 (Official title)

_____ (City and State)

98 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

108 **Penalties for vote fraud are up to five (5) years in prison and a**
109 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
110 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
111 **to one (1) year in jail and a fine of up to One Thousand Dollars**
112 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**



113 _____
114 Signature of person providing assistance
115 _____
116 Printed name of person providing assistance
117 _____
118 Address of person providing assistance
119 _____
120 Date and time assistance provided
121 _____
122 Family relationship to voter (if any)"

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

128 **SECTION 4.** Section 23-15-639, Mississippi Code of 1972, is
129 amended as follows:

130 23-15-639. (1) The examination and counting of all absentee
131 ballots shall be conducted as follows:

132 (a) At the opening of the regular balloting and at the
133 opening of the polls, the resolution board established under
134 Section 23-15-523 and trained in the process of canvassing
135 absentee ballots shall first take the envelopes containing the
136 absentee ballots of such electors from the secure location at
137 the * * * registrar's office, and the name, address and precinct



138 inscribed on each envelope shall be announced by the * * *
139 resolution board.

140 (b) (i) For absentee ballots that were received by
141 mail, the signature on the application shall then be compared with
142 the signature in the box on the back of the envelope. If it
143 corresponds and the affidavit, if one is required, is sufficient
144 and the resolution board finds that the applicant is a registered
145 and qualified voter or otherwise qualified to vote, the envelope
146 shall then be opened and the ballot removed from the envelope,
147 without its being unfolded, or permitted to be unfolded or
148 examined.

149 (ii) For absentee ballots that were cast in
150 person in the registrar's office, the resolution board shall
151 confirm that the voter completed the application on the front of
152 the envelope and signed the elector's certificate in the box on
153 the back of the envelope. If it is signed and the resolution
154 board finds that the applicant is a registered and qualified voter
155 or otherwise qualified to vote, the envelope shall be opened and
156 the absentee ballot removed from the envelope, without its being
157 unfolded, or permitted to be unfolded or examined.

158 (c) When a voter's absentee ballot is rejected because
159 the signatures on the application and in the box on the envelope
160 do not correspond, the registrar shall notify the voter within one
161 (1) business day of the election that the voter's absentee ballot
162 has been tentatively rejected because the signature on the



163 application does not correspond with the signature in the box on
164 the envelope. The notice shall inform the voter about the process
165 of curing the deficiency and that if the voter does not cure the
166 signatures by 12:00 p.m. on the fifth business day after the
167 election, then the voter's ballot shall be rejected. Notice to
168 the voter shall be made using the contact information that the
169 voter provided on his or her absentee ballot application. The
170 absentee cure form shall be transmitted to the voter via email or
171 facsimile; however, if neither are available, then the form shall
172 be transmitted by first-class mail to the voter. The form of the
173 notice and the absentee cure form shall be provided for in rules
174 and regulations prescribed by the Secretary of State.

175 (* * *d) Having observed and found the ballot to be
176 regular as far as can be observed from its official endorsement,
177 the resolution board shall deposit it in the ballot box with the
178 other ballots before counting any ballots and enter the voter's
179 name in the receipt book provided for that purpose. All absentee
180 ballots received prior to 7:00 p.m. the day * * * of the election
181 shall be counted in the registrar's office by the resolution board
182 when the polls close and then added to the votes cast in each
183 precinct. * * *

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



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

189 **SECTION 5.** Section 23-15-641, Mississippi Code of 1972, is
190 amended as follows:

191 23-15-641. (1) For all absentee votes received by mail, if
192 an affidavit or the certificate of the officer before whom the
193 affidavit is taken is required and such affidavit or certificate
194 is found to be insufficient, or if it is found that the signatures
195 do not correspond and the voter has not cured his or her ballot as
196 provided in Section 23-15-639, or that the applicant is not a duly
197 qualified elector in the precinct, or otherwise qualified to vote,
198 or that the ballot envelope is open or has been opened and
199 resealed, * * * the previously cast vote shall not be allowed.
200 Without opening the voter's envelope the resolution board shall
201 mark across its face "REJECTED", with the reason therefor.

202 (2) For all absentee votes received by mail, if the ballot
203 envelope contains more than one (1) ballot of any kind, the ballot
204 shall not be counted but shall be marked "REJECTED", with the
205 reason therefor, and the registrar shall promptly notify the voter
206 of such rejection. The voter's envelopes and affidavits, and the
207 voter's envelope with its contents unopened, when such vote is
208 rejected, shall be retained and preserved in the same manner as
209 other ballots at the election. Such votes may be challenged in
210 the same manner and for the same reasons that any other vote cast
211 in such election may be challenged.



212 (3) If an affidavit is required and the officials find that
213 the affidavit is insufficient, or if the officials find that the
214 absentee voter is otherwise disqualified to vote, the envelope
215 shall not be opened and * * * the resolution board shall write
216 across the face of the envelope "REJECTED" giving the reason
217 therefor, and the registrar shall promptly notify the voter of
218 such rejection.

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

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

227 (6) A signature mismatch shall not be grounds for rejecting
228 an absentee ballot that was cast in the registrar's officer.

229 **SECTION 6.** Section 23-15-715, Mississippi Code of 1972, is
230 amended as follows:

231 23-15-715. Any elector desiring an absentee ballot as
232 provided in this subarticle may secure same if:

233 (a) Not more than forty-five (45) days nor later than
234 12:00 noon, * * * on the Saturday immediately preceding elections
235 held on Tuesday, the Thursday immediately preceding elections held
236 on Saturday, or the second day immediately preceding the date of



237 elections held on other days, he or she shall appear in person
238 before the registrar of the county in which he resides, or for
239 municipal elections he shall appear in person before the city
240 clerk of the municipality in which he or she resides and, when the
241 elector so appears, he or she shall execute and file an
242 application as provided in Section 23-15-627 and vote by absentee
243 ballot * * *. If the absentee ballot has not been printed by
244 forty-five (45) days preceding the election, the elector may
245 appear and file an application anytime before the election. Then
246 the absentee ballot shall be mailed by the * * * registrar to the
247 elector as soon as the ballot has been printed.

248 (b) Within forty-five (45) days next prior to any
249 election, any elector who cannot comply with paragraph (a) of this
250 section by reason of temporarily residing outside the county, or
251 any person who has a temporary or permanent physical disability,
252 persons who are sixty-five (65) years of age or older, any person
253 who is incarcerated in prison or jail in the county where the
254 person is registered to vote and has not been convicted of a
255 disenfranchising crime, or any person who is the parent, spouse or
256 dependent of a temporarily or permanently physically disabled
257 person who is hospitalized outside of his or her county of
258 residence or more than fifty (50) miles away from his or her
259 residence and such parent, spouse or dependent will be with such
260 person on election day, may make application for an absentee
261 ballot by mailing the appropriate application to the registrar.



262 Only persons temporarily residing out of the county of their
263 residence, persons having a temporary or permanent physical
264 disability, persons who are sixty-five (65) years of age or older,
265 any person who is incarcerated in prison or jail in the county
266 where the person is registered to vote and has not been convicted
267 of a disenfranchising crime, or any person who is the parent,
268 spouse or dependent of a temporarily or permanently physically
269 disabled person who is hospitalized outside of his or her county
270 of residence or more than fifty (50) miles away from his or her
271 residence, and such parent, spouse or dependent will be with such
272 person on election day, may obtain absentee ballots by mail under
273 the provisions of this subsection and as provided by Section
274 23-15-713. Applications of persons temporarily residing outside
275 the county shall be sworn to and subscribed before an official who
276 is authorized to administer oaths or other official authorized to
277 witness absentee balloting as provided in this chapter, said
278 application to be accompanied by such verifying affidavits as
279 required by this chapter. The applications of persons having a
280 temporary or permanent physical disability shall not be required
281 to be accompanied by an affidavit but shall be witnessed and
282 signed by a person eighteen (18) years of age or older. The
283 registrar shall send to such absent voter a proper absentee voter
284 ballot within twenty-four (24) hours, or as soon thereafter as the
285 ballots are available, containing the names of all candidates who
286 qualify or the proposition to be voted on in such election, and



287 with such ballot there shall be sent an official envelope
288 containing upon it in printed form the recitals and data
289 hereinafter required.

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

295 **SECTION 7.** Section 23-15-719, Mississippi Code of 1972, is
296 amended as follows:

297 23-15-719. (1) Except where the registrar has already
298 mailed a ballot with an application, upon receipt of a properly
299 completed application form by an elector qualified to vote
300 absentee as provided in this article, the registrar shall mail the
301 absent voter an absentee ballot within one (1) business day, or as
302 soon as the absentee ballot is prepared and available, containing
303 the names of all the candidates and propositions, if any, to be
304 voted on in the election. The registrar shall include with the
305 absentee ballot an official envelope that complies with the
306 provisions of * * * Section 23-15-635, as well as information to
307 comply with Section 23-15-641(3) related to the status of the
308 elector's ballot.

309 (2) When an absentee voter appears before the registrar to
310 vote, the registrar shall identify the applicant by requiring him
311 or her to present identification as required by Section 23-15-563,



312 and shall then deliver the * * * ballot to the applicant in the
313 registrar's office. * * * After the applicant has properly marked
314 the ballot and properly folded it, he or she shall deposit it in
315 the envelope furnished to him or her by the registrar.

316 After the absentee voter has sealed the envelope, he or she
317 shall ensure the absentee application on the front of the envelope
318 is complete and shall subscribe and swear to an affidavit * * *.

319 The affidavit shall be in the following form, which shall be
320 printed on the back of the envelope containing the applicant's
321 ballot:

322 "STATE OF MISSISSIPPI

323 COUNTY OF _____

324 I, _____, do solemnly swear that this envelope contains
325 the ballot marked by me indicating my choice of the candidates or
326 propositions to be submitted at the election to be held on the ____
327 day of _____, 2____, and I hereby authorize the registrar to
328 place this envelope in the ballot box on my behalf, and I further
329 authorize the * * * resolution board to open this envelope and
330 place my ballot among the other ballots cast before such ballots
331 are counted, and record my name on the poll list as if I were
332 present in person and voted.

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

334 _____

335 (Signature of voter)



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

338 (Registrar) _____
339 (Registrar) "

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

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

347 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

357 _____
358 Signature of person providing assistance

359 _____
360 Printed name of person providing assistance



361 _____
362 Address of person providing assistance
363 _____
364 Date and time assistance provided
365 _____
366 Family relationship to voter (if any)"

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

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

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

379 23-15-625. (1) The registrar shall be responsible for
380 providing applications for absentee voting as provided in this
381 section. At least sixty (60) days before any election in which
382 absentee voting is provided for by law, the registrar shall
383 provide a sufficient number of applications. In the event a
384 special election is called and set at a date which makes it
385 impractical or impossible to prepare applications for absent



386 elector's ballot sixty (60) days before the election, the
387 registrar shall provide applications as soon as practicable after
388 the election is called. The registrar shall fill in the date of
389 the particular election on the application for which the
390 application will be used. For voters appearing in person to cast
391 an absentee vote, the application and elector certificate shall be
392 printed on the absentee ballot envelope as provided in Section 1
393 of this act.

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

409 (3) It shall be unlawful for any person to solicit absentee
410 ballot applications or absentee ballots for persons staying in any



411 skilled nursing facility as defined in Section 41-7-173 unless the
412 person soliciting the absentee ballot applications or absentee
413 ballots is:

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

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

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

422 (4) The registrar in the county wherein a voter is qualified
423 to vote upon receiving by mail the envelope containing the
424 absentee ballots shall keep an accurate list of all persons
425 preparing such ballots. The list shall be kept in a conspicuous
426 place accessible to the public near the entrance to the
427 registrar's office. The registrar shall also furnish to each
428 precinct manager a list of the names of all persons in each
429 respective precinct voting absentee by mail and in person to be
430 posted in a conspicuous place at the polling place for public
431 notice. The application on file with the registrar and the
432 envelopes containing the ballots that voters mailed to the
433 registrar shall be kept by the registrar in his or her office in a
434 secure location. At the time such boxes are delivered to the
435 election commissioners or managers, the registrar shall also turn



436 over a list of all such persons who have voted and whose mailed
437 ballots are in the registrar's office.

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

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

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

450 23-15-627. (1) Any elector described in Section 23-15-713
451 may request an absentee ballot application and vote in person at
452 the office of the registrar in the county in which he or she
453 resides. The registrar shall be responsible for furnishing an
454 absentee ballot application form to any elector authorized to
455 receive an absentee ballot. Such form shall be printed on the
456 absentee ballot envelope as provided in Section 1 of this act.

457 Except as otherwise provided in Section 23-15-625, absentee ballot
458 applications shall be furnished to a person only upon the oral or
459 written request of the elector who seeks to vote by absentee
460 ballot; however, the parent, child, spouse, sibling, legal



461 guardian, those empowered with a power of attorney for that
462 elector's affairs or agent of the elector, who is designated in
463 writing and witnessed by a resident of this state who shall write
464 his or her physical address on such designation, may orally
465 request an absentee ballot application on behalf of the elector.
466 The written designation shall be valid for one (1) year after the
467 date of the designation. An absentee ballot application must have
468 the seal of the circuit or municipal clerk affixed to it and be
469 initialed by the registrar or his or her deputy in order to be
470 used to obtain an absentee ballot. A reproduction of an absentee
471 ballot application shall not be valid unless it is a reproduction
472 provided by the office of the registrar of the jurisdiction in
473 which the election is being held and which contains the seal and
474 initials required by this section.

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

477 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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



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

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

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

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

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

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

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



511 () I have a temporary or permanent physical
512 disability * * *.

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

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

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

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

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

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

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

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

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



536 Phone number: _____

537 Email address: _____

538 Mailing address: _____

539 I realize that I can be fined up to Five Thousand Dollars
540 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
541 for making a false statement in this application and for selling
542 my vote and violating the Mississippi Absentee Voter Law. (This
543 sentence is to be in bold print.)

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

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

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

554 _____

555 (Signature of absent elector)

556 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
557 2____.

558 _____

559 (Official authorized to administer oaths
560 for absentee balloting.)



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

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

567 _____
568 (Signature of witness)

569 CERTIFICATE OF DELIVERY

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

574 _____
575 (Signature of person delivering application)

576 _____
577 (Address of person delivering application)"

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

581 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

582 I, _____, duly qualified and registered in the _____ Precinct
583 of the County of _____, and State of Mississippi, coming within
584 the purview of the definition 'ABSENT ELECTOR' will be absent from



585 the county of my residence on election day, or unable to vote in
586 person because (check appropriate reason):

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

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

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

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

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

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

606 () I am a student, teacher or administrator at a college,
607 university, junior or community college, high, junior high,
608 elementary or grade school, whose studies or employment at such
609 institution necessitates my absence from the county of my voting



610 residence or spouse or dependent of such student, teacher or
611 administrator who maintains a common domicile outside the county
612 of my voting residence with such student, teacher or
613 administrator.

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

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

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

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

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

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

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

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

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

634 Phone number: _____



635 Email address: _____

636 Mailing address: _____

637 I realize that I can be fined up to Five Thousand Dollars
638 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
639 for making a false statement in this application and for selling
640 my vote and violating the Mississippi Absentee Voter Law. (This
641 sentence is to be in bold print.)

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

644 23-15-631. (1) The registrar shall enclose with each ballot
645 mailed to an absent elector separate printed instructions
646 furnished by the registrar containing the following:

647 (a) All absentee voters, excepting those with temporary
648 or permanent physical disabilities or those who are sixty-five
649 (65) years of age or older, who mark their ballots in the county
650 of the residence shall use the registrar of that county as the
651 witness. The absentee voter shall come to the office of the
652 registrar and neither the registrar nor his or her deputy shall be
653 required to go out of the registrar's office to serve as an
654 attesting witness.

655 (b) Upon receipt of the enclosed ballot, you will not
656 mark the ballot except in view or sight of the attesting witness.
657 In the sight or view of the attesting witness, mark the ballot
658 according to instructions.



659 (c) After marking the ballot, fill out and sign the
660 "ELECTOR'S CERTIFICATE" in the box on the back of the envelope so
661 that the signature is across the flap of the envelope to ensure
662 the integrity of the ballot. All absent electors shall have the
663 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" in the
664 box across the flap on the back of the envelope. Place the
665 necessary postage on the envelope and deposit it in the post
666 office or some government receptacle provided for the deposit of
667 mail so that the absent elector's ballot will be * * * received no
668 later than 7:00 p.m. on the day of the election. The ballot may
669 only be transmitted by the United States Postal Service or other
670 common carriers, including, but not limited to, United Parcel
671 Service or FedEx Corporation.

672 Any notary public, United States postmaster, assistant United
673 States postmaster, United States postal supervisor, clerk in
674 charge of a contract postal station, or other officer having
675 authority to administer an oath or take an acknowledgment may be
676 an attesting witness; provided, however, that in the case of an
677 absent elector who is temporarily or permanently physically
678 disabled, the attesting witness may be any person eighteen (18)
679 years of age or older and such person is not required to have the
680 authority to administer an oath. If a postmaster, assistant
681 postmaster, postal supervisor, or clerk in charge of a contract
682 postal station acts as an attesting witness, his or her signature
683 in a box on the elector's certificate must be authenticated by the



684 cancellation stamp of their respective post offices. If an
685 officer having authority to administer an oath or take an * * *
686 acknowledgment acts as attesting witness, his or her signature in
687 a box on the elector's certificate, together with his or her title
688 and address, but no seal, shall be required. Any affidavits made
689 by an absent elector who is in the Armed Forces may be executed
690 before a commissioned officer, warrant officer, or noncommissioned
691 officer not lower in grade than sergeant rating or any person
692 authorized to administer oaths.

693 (d) When the application accompanies the ballot it
694 shall not be returned in the same envelope as the ballot but shall
695 be returned in a separate * * * pre-addressed envelope provided by
696 the registrar.

697 (e) A candidate for public office, or the spouse,
698 parent or child of a candidate for public office, may not be an
699 attesting witness for any absentee ballot upon which the
700 candidate's name appears, unless the voter is related within the
701 first degree to the candidate or the spouse, parent or child of
702 the candidate.

703 (f) Any voter casting an absentee ballot who declares
704 that he or she requires assistance to vote by reason of blindness,
705 temporary or permanent physical disability or inability to read or
706 write, shall be entitled to receive assistance in the marking of
707 his or her absentee ballot and in completing the affidavit on the
708 absentee ballot envelope. The voter may be given assistance by



709 anyone of the voter's choice other than a candidate whose name
710 appears on the absentee ballot being marked, the spouse, parent or
711 child of a candidate whose name appears on the absentee ballot
712 being marked or the voter's employer, an agent of that employer or
713 a union representative; however, a candidate whose name is on the
714 ballot or the spouse, parent or child of such candidate may
715 provide assistance upon request to any voter who is related within
716 the first degree. In order to ensure the integrity of the ballot,
717 any person who provides assistance to an absentee voter shall be
718 required to sign and complete the "Certificate of Person Providing
719 Voter Assistance" on the absentee ballot envelope.

720 (2) The foregoing instructions required to be provided by
721 the registrar to the elector shall also constitute the substantive
722 law pertaining to the handling of absentee ballots by the elector
723 and registrar.

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

727 **SECTION 11.** Section 23-15-713, Mississippi Code of 1972, is
728 amended as follows:

729 23-15-713. For the purpose of this subarticle, any duly
730 qualified elector may vote as provided in this subarticle if the
731 elector falls within at least one (1) of the following categories:

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



734 college, high, junior high, or elementary grade school whose
735 studies or employment at such institution necessitates his or her
736 absence from the county of his or her voting residence on the date
737 of any primary, general or special election, or the spouse and
738 dependents of that student, teacher or administrator if such
739 spouse or dependent(s) maintain a common domicile, outside of the
740 county of his or her voting residence, with such student, teacher
741 or administrator.

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

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

750 (d) Any person who has a temporary or permanent
751 physical disability and who, because of such disability, is unable
752 to vote in person without substantial hardship to himself, herself
753 or others, or whose attendance at the voting place could
754 reasonably cause danger to himself, herself or others. * * *

755 (e) The parent, spouse or dependent of a person with a
756 temporary or permanent physical disability who is hospitalized
757 outside of his or her county of residence or more than fifty (50)



758 miles distant from his or her residence, if the parent, spouse or
759 dependent will be with such person on election day. * * *

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

762 (g) Any member of the Mississippi congressional
763 delegation absent from Mississippi on election day, and the spouse
764 and dependents of such member of the congressional delegation.

765 (h) Any qualified elector who will be unable to vote in
766 person because he or she is required to be at work on election day
767 during the times * * * when the polls will be open or I am
768 required to be on-call on election day during the times when the
769 polls will be open.

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

773 **SECTION 12.** Section 23-15-637, Mississippi Code of 1972, is
774 amended as follows:

775 23-15-637. (1) (a) Absentee ballots and applications
776 received by mail, * * * or common carrier, such as United Parcel
777 Service or FedEx Corporation, must be * * * received by the
778 registrar * * * not later than 7:00 p.m. the day of the election;
779 any received after such time shall be handled as provided in
780 Section 23-15-647 and shall not be counted.

781 (b) All ballots cast by the absent elector appearing in
782 person in the office of the registrar shall be cast with an



783 absentee paper ballot and deposited into a sealed ballot box by
784 the voter, not later than 12:00 noon * * * on the Saturday
785 immediately preceding elections held on Tuesday, the Thursday
786 immediately preceding elections held on Saturday, or the second
787 day immediately preceding the date of elections held on other
788 days. At the close of business each day at the office of the
789 registrar, the ballot box used shall be sealed and not unsealed
790 until the beginning of the next business day, and the seal number
791 shall be recorded with the number of ballots cast which shall be
792 stored in a secure location in the registrar's office.

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

798 (3) The Secretary of State shall promulgate rules and
799 regulations necessary to ensure that when a qualified elector who
800 is qualified to vote absentee votes by absentee ballot, either by
801 mail or in person with a regular paper ballot, that person's
802 absentee vote is final and he or she may not vote at the polling
803 place on election day. Notwithstanding any other provisions of
804 law to the contrary, the Secretary of State shall promulgate rules
805 and regulations necessary to ensure that absentee ballots shall
806 remain in the registrar's office for counting and not be taken to
807 the precincts on election day.



808 **SECTION 13.** Section 23-15-651, Mississippi Code of 1972, is
809 amended as follows:

810 23-15-651. The results of the vote by absentee balloting
811 shall be announced simultaneously with the vote cast on election
812 day * * *.

813 **SECTION 14.** Section 23-15-721, Mississippi Code of 1972, is
814 amended as follows:

815 23-15-721. (1) Absentee ballots requested under the
816 provisions of Section 23-15-715 for electors temporarily residing
817 outside the county of residence shall be mailed to the elector's
818 address outside of the county in which he or she is registered,
819 and such electors shall appear before any official authorized to
820 administer oaths or other official authorized to witness absentee
821 balloting as provided in this article. The elector shall exhibit
822 to such official his or her absentee ballot unmarked and thereupon
823 proceed in secret to fill in the ballot. After the elector has
824 properly marked the ballot and properly folded it, he or she shall
825 deposit it in the envelope furnished to him or her. After the
826 elector has sealed the envelope he or she shall deliver it to the
827 official before whom he or she is appearing and shall subscribe
828 and swear to the elector's certificate provided for in Section
829 23-15-635, which affidavit shall be printed on the back of the
830 envelope as provided for in Section 23-15-635 containing the
831 elector's ballot.



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

836 (3) After the completion of the requirements of this
837 section, the elector shall mail the envelope containing the ballot
838 to the registrar in the county wherein the elector is qualified to
839 vote. * * * Absentee ballots must be received by the registrar
840 not later than 7:00 p.m. on the day of the election.

841 **SECTION 15.** Section 23-15-697, Mississippi Code of 1972, is
842 amended as follows:

843 23-15-697. When the absentee ballot has been voted and the
844 envelope sealed, signed and certified to as provided above, the
845 absentee voter shall mail the envelope containing the ballot to
846 the registrar.

847 Hand-delivery of ballots to a voter or from a voter shall be
848 prohibited, and the use of drop boxes or other mechanisms to
849 submit a completed absentee ballot other than by mail or common
850 carrier, shall be prohibited.

851 **SECTION 16.** This act shall take effect and be in force from
852 and after July 1, 2024.

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

1 AN ACT TO PROVIDE THAT FOR ALL ABSENTEE BALLOTS THAT ARE CAST
2 IN PERSON AT THE OFFICE OF THE REGISTRAR, THE ABSENTEE BALLOT



3 APPLICATION AND ELECTOR CERTIFICATES SHALL BE PRINTED ON THE
4 ABSENTEE BALLOT ENVELOPE; TO PROVIDE THAT A SIGNATURE MISMATCH
5 SHALL NOT BE GROUNDS FOR REJECTING AN ABSENTEE BALLOT THAT WAS
6 CAST IN PERSON IN THE REGISTRAR'S OFFICE; TO AMEND SECTIONS
7 23-15-633 AND 23-15-635, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
8 AMEND SECTION 23-15-639, MISSISSIPPI CODE OF 1972, TO PROVIDE A
9 PROCESS FOR ABSENTEE VOTERS TO CURE THEIR MAILED ABSENTEE BALLOT
10 IF THE SIGNATURE ON THE APPLICATION DOES NOT MATCH THE SIGNATURE
11 ON THE ENVELOPE; TO AMEND SECTIONS 23-15-641, 23-15-715, 23-15-719
12 AND 23-15-631, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
13 PRECEDING SECTIONS; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE
14 OF 1972, TO REQUIRE CERTAIN METHODS OF NOTIFICATION TO BE ASKED ON
15 THE ABSENTEE BALLOT APPLICATION; TO PROVIDE FOR PEOPLE WHO WORK
16 ON-CALL AND THOSE WHO ARE INCARCERATED FOR A NONDISENFRANCHISING
17 CRIME TO RECEIVE AN ABSENTEE BALLOT; TO AMEND SECTIONS 23-15-625
18 AND 23-15-713, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND
19 SECTION 23-15-637, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND
20 SECTIONS 23-15-651 AND 23-15-721, MISSISSIPPI CODE OF 1972, TO
21 CONFORM; TO AMEND SECTION 23-15-697, MISSISSIPPI CODE OF 1972, TO
22 PROHIBIT RETURNING MAIL-IN BALLOTS USING ANY METHOD OTHER THAN BY
23 MAIL OR COMMON CARRIER; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Sanford

X (SIGNED)
Tullos

(NOT SIGNED)
James-Jones

CONFEREES FOR THE SENATE

X (SIGNED)
England

X (SIGNED)
Chassaniol

X (SIGNED)
Blount

