

# HB 177 -- Redline

Committee Substitute to Current version -- In-person absentee voting; authorize to be conducted using OMR equipment.

Deletions ~~struck~~ · Insertions underlined

Apportionment and Elections ~~COMMITTEE SUBSTITUTE FOR~~ HOUSE BILL NO.

177 (As Passed the House) AN ACT TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL ABSENTEE BALLOTS CAST IN PERSON AT THE OFFICE OF THE REGISTRAR SHALL BE CAST USING THE OPTICAL MARK READING EQUIPMENT;

TO AMEND SECTIONS 23-15-591, 23-15-581 AND 23-15-595, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE PROCESSING ~~AND COUNTING~~ OF ABSENTEE BALLOTS MAY BEGIN ON THE MONDAY BEFORE THE ELECTION BUT THE ABSENTEE BALLOTS SHALL BE ANNOUNCED SIMULTANEOUSLY WITH ALL OTHER VOTES CAST ON ELECTION DAY;

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ G1/2 ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 1 (ENK\KW) 23-15-637.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 2(ENK\KW) absentee ballots.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 3(ENK\KW) form.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 4(ENK\KW) of the elector's signature extending outside of the box shall not be grounds for rejecting that elector's ballot.

the day before the election shall be counted in the registrar's office by the resolution board when the polls ~~close, close or on the Monday before an election,~~ 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 5(ENK\KW) (3) The resolution board shall process the absentee ballots using the procedure provided in subsection (1) of this section.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 6(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 7(ENK\KW) after the date of the designation.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 8(ENK\KW) ( ) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 9(ENK\KW) miles away from his or her residence, and I will be with such person on election day.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 10(ENK\KW) my vote and violating the Mississippi Absentee Voter Law.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 11(ENK\KW)

\_\_\_\_\_  
(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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 12(ENK\KW) ( ) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 13(ENK\KW) ( ) I have a temporary or permanent physical disability.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 14(ENK\KW) my vote and violating the Mississippi Absentee Voter Law.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 15(ENK\KW) elector's ballot sixty (60) days before the election, the registrar shall provide applications as soon as practicable after the election is called.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 16(ENK\KW) person soliciting the absentee ballot applications or absentee ballots is:

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 17(ENK\KW) over a list of all such persons who have voted and whose mailed ballots are in the registrar's office.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 18(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 19(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 20(ENK\KW) (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 absentee voter for the runoff election.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 21(ENK\KW) ballot and properly folded it, he or she shall deposit it in the \* \* \* OMR equipment.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 22(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 23(ENK\KW) vote individually for the electors of their choice when permitted by law;

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 24(ENK\KW) proper storage, maintenance and repair of the OMR equipment.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 25(ENK\KW) the ballot and it shall be deposited into the sealed ballot box.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 26(ENK\KW) as members of the "resolution board." An odd number of not less than three (3) members shall be appointed to the resolution board.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 27(ENK\KW) (i) The resolution board shall prepare a duplicate to the original damaged or defective ballot marked identically to the original.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 28(ENK\KW) overvote.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 29(ENK\KW) (d) The voter underlines the ballot measure or the name of a candidate.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 30(ENK\KW) (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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 31(ENK\KW) (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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 32(ENK\KW) (10) The resolution board shall make and keep a record regarding the handling and counting of all ballots inspected under this section.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 33(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 34(ENK\KW) 23-15-511.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 35(ENK\KW) ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 36(ENK\KW) be required to be folded when a ballot security envelope is provided.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 37(ENK\KW) voted, as indicated by the receipt book and the number of ballots used in the election.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 38(ENK\KW) SECTION 19.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 39(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 40(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH PAGE 41(ENK\KW) 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.

177 ~~\*HR26/R1434CS\*~~\*HR26/R1434PH\* ~ OFFICIAL ~ ~~25/HR26/R1434CS~~25/HR26/R1434PH ST: