MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Blackwell To: Elections

SENATE BILL NO. 2017

AN ACT TO AMEND SECTIONS 23-15-551 AND 23-15-691, MISSISSIPPI CODE OF 1972, BY DELETING THE OPTION OF MARKING ELECTION BALLOTS WITH INDELIBLE PENCIL; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-551, Mississippi Code of 1972, is amended as follows:

23-15-551. On receiving his or her ballot, the voter shall go without undue delay into one (1) of the voting compartments and shall there prepare his or her ballot by marking with ink *** * *** on the appropriate margin or place a cross (X) opposite the name of the candidate of his or her choice for each office or by writing in the name of a candidate in the blank space provided, and marking a cross (X) opposite thereto, and likewise a cross (X) opposite the answer he or she desires to give in case of an election on a constitutional amendment, local option election, referenda or any other question or matter. As an alternative method, a voter may, at his or her option, prepare a ballot by marking with ink *** * *** in the appropriate margin or place a check,

in the form of and similar to a "V", opposite the name of the candidate of his or her choice for each office or by writing in the name of a candidate in the blank space provided and marking a check in the form of and similar to a "V", opposite thereto, and likewise a check, in the form of and similar to a "V", opposite the answer he or she desires to give in case of an election on a constitutional amendment, local option election, referenda or other question or matter, either of which methods of marking, whether by a cross (X) or by a check in the form of and similar to a "V", is authorized. Before leaving the voting compartment, the voter shall fold his or her ballot without displaying its markings, but so that the words "OFFICIAL BALLOT," followed by the designation of the voting precinct and the date of the election, shall be visible to the poll managers, then deposit his or her ballot directly into the ballot box. This shall be done without undue delay, and as soon as the voter has voted he or she shall promptly exit the polling place. A voter shall not be allowed to occupy a voting compartment already occupied by another voter, nor any compartment longer than ten (10) minutes, if other voters are not waiting, nor longer than five (5) minutes if other voters are waiting. A person shall not be allowed in the room in which the ballot boxes, compartments, tables and shelves are, except the officers of the election, and those appointed by them to assist therein, and those authorized by Section 23-15-577.

SECTION 2. Section 23-15-691, Mississippi Code of 1972, is amended as follows:

23-15-691. As soon as possible after the printing of the official absentee ballot for any election, the registrar of the county shall send to any absent voter as defined in this subarticle, who shall, upon proper application, have requested same, the official absentee voter ballot or ballots provided for in this subarticle and the instructions for voting and returning the ballot. If the ballot is sent by mail the registrar shall send a self-addressed envelope or envelopes with the ballot and the instructions.

If the ballot is sent by mail, the gummed flap of the envelope provided for the return of the ballot must be separated by wax paper or other appropriate protective insert from the remaining balloting material. The voting instructions shall require a notation of the facts on the back of the envelope duly signed by the voter.

If applicable, the instructions shall indicate that the ballot shall be marked in ink *** * ***.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

ST: Marking election ballots; delete option of using indelible pencil to mark ballots.