Title 1: Secretary of State

Part Number 17 – Absentee Voting

Part 17 Chapter 1: Definitions

Rule 1.1 *Definitions.* For the purposes of these rules, the below terms mean the following:

A. "Absent Voter" means a voter who has submitted a valid absentee ballot application under Miss. Code Ann. Section 23-15-627 and is authorized to cast an absentee ballot.
B. "Absentee Ballot" means a ballot provided to a voter, prior to election day, who has submitted an absentee ballot application pursuant to Miss. Code Ann. Section 23-15- 627 and Section 23-15-715.
C. "Official in charge of the election" means either a county election commissioner, county party executive committee member, or circuit clerk for county elections, and municipal election commissioner, municipal party executive committee member, or municipal clerk for municipal election, who is/are responsible for the conducting elections within their individual jurisdictions and type of election.
D. "Poll Manager" means an election official appointed by the local election officials in charge of the election, pursuant to applicable laws, to operate the polling place and aid in conducting an election by performing duties prescribed by applicable law.
E. "Polling Place" means a location, designated by the county board of supervisors for each county or the local governing authority for each municipality, at which voters in the district, to which the precinct is assigned, may appear and cast their ballot.
F. "Registrar" means an official appointed by the State Board of Election Commissioners pursuant to Miss. Code Ann. Section 23-15-223. The Registrar is the clerk of the county, unless the State Board of Election Commissioners finds the circuit clerk to be an improper person to register voters. For municipal elections, the registrar is the municipal clerk.
G. "Resolution Board" means an group of individuals consisting of an odd number of not less than three registered voters of the county, or municipality for municipal elections, appointed by the officials in charge of the election to process absentee ballots, review blank, overvoted, under-voted, and damaged ballots, and to transfer non-scannable ballots to scannable ballots pursuant to Miss. Code Ann. § 23-15-523.
H. "Statewide Elections Management System" or "SEMS" means the master voter roll for the State of Mississippi.

Source: *Miss. Code Ann*. §§ 23-15-637(3); 23-15-227(6).

Part 17 Chapter 2: Voted Absentee Ballot is Final Vote

Rule 2.1 *Absentee Ballot Cast.* For the purposes of this Chapter, an in-person absentee ballot is the final vote of a voter when the ballot has been cast in accordance with Rule 2.2 and deposited into the OMR voting machine or, when authorized under these rules, into another secured ballot receptacle. A mailed absentee ballot is the final vote of a voter when, during absentee ballot processing by the Resolution Board, the ballot is marked "ACCEPTED." A mailed absentee ballot marked "REJECTED" is not a final vote. If a mailed absentee ballot is rejected or not timely received and the voter cast an affidavit ballot in the precinct on election day, the affidavit ballot may be counted if found legal. An affidavit ballot cast by a voter who has already cast an in-person absentee ballot, or whose mailed absentee ballot was accepted by the Resolution Board, shall be rejected.

Source: *Miss. Code Ann.* § 23-15637(3).

Rule 2.2 *In-Person Absentee Ballots.* When an absent voter appears at the registrar's office to vote an absentee ballot in person, the registrar shall use SEMS to document the request, issuance, and casting of the ballot. The voter shall cast an absentee paper ballot, after having completed an absentee ballot application as required by law, capable of being scanned by the OMR voting machine and shall deposit the voted ballot into the OMR voting machine, except when an equipment-failure, ballot-availability, or challenge procedure provided by these rules requires different handling. The registrar shall use SEMS to produce pollbooks, or mark directly on the pollbook, to indicate the absent voter has voted absentee by printing "VOTED AB" in the pollbook beside the voter's name in the Election Date/Write Voted column. If an absent elector, after having cast an in-person absentee ballot, appears at the polling place on election day and seeks to cast a regular ballot, the voter must be informed that he or she is not entitled to cast a regular ballot, but may cast an affidavit ballot. In canvassing the election, the officials in charge of the election shall reject the affidavit ballot if the records establish that the voter cast an in-person absentee ballot.

Source: *Miss. Code Ann.* § 23-15-637(3).

Rule 2.3 *Absentee Ballot by mail.*

(a) When a registrar mails an absentee ballot to an absent voter, SEMS will be used to document the request and issuance of the ballot. In the process of providing an absentee ballot, the registrar will use SEMS to produce pollbooks, or mark directly on the pollbook, to indicate the absent voter has been mailed an absentee ballot or absentee ballot has been received by the registrar by printing "VOTED AB" in the pollbook beside the voter's name in the Election Date/Write Voted column. If an absent elector appears at the polling place on election day, after having been mailed an absentee ballot or returned an absentee ballot and seeks to cast a regular ballot, the voter must be informed that he/she is not entitled to cast a regular ballot, but the voter may cast an affidavit ballot. The absentee ballot, upon receipt by the registrar, processed as received in SEMS and deposited into a secure ballot box, shall be final, if

accepted by the Resolution Board.

(b) In canvassing the election, the officials in charge of the election shall check the Absentee Ballot Received Report (BP-001 from SEMS) and SEMS to see whether an absentee ballot was received by the registrar, and also check to see whether the Resolution Board accepted the
absentee ballot. If the absent voter's absentee ballot has been received within five (5) business days of the election and accepted by the Resolution Board, the officials in charge of the election shall reject the absent voter's affidavit ballot. If the absent voter's absentee ballot has not been received within five (5) business days after the election, or was rejected by the Resolution Board, the officials in charge of the election may accept the affidavit ballot if determined to be legal.

Source: *Miss. Code Ann.* § 23-15-637(3).

Part 17 Chapter 3: <u>Processing and Counting Mailed</u> Absentee Ballots

Rule 3.1 *Public Notice of Meeting of Resolution Board to Process Mailed Absentee Ballots.*
Public notice of the meeting of the Resolution Board must be posted at least five (5) business days prior to the election at the office of the registrar (courthouse for county elections and municipal office building for municipal elections), at the meeting place of the election commission, on the wall of each polling place as a precinct sign on Election Day, and any other place deemed appropriate by the officials in charge of the election. If the county has a website or official social media pages, then notice shall be provided on the website and social media pages as well. The public notice must include the time, location, and purpose of the Resolution Board's meeting. All meetings of the Resolution Board shall be open to the public.

Rule 3.2 *<u>Counting Mailed Absentee</u> Ballots.*
(a) At a time determined by the officials in charge of the election, but not before the opening of the polls, the Resolution Board, established under Section 23-15-523, shall meet to process mailed absentee ballots.

(b) The Resolution Board shall first break the seal on the ballot box containing the mailed absentee ballot envelopes and absentee ballot applications and remove the applications and envelopes containing the mailed absentee ballots of such electors from the ballot box.

(c) The Resolution Board shall:

1) Announce the name, address, and precinct as shown on each absentee ballot application. (Miss. Code Ann. § 23-15-639(1)(a)).

2) Check for the original seal of the <u>Registrar</u> and original initials of the ~~Circuit Clerk~~ <u>Registrar</u> or deputy <u>registrar</u>-on the absentee ballot application.

a) If the seal or initials are not present, mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

3) Ensure the absentee ballot application is signed by the voter.

a) If the application is not signed by the voter, mark the envelope "REJECTED" and write the reason for the rejection on the absentee ballot envelope.

b) EXCEPTION: Military and overseas voters ("UOCAVA") may use the Federal Post Card Application ("FPCA") to request an absentee ballot. The FPCA may be electronically signed by the voter, meaning the voter's name may be typewritten, instead of signed. A military or overseas absentee ballot must not be rejected for this reason.

4) Ensure the absentee ballot application is acknowledged or witnessed as required by law.

a) For voters who are temporarily or permanently disabled, a witness signs the certificate at the bottom of the application. The witness certificate is located below the acknowledgement and begins with the words "I HEREBY CERTIFY." An acknowledgement does not need to be completed on the application of a voter who is voting an absentee ballot because of a temporary or permanent disability.

b) The Federal Post Card Application (FPCA), used by military and overseas voters (UOCAVA), does not require an acknowledgement or a witness signature at all.

c) Excluding military and overseas voters (no acknowledgement or witness signature required) and voters who are voting absentee because of a temporary or permanent disability (witness signature only required), all absentee ballot applications must be acknowledged by the Circuit Clerk, a deputy clerk or "someone authorized to administer oaths," such as a notary public.

i) If the application is not acknowledged as required by law or signed by a witness (for absentee voters who are temporarily or permanently disabled only), mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

5) Ensure the absentee ballot envelope is signed by the voter across the flap of the envelope.

a) If the ballot envelope is not signed by the voter across the flap of the envelope, mark the envelope "REJECTED" and write the reason for the rejection on the envelope.

b) EXCEPTION: The envelope of an absentee ballot returned by a military or overseas (UOCAVA) voter by e-mail or fax will not be signed by the voter. These ballots are received by the Circuit Clerk's Office, placed in an envelope by the Circuit

Clerk or a deputy clerk and marked to indicate the ballot is a UOCAVA (military or overseas) voter. A military or overseas (UOCAVA) absentee ballot must not be rejected for this reason.

6) Ensure the absentee ballot envelope is acknowledged or witnessed as required by law, and the witness signed across the flap of the envelope.

   a) For voters who are temporarily or permanently disabled, a witness to the voter's signature signs the certificate by signing across the flap of the envelope. An acknowledgement does not need to be completed on the absentee ballot envelope of a voter who is temporarily or permanently disabled.

   b) The absentee ballots of military and overseas (UOCAVA) voters who return their ballots by e-mail or fax to the Circuit Clerk's Office are placed in an absentee ballot envelope by the Circuit Clerk or deputy clerk and marked to indicate the ballot is that of a military or overseas (UOCAVA) voter.

   c) Excluding military and overseas (UOCAVA) voters and voters who are voting by absentee because of a temporary or permanent disability, all absentee ballot envelopes must be acknowledged by the Circuit Clerk, a deputy clerk of "someone authorized to administer oaths," such as a notary public.

      i) If the envelope is not acknowledged as required by law or signed by a witness (for absentee voters who are temporarily or permanently disabled only), mark the envelope "REJECTED" and write the reason for the rejection on the envelope.

7) Compare the voter's signature on the absentee ballot application to the voter's signature across the flap of the absentee ballot envelope.

   a) If the signatures are clearly not the same (beyond any doubt), mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

8) Check the BP-001 to ensure the absentee voter is still a qualified elector of the county and precinct associated with the absentee ballot.

9) If the absentee voter is listed on the BP-001 as no longer being a qualified voter, (voter is listed on the Voided ballots pages of BP-001) mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

10) Permit challenges to absentee ballots by authorized challengers in accordance with Miss. Code Ann. § 23-15-571 and take action on any challenge as required by applicable law.

11) If everything is in order, mark the UNOPENED absentee ballot envelope "ACCEPTED."

12) Mark whether the ballot was Accepted or Rejected on the BP-001 provided by the officials in charge of the election.

(d) The Resolution Board, after marking all mailed absentee ballots as "Accepted" or "Rejected," shall sort the ballots grouping the "Accepted" ballots together and grouping the "Rejected" ballots together.

1) The "Rejected" ballots shall be bundled together in a separate strong envelope marked for "Rejected" ballots and returned to a ballot box, which will be sealed.

2) The "Accepted" ballots, after verifying the ballots were marked "Accepted," may be opened by the Resolution Board and deposited into a sealed ballot box, without unfolding the ballot. The "Accepted" absentee ballot envelopes and applications shall be retained in a sealed and secure ballot box to preserve the record of the election.

(e) After the close of the polls at 7:00 p.m., the Resolution Board will open the ballot box containing the accepted mailed absentee ballots, record the seal number, and count the votes:

1) In elections in which an optical mark scanner or digital central scanner is used, the Resolution Board, or designated election official under oath, shall immediately begin processing the accepted ballots through the central scanner, which must be counted separately from the in-person absentee voting totals. A system in which the same OMR equipment is used but different storage devices are utilized to record the count from the in-person absentee ballots and mailed absentee ballots shall satisfy this requirement.

2) In elections in which a central scanner is not utilized, the Resolution Board shall immediately begin hand-counting all accepted absentee ballots.

(f) The mailed absentee ballot totals shall then be combined with the precinct tabulation totals and the separately reported in-person absentee voting totals for the unofficial vote count.

(g) The Resolution Board may recess as necessary and resume meeting as necessary at any time during the canvass of the election prior to certification by the officials in charge of the election, which may include returning after five (5) business days to mark as "Accepted" or "Rejected" any absentee ballots returned by mail during the allowable time. The Resolution Board should announce the time, date, and location when the meeting shall resume at the recess of the previous meeting.

Source: *Miss. Code Ann.* §§ 23-15-637; 23-15-639(3); 23-15-523.

Rule 3.3 *Daily In-Person Absentee Voting Security and Accounting.*

(a) Before any OMR voting machine is used for in-person absentee voting, the election

commissioners, or their designees, shall conduct logic and accuracy testing on the OMR voting machine to ascertain that it will accurately count the votes cast for all offices and on all measures appearing on the ballot. Representatives of political parties, candidates, the press, and the general public may witness the testing. The testing shall be conducted by processing a pre-audited group of ballots marked 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 containing votes in excess of the number allowed by law to test the ability of the OMR voting machine to reject overvotes. If an error is detected, the cause of the error shall be ascertained and corrected, and an errorless test shall be completed and certified by the officials in charge before the OMR voting machine may be used for in-person absentee voting. Upon completion of testing, the programs, test materials, and ballots used in the testing shall be sealed and retained as provided by law.

(b) On the first day of in-person absentee voting, before the first in-person absentee ballot is cast, the Registrar shall cause each OMR voting machine used for in-person absentee voting to generate and print a zero report. One copy of each zero report shall be posted for public inspection, and a second copy shall be securely preserved as a record of the election.

(c) A seal log and ballot accounting form that complies with Miss. Code Ann. § 23-15-519 shall be maintained for each OMR voting machine used for in-person absentee voting. When more than one OMR voting machine is used, a separate seal log shall be maintained for each unit. All used seals shall be retained with the election materials.

(d) The list or lists of absentee voters shall be posted for public inspection during the absentee voting period.

(e) At the close of each day of in-person absentee voting, the Registrar shall cause a report to be generated and printed from each OMR voting machine reflecting the number of ballots cast on that unit that day. The total number of ballots cast reflected on the OMR report or reports shall match the number of in-person absentee ballot applications and the ballot accounting report for that day. Any discrepancy shall be documented and explained and retained with the election materials.

(f) The Registrar shall be responsible for maintaining the security of any password required to close the polls and tally votes on OMR voting machine used for in-person absentee voting. Tallying in-person absentee votes shall not begin before 7:00 p.m. on Election Night.

(g) If a ballot box becomes full and must be replaced, the full ballot box shall be sealed and

stored securely. A copy of the applicable seal log/ballot accounting form shall remain with the sealed ballot box and shall reflect the total number of ballots contained in the box. The original seal log/ballot accounting form may continue to be used with the replacement ballot box.

Source: Miss. Code Ann. §§ 23-15-519; 23-15-521; 23-15-525; 23-15-625; 23-15-637.

Rule 3.4 *Equipment Failure, Ballot Availability, and Transport.*

(a) If scannable ballots are unavailable when in-person absentee voting begins, each voter shall cast a paper absentee ballot. Each voted ballot shall be placed in an envelope, secured, and delivered to the Resolution Board for duplication onto a scannable ballot in accordance with applicable law.

(b) If any OMR voting machine becomes inoperable during in-person absentee voting, the emergency bin seal shall be broken and the action recorded on the applicable seal log/ballot accounting form. Voters shall place voted ballots in the emergency bin. Those ballots shall be scanned at the end of the day once the scanner is operational.

(c) If any OMR voting machine is replaced, a new seal log shall be started for the replacement scanner and shall record the replacement scanner's serial number and all seal numbers used with that scanner. The seal log for the OMR voting machine being replaced shall be preserved as a record of the election.

(d) For any county in which there are multiple county seats at which in-person absentee voting may occur, all materials shall be secured during transport and chain of custody shall be maintained when absentee voting materials are transported from a second office location to Election Central.

Source: Miss. Code Ann. §§ 23-15-519; 23-15-523; 23-15-525; 23-15-637.

Rule 3.5 *Challenges*

(a) Challenges during in-person absentee voting shall be handled in accordance with Miss. Code Ann. § 23-15-571 and 23-15-577 with the challenge being addressed by the Registrar or their designee.

Source: Miss. Code Ann. §§ 23-15-571; 23-15-577

Title 1: Secretary of State

Part Number 17 – Absentee Voting

Part 17 Chapter 1: Definitions

Rule 1.1 *Definitions.* For the purposes of these rules, the below terms mean the following:

I. "Absent Voter" means a voter who has submitted a valid absentee ballot application under Miss. Code Ann. Section 23-15-627 and is authorized to cast an absentee ballot.
J. "Absentee Ballot" means a ballot provided to a voter, prior to election day, who has submitted an absentee ballot application pursuant to Miss. Code Ann. Section 23-15- 627 and Section 23-15-715.
K. "Official in charge of the election" means either a county election commissioner, county party executive committee member, or circuit clerk for county elections, and municipal election commissioner, municipal party executive committee member, or municipal clerk for municipal election, who is/are responsible for the conducting elections within their individual jurisdictions and type of election.
L. "Poll Manager" means an election official appointed by the local election officials in charge of the election, pursuant to applicable laws, to operate the polling place and aid in conducting an election by performing duties prescribed by applicable law.
M. "Polling Place" means a location, designated by the county board of supervisors for each county or the local governing authority for each municipality, at which voters in the district, to which the precinct is assigned, may appear and cast their ballot.
N. "Registrar" means an official appointed by the State Board of Election Commissioners pursuant to Miss. Code Ann. Section 23-15-223. The Registrar is the clerk of the county, unless the State Board of Election Commissioners finds the circuit clerk to be an improper person to register voters. For municipal elections, the registrar is the municipal clerk.
O. "Resolution Board" means an group of individuals consisting of an odd number of not less than three registered voters of the county, or municipality for municipal elections, appointed by the officials in charge of the election to process absentee ballots, review blank, overvoted, under-voted, and damaged ballots, and to transfer non-scannable ballots to scannable ballots pursuant to Miss. Code Ann. § 23-15-523.
P. "Statewide Elections Management System" or "SEMS" means the master voter roll for the State of Mississippi.

Source: *Miss. Code Ann*. §§ 23-15-637(3); 23-15-227(6).

Part 17 Chapter 2: Voted Absentee Ballot is Final Vote

~~Rule 2.1 *Absentee Ballot Cast.* For the purposes of this Chapter, an absentee ballot is the final~~

~~vote of a voter when, during absentee ballot processing by the Resolution Board, the ballot is marked accepted. A rejected ballot is not a final vote, and should a ballot be rejected or a mailed absentee ballot not timely received, and that voter cast an affidavit ballot in the precinct on election day, the affidavit ballot may be counted if found legal. An affidavit ballot cast by a voter whose absentee ballot was accepted by the Resolution Board should be rejected, as the voter had already cast his/her final vote.~~

Rule 2.1 *Absentee Ballot Cast.* For the purposes of this Chapter, an in-person absentee ballot is the final vote of a voter when the ballot has been cast in accordance with Rule 2.2 and deposited into the OMR voting machine or, when authorized under these rules, into another secured ballot receptacle. A mailed absentee ballot is the final vote of a voter when, during absentee ballot processing by the Resolution Board, the ballot is marked "ACCEPTED." A mailed absentee ballot marked "REJECTED" is not a final vote. If a mailed absentee ballot is rejected or not timely received and the voter cast an affidavit ballot in the precinct on election day, the affidavit ballot may be counted if found legal. An affidavit ballot cast by a voter who has already cast an in-person absentee ballot, or whose mailed absentee ballot was accepted by the Resolution Board, shall be rejected.

Source: *Miss. Code Ann.* § 23-15-637.

~~Rule 2.2 *In-Person Absentee Ballots.* When an absent voter casts an absentee ballot in-person at the registrar's office, and the ballot is deposited by the voter into a secure ballot box, the absent voter may not cast a regular ballot on election day for the same election. If an absent elector, after having cast an absentee ballot, appears at the polling place on election day and seeks to cast a regular ballot, the voter must be informed that he/she is not entitled to cast a regular ballot, but may cast an affidavit ballot. In the process of providing an absentee ballot, the registrar will use either SEMS to document the request, issuance, and receipt of the ballot, or mark directly on the pollbook to indicate the absent voter has voted absentee by printing "VOTED AB" in the pollbook beside the voter's name in the Election Date/Write Voted column. In canvassing the election, the officials in charge of the election must ascertain whether the absentee voter's absentee ballot was accepted by the Resolution Board, and if accepted, must reject the affidavit ballot cast by the elector. If the absentee ballot was rejected by the Resolution Board, the officials in charge of the election may count the affidavit ballot if it is determined to be legal.~~

Rule 2.2 *In-Person Absentee Ballots.* When an absent voter appears at the registrar's office to vote an absentee ballot in person, the registrar shall use SEMS to document the request, issuance, and casting of the ballot. The voter shall cast an absentee paper ballot, after having completed an absentee ballot application as required by law, capable of being scanned by the OMR voting machine and shall deposit the voted ballot into the OMR voting machine, except when an equipment-failure, ballot-availability, or challenge procedure provided by these rules requires different handling. The registrar shall use SEMS to produce pollbooks, or mark directly on the pollbook, to indicate the absent voter has voted absentee by printing "VOTED AB" in the pollbook beside the voter's name in the Election Date/Write Voted column. If an absent elector, after having cast an in-person absentee ballot, appears at the polling place on election day and seeks to cast a regular ballot, the voter must be informed that he or she is not entitled to cast a regular ballot, but may cast an affidavit ballot. In canvassing the election, the officials in charge of the election shall reject the affidavit ballot if the records establish that the

voter cast an in-person absentee ballot.

Source: *Miss. Code Ann.* § 23-15-

637(3). Rule 2.3 *Absentee Ballot by*

mail.
(c) When a registrar mails an absentee ballot to an absent voter, SEMS will be used to document the request and issuance of the ballot. In the process of providing an absentee ballot, the registrar will use SEMS to produce pollbooks, or mark directly on the pollbook, to indicate the absent voter has been mailed an absentee ballot or absentee ballot has been received by the registrar by printing "VOTED AB" in the pollbook beside the voter's name in the Election Date/Write Voted column. If an absent elector appears at the polling place on election day, after having been mailed an absentee ballot or returned an absentee ballot and seeks to cast a regular ballot, the voter must be informed that he/she is not entitled to cast a regular ballot, but the voter may cast an affidavit ballot. The absentee ballot, upon receipt by the registrar, processed as received in SEMS and deposited into a secure ballot box, shall be final, if accepted by the Resolution Board.

(d) In canvassing the election, the officials in charge of the election shall check the Absentee Ballot Received Report (BP-001 from SEMS) and SEMS to see whether an absentee ballot was received by the registrar, and also check to see whether the Resolution Board accepted the
absentee ballot. If the absent voter's absentee ballot has been received within five (5) business days of the election and accepted by the Resolution Board, the officials in charge of the election shall reject the absent voter's affidavit ballot. If the absent voter's absentee ballot has not been received within five (5) business days after the election, or was rejected by the Resolution Board, the officials in charge of the election may accept the affidavit ballot if determined to be legal.

Source: *Miss. Code Ann.* § 23-15-637(3).

Part 17 Chapter 3: ~~Counting~~Processing and Counting Mailed Absentee Ballots

Rule 3.1 *Public Notice of Meeting of Resolution Board to ~~Process Absentee Ballots~~Process Mailed Absentee Ballots.* Public notice of the meeting of the Resolution Board must be posted at least five (5) business days prior to the election at the office of the registrar (courthouse for county elections and municipal office building for municipal elections), at the meeting place of the election commission, on the wall of each polling place as a precinct sign on Election Day, and any other place deemed appropriate by the officials in charge of the election. If the county has a website or official social media pages, then notice shall be provided on the website and social media pages as well. The public notice must include the time, location, and purpose of the Resolution Board's meeting. All meetings of the Resolution Board shall be open to the public.

Rule 3.2 *~~Counting Absentee~~ Counting Mailed Absentee Ballots.*

(a) At a time determined by the officials in charge of the election, but not before the opening of the polls, the Resolution Board, established under Section 23-15-523, shall meet to ~~process absentee ballots~~ process mailed absentee ballots.

(b) The Resolution Board shall first break the seal on the ballot box ~~containing the absentee ballot~~ containing the mailed absentee ballot envelopes and absentee ballot applications, and remove the applications and envelopes ~~containing the absentee ballots~~ containing the mailed absentee ballots of such electors from the ballot box.

(c) The Resolution Board shall:

1) Announce the name, address, and precinct as shown on each absentee ballot application. (Miss. Code Ann. § 23-15-639(1)(a)).

2) Check for the original seal of the ~~Circuit Clerk~~ Registrar and original initials of the ~~Circuit Clerk~~ Registrar or deputy ~~circuit clerk~~ registrar on the absentee ballot application.

a) If the seal or initials are not present, mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

3) Ensure the absentee ballot application is signed by the voter.

a) If the application is not signed by the voter, mark the envelope "REJECTED" and write the reason for the rejection on the absentee ballot envelope.

b) EXCEPTION: Military and overseas voters ("UOCAVA") may use the Federal Post Card Application ("FPCA") to request an absentee ballot. The FPCA may be electronically signed by the voter, meaning the voter's name may be typewritten, instead of signed. A military or overseas absentee ballot must not be rejected for this reason.

4) Ensure the absentee ballot application is acknowledged or witnessed as required by law.

~~a) For voters who vote an absentee ballot in the Circuit Clerk's Office, the clerk or deputy clerk will complete the acknowledgement on the application. The acknowledgement is located near the bottom of the application and begins with the words "SWORN TO AND SUBSCRIBED BEFORE ME."~~

a ~~b~~) For voters who are temporarily or permanently disabled, a witness signs the certificate at the bottom of the application. The witness certificate is located below the acknowledgement and begins with the words "I HEREBY CERTIFY." An
acknowledgement does not need to be completed on the application of a voter who is voting an absentee ballot because of a temporary or permanent disability.

b ~~c~~) The Federal Post Card Application (FPCA), used by military and overseas voters (UOCAVA), does not require an acknowledgement or a witness signature at all.

c ~~d~~) Excluding military and overseas voters (no acknowledgement or witness signature required) and voters who are voting absentee because of a temporary or permanent disability (witness signature only required), all absentee ballot applications must be acknowledged by the Circuit Clerk, a deputy clerk or "someone authorized to administer oaths," such as a notary public.

i) If the application is not acknowledged as required by law or signed by a witness (for absentee voters who are temporarily or permanently disabled only), mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

5) Ensure the absentee ballot envelope is signed by the voter across the flap of the envelope.

a) If the ballot envelope is not signed by the voter across the flap of the envelope, mark the envelope "REJECTED" and write the reason for the rejection on the envelope.

b) EXCEPTION: The envelope of an absentee ballot returned by a military or overseas (UOCAVA) voter by e-mail or fax will not be signed by the voter. These ballots are received by the Circuit Clerk's Office, placed in an envelope by the Circuit Clerk or a deputy clerk and marked to indicate the ballot is a UOCAVA (military or overseas) voter. A military or overseas (UOCAVA) absentee ballot must not be rejected for this reason.

6) Ensure the absentee ballot envelope is acknowledged or witnessed as required by law, and the witness signed across the flap of the envelope.

a) ~~For voters who vote an absentee ballot in the Circuit Clerk's Office, the Circuit Clerk or a deputy clerk will acknowledge the voter's signature on the absentee envelope by signing across the flap of the envelope.~~

b) For voters who are temporarily or permanently disabled, a witness to the voter's signature signs the certificate by signing across the flap of the envelope. An

acknowledgement does not need to be completed on the absentee ballot envelope of a voter who is temporarily or permanently disabled.

c) The absentee ballots of military and overseas (UOCAVA) voters who return their ballots by e-mail or fax to the Circuit Clerk's Office are placed in an absentee ballot envelope by the Circuit Clerk or deputy clerk and marked to indicate the ballot is that of a military or overseas (UOCAVA) voter.

d) Excluding military and overseas (UOCAVA) voters and voters who are voting by absentee because of a temporary or permanent disability, all absentee ballot envelopes must be acknowledged by the Circuit Clerk, a deputy clerk of "someone authorized to administer oaths," such as a notary public.

i) If the envelope is not acknowledged as required by law or signed by a witness (for absentee voters who are temporarily or permanently disabled only), mark the envelope "REJECTED" and write the reason for the rejection on the envelope.

7) Compare the voter's signature on the absentee ballot application to the voter's signature across the flap of the absentee ballot envelope.

a) If the signatures are clearly not the same (beyond any doubt), mark the absentee ~~ballot envelope "REJECTED", write the reason for the rejection on the envelope, and process pursuant to Rules 4.1 and 4.2.~~ ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

8) Check the BP-001 to ensure the absentee voter is still a qualified elector of the county and precinct associated with the absentee ballot.

9) If the absentee voter is listed on the BP-001 as no longer being a qualified voter, (voter is listed on the Voided ballots pages of BP-001) mark the absentee ballot envelope "REJECTED" and write the reason for the rejection on the envelope.

10) ~~Provide the poll watchers the opportunity to challenge every absentee ballot in the same manner and for the same reasons any other voter may be challenged, and take immediate action.~~ Permit challenges to absentee ballots by authorized challengers in accordance with Miss. Code Ann. § 23-15-571 and take action on any challenge as required by applicable law.

11) If everything is in order, mark the UNOPENED absentee ballot envelope "ACCEPTED."

12) Mark whether the ballot was Accepted or Rejected on the BP-001 provided by the officials in charge of the election.

(d) ~~The Resolution Board, after marking all absentee ballots as "Accepted" or "Rejected," shall sort the ballots grouping the "Accepted" ballots together and grouping the "Rejected" ballots together.~~ The Resolution Board, after marking all mailed absentee ballots as "Accepted" or "Rejected," shall sort the ballots grouping the "Accepted" ballots together and grouping the "Rejected" ballots together.

1) The "Rejected" ballots shall be bundled together in a separate strong envelope marked for "Rejected" ballots and returned to a ballot box, which will be sealed.

2) The "Accepted" ballots, after verifying the ballots were marked "Accepted," may be opened by the Resolution Board and deposited into a sealed ballot box, without unfolding the ballot. The "Accepted" absentee ballot envelopes and applications shall

be retained in a sealed and secure ballot box to preserve the record of the election.

(e) After the close of the polls at 7:00 p.m., the Resolution Board will open the ballot box containing the ~~accepted absentee ballots~~ accepted mailed absentee ballots, record the seal number, and count the votes:

1) In elections in which an optical mark scanner or digital central scanner is used, the Resolution Board, or designated election official under oath, shall immediately begin processing the accepted ballots through the central scanner, which must be counted separately from the in-person absentee voting totals. A system in which the same OMR equipment is used but different storage devices are utilized to record the count from the in-person absentee ballots and mailed absentee ballots shall satisfy this requirement.

2) In elections in which a central scanner is not utilized, the Resolution Board shall immediately begin hand-counting all accepted absentee ballots.

(f) ~~The totals shall then be combined with the precinct tabulation totals for the unofficial vote count.~~The mailed absentee ballot totals shall then be combined with the precinct tabulation totals and the separately reported in-person absentee voting totals for the unofficial vote count.

(g) The Resolution Board may recess as necessary and resume meeting as necessary at any time during the canvass of the election prior to certification by the officials in charge of the election, which may include returning after five (5) business days to mark as "Accepted" or "Rejected" any absentee ballots returned by mail during the allowable time. The Resolution Board should announce the time, date, and location when the meeting shall resume at the recess of the previous meeting.

Source: *Miss. Code Ann.* §§ 23-15-637; 23-15-639(3); 23-15-523.

Rule 3.3 *Daily In-Person Absentee Voting Security and Accounting.*

(a) Before any OMR voting machine is used for in-person absentee voting, the election commissioners, or their designees, shall conduct logic and accuracy testing on the OMR voting machine to ascertain that it will accurately count the votes cast for all offices and on all measures appearing on the ballot. Representatives of political parties, candidates, the press, and the general public may witness the testing. The testing shall be conducted by processing a preaudited group of ballots marked 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 containing votes in excess of the number allowed by law to test the ability of the OMR voting machine to reject overvotes. If an error is detected, the cause of the error shall be ascertained and corrected, and an errorless test shall be completed and certified by the officials in charge before the OMR voting machine may be used for in-person absentee voting. Upon completion of testing, the programs, test materials, and ballots used in the testing shall be sealed and retained as provided by law.

~~(a)~~ (b) On the first day of in-person absentee voting, before the first in-person absentee ballot is cast, the Registrar shall cause each OMR voting machine used for in-person absentee voting to generate and print a zero report. One copy of each zero report shall be posted for public inspection, and a second copy shall be securely preserved as a record of the election.

~~(b)~~ (c) A seal log and ballot accounting form that complies with Miss. Code Ann. § 23-15-519 shall be maintained for each OMR voting machine used for in-person absentee voting. When more than one OMR voting machine is used, a separate seal log shall be maintained for each unit. All used seals shall be retained with the election materials.

~~(c)~~ (d) The list or lists of absentee voters shall be posted for public inspection during the absentee voting period.

~~(d)~~ (e) At the close of each day of in-person absentee voting, the Registrar shall cause a report to be generated and printed from each OMR voting machine reflecting the number of ballots cast on that unit that day. The total number of ballots cast reflected on the OMR report or reports shall match the number of in-person absentee ballot applications and the ballot accounting report for that day. Any discrepancy shall be documented and explained and retained with the election materials.

~~(e)~~ (f) The Registrar shall be responsible for maintaining the security of any password required to close the polls and tally votes on OMR voting machine used for in-person absentee voting. Tallying in-person absentee votes shall not begin before 7:00 p.m. on Election Night.

~~(e)~~ (g) If a ballot box becomes full and must be replaced, the full ballot box shall be sealed and stored securely. A copy of the applicable seal log/ballot accounting form shall remain with the sealed ballot box and shall reflect the total number of ballots contained in the box. The original seal log/ballot accounting form may continue to be used with the replacement ballot box.

Source: Miss. Code Ann. §§ 23-15-519; 23-15-521; 23-15-525; 23-15-625; 23-15-637.

Rule 3.4 *Equipment Failure, Ballot Availability, and Transport.*

(a) If scannable ballots are unavailable when in-person absentee voting begins, each voter shall cast a paper absentee ballot. Each voted ballot shall be placed in an envelope, secured, and delivered to the Resolution Board for duplication onto a scannable ballot in accordance with applicable law.

(b) If any OMR voting machine becomes inoperable during in-person absentee voting, the emergency bin seal shall be broken and the action recorded on the applicable seal log/ballot accounting form. Voters shall place voted ballots in the emergency bin. Those ballots shall be scanned at the end of the day once the scanner is operational.

(c) If any OMR voting machine is replaced, a new seal log shall be started for the replacement scanner and shall record the replacement scanner's serial number and all seal numbers used with that scanner. The seal log for the OMR voting machine being replaced shall be preserved as a record of the election.

(d) For any county in which there are multiple county seats at which in-person absentee voting may occur, all materials shall be secured during transport and chain of custody shall be maintained when absentee voting materials are transported from a second office location to Election Central.

Source: Miss. Code Ann. §§ 23-15-519; 23-15-523; 23-15-525; 23-15-637.

Rule 3.5 *Challenges*

(a) Challenges during in-person absentee voting shall be handled in accordance with Miss. Code Ann. § 23-15-571 and 23-15-577 with the challenge being addressed by the Registrar or their designee.

Source: Miss. Code Ann. §§ 23-15-571; 23-15-577

~~Part 17 Chapter 4: Signature mismatch and cure~~

~~Rule 4.1 Notice of signature mismatch on absentee ballot application and absentee ballot envelope. When a voter's absentee ballot is rejected under Miss. Code Ann. § 23-15-639 for the signatures not corresponding on the absentee application and absentee ballot envelope, the registrar must notify the voter within one (1) business day of the election that the voter's absentee ballot has been tentatively rejected. The notice must inform the voter that his/her ballot has been tentatively rejected because the signature on the absentee application does not correspond to the signature on the absentee ballot envelope and the process for curing such deficiency. The notice must also inform the voter that if he/she does not cure the~~

~~signature mismatch by noon on the 10th calendar day post-election, the voter's ballot will not be counted. Notice to the voter shall be made first by telephone, if a phone number is available, and followed by email or facsimile if either is available to transmit the notice and the Absentee Cure Form. If email or facsimile is not available to transmit notice and the Absentee Cure Form, it shall be transmitted by first-class mail to any rejected absentee voter.~~

~~Source: Miss. Code Ann. §§ 23-15-637; 23-15-639.~~

~~Rule 4.2 Cure process or rejected absentee ballots.~~

~~(a) When a voter's absentee ballot is rejected due to the signature on the absentee application not corresponding to the signature on the absentee ballot envelope, the voter may cure the deficiency by completing an "Absentee Cure Form." The Absentee Cure Form, which must take the form as prescribed in these rules, must be delivered to the voter within one (1) business day of rejection of the voter's absentee ballot and include the notice of deficiency. The Absentee Cure Form may be delivered to the voter by mail, email, facsimile, or in-person at the registrar's office. The appropriate official in charge of the election shall complete the return due date on the Absentee Cure Form prior to sending to the voter.~~

~~(b) The Absentee Cure Form shall ask the voter to:~~

~~1) Declare that the voter submitted his/her absentee ballot;~~

~~2) Verify the voter's identity by either:~~

~~a) Providing the voter's Mississippi Driver's License Number or DPS issued photo ID number;~~

~~b) If the voter does not have a Mississippi Driver's License Number or DPS issued photo ID, providing the last four digits of his/her Social Security Number; or,~~

~~c) If the voter has neither a Mississippi Driver's License Number or DPS issued photo ID, or the last four digits of his/her Social Security Number, attaching a legible copy of a state-accepted form of photo identification which lists the voter's name and address; an official federal, state, county or municipal document which lists the voter's name and address; or a utility or telephone bill or tax or rent receipt; and~~

~~d) Sign and date the form prior to returning it.~~

~~(c) If a voter timely returns a completed Absentee Cure Form and the information provided verifies the voter's identity, the otherwise valid absentee ballot shall be counted in the final election results irrespective of any impairment previously identified. If a voter elects to attach a copy of a state-accepted identification document to the Absentee Cure Form, the address listed on such document need not match the voter registration address provided if the document otherwise verifies the voter's identity.~~

~~(d) Only the voter, or a person authorized by the voter named in writing on the form, may return the Absentee Cure Form to the registrar by email, facsimile, mail carrier, commercial carrier, or in-person. A completed Absentee Cure Form must be returned to the registrar by noon (12:00 p.m.) on the 10th calendar day post-election. If a completed Absentee Cure Form is not returned within the allotted time, then the voter's absentee ballot will stand as rejected and not be counted. An original copy of the affidavit is not required for timely delivery, but the signature on the affidavit must be unique to the individual. A typed signature is not acceptable.~~

~~Source: Miss. Code Ann. §§ 23-15-637; 23-15-639.~~

~~Absentee Cure Form~~

~~You are receiving this form because there was a deficiency on your absentee ballot application and/or absentee ballot envelope. For your absentee ballot to be counted, complete and return this cure form as soon as possible. This form must be received by your County Election Commissioners by 12:00 p.m. on _____ (10th day post-election). Please note that this is an actual receipt date and NOT a postmark date. Once completed, the form can be returned to the officials in charge of the election by you or a person authorized by you. The cure form can be returned by:~~

~~• Email~~

~~• Facsimile (FAX)~~

~~• Delivering it in person to the registrar~~

~~• Mail or commercial carrier~~

~~If this form is not returned by the deadline, your absentee ballot will not be counted. READ AND COMPLETE THE FOLLOWING:~~

~~I am an eligible voter in this election and registered to vote in ___ County, Mississippi. I solemnly swear or affirm that I requested, voted, and returned an absentee ballot for the __ (date of the election) general/special/primary/runoff election, and that I have not voted more than one ballot in this election.~~
~~Voter's Name (Printed) Name of Person Authorized to Return~~
~~Voter's Signature _____ Signature of Person Authorized to Return~~
~~Voter's Residential Address ____ Relationship to Voter (if any)~~
~~Voter's Date of Birth ___ Address of Person Authorized to Return~~
~~Voter's Driver's License #, DPS Issued Photo ID #, or Last Four of SSN~~
~~Date~~