

By: Senator(s) Blackwell, Jordan, Jackson
(11th)

To: Elections

SENATE BILL NO. 2737
(As Passed the Senate)

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

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

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

7 23-15-551. On receiving his or her ballot, the voter shall
8 go without undue delay into one (1) of the voting compartments and
9 shall there prepare his or her ballot by marking with ink * * * on
10 the appropriate margin or place a cross (X) opposite the name of
11 the candidate of his or her choice for each office or by writing
12 in the name of a candidate in the blank space provided, and
13 marking a cross (X) opposite thereto, and likewise a cross (X)
14 opposite the answer he or she desires to give in case of an
15 election on a constitutional amendment, local option election,
16 referenda or any other question or matter. As an alternative
17 method, a voter may, at his or her option, prepare a ballot by
18 marking with ink * * * in the appropriate margin or place a check,



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



43 that a ballot was marked in pencil shall not disqualify the ballot
44 from being counted.

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

47 23-15-691. As soon as possible after the printing of the
48 official absentee ballot for any election, the registrar of the
49 county shall send to any absent voter as defined in this
50 subarticle, who shall, upon proper application, have requested
51 same, the official absentee voter ballot or ballots provided for
52 in this subarticle and the instructions for voting and returning
53 the ballot. If the ballot is sent by mail the registrar shall
54 send a self-addressed envelope or envelopes with the ballot and
55 the instructions.

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

62 If applicable, the instructions shall indicate that the
63 ballot shall be marked in ink * * *. The mere fact that a ballot
64 was marked in pencil shall not disqualify the ballot from being
65 counted.

66 **SECTION 3.** This act shall take effect and be in force from
67 and after July 1, 2020.

