

By: Representative Moak

To: Apportionment and
Elections

HOUSE BILL NO. 214

1 AN ACT TO AMEND SECTION 23-15-637 AND 23-15-639, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE METHOD OF MAILING, RECEIVING,
3 EXAMINING AND COUNTING ABSENTEE BALLOTS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 23-15-637, Mississippi Code of 1972, is
6 amended as follows:

7 23-15-637. Absentee ballots received by mail, excluding
8 presidential ballots as provided for in Sections 23-15-731 and
9 23-15-733, must be received by the registrar by 5:00 p.m. on the
10 date preceding the election; any received after that time shall be
11 handled as provided in Section 23-15-647 and shall not be counted.

12 All ballots cast by the absent elector appearing in person in the
13 office of the registrar shall be cast not later than 12:00 noon on
14 the Saturday immediately preceding elections held on Tuesday, the
15 Thursday immediately preceding elections held on Saturday, or the
16 second day immediately preceding the date of elections held on
17 other days. The registrar shall deposit all absentee ballots
18 which have been timely cast in the ballot boxes upon receipt.

19 All absentee ballots received by the registrar shall be held
20 by the registrar. The absentee ballots held by the registrar and
21 a list of all absentee ballots mailed out shall be delivered to
22 the commissioners of election as provided in Section 23-15-639.

23 SECTION 2. Section 23-15-639, Mississippi Code of 1972, is
24 amended as follows:

25 23-15-639. (1) In cases of the examination and counting of
26 absentee ballots cast in primary elections, five (5) members of

27 the appropriate political party county executive committee shall
28 be selected in accordance with procedures established by the
29 party's state executive committee and shall be designated to
30 perform the functions outlined in this subsection with regard to
31 the examination and counting of ballots. The commissioners of
32 election shall assist the designated executive committee members,
33 upon the request of those members.

34 (a) In counties with a population in excess of
35 seventy-five thousand (75,000) according to the latest decennial
36 census, all absentee ballots received by the registrar shall be
37 held by the registrar. These absentee ballots and a list of all
38 absentee ballots mailed out shall be delivered to the
39 commissioners of election or designated executive members by the
40 registrar at 9:00 a.m. on the Wednesday immediately preceding
41 elections held on Tuesday, the Monday immediately preceding
42 elections held on Saturday, or the seventh day preceding elections
43 held on other days. The commissioners of election or designated
44 executive members shall then publicly meet for as long as
45 necessary to examine the envelopes and their contents, make the
46 determinations and perform the duties that are required by
47 subsection (2) of this section.

48 (b) In all other counties, at 9:00 a.m. on the Friday
49 immediately preceding elections held on Tuesday, the Thursday
50 immediately preceding elections held on Saturday, or the second
51 day immediately preceding elections held on other days, all
52 absentee ballots received by the registrar shall be held by the
53 registrar. These absentee ballots and a list of all absentee
54 ballots mailed out shall be delivered to the commissioners of
55 election or designated executive committee members by the
56 registrar. If the commissioners of election or designated
57 executive committee members have met pursuant to paragraph (a) of
58 this subsection, the registrar shall deliver the envelopes
59 containing the absentee ballots that he has received since the
60 meeting to the commissioners or committee members. The
61 commissioners of election or designated executive committee
62 members shall then publicly meet for as long as necessary to
63 examine the envelopes and their contents, make the determinations

64 and perform the duties that are required by subsection (2) of this
65 section.

66 (c) On the day before the election the registrar shall
67 deliver to the commissioners of election or designated executive
68 committee members all the envelopes containing the absentee
69 ballots that he has received since the meeting provided for in
70 paragraph (b) of this section as soon as possible after he
71 receives them. The commissioners of election or designated
72 executive committee members shall publicly meet on the day
73 preceding the election for as long as may be necessary to examine
74 the envelopes and their contents, make the determinations and
75 perform the duties that are required by subsection (2) of this
76 section.

77 (2) * * * The envelopes containing the absentee ballots of
78 the electors shall be taken from the box, and the name, address
79 and precinct inscribed on each * * * envelope shall be announced
80 by the commissioners of election or designated executive
81 committee. The signature on the application shall then be
82 compared with the signature on the back of the envelope. If it
83 corresponds and the affidavit, if one is required, is sufficient
84 and the commissioners of election or designated executive
85 committee find that the applicant is a registered and qualified
86 voter or otherwise qualified to vote, and that he has not appeared
87 in person and voted at the election, the envelope shall then be
88 placed in the proper ballot box by the commissioners of election
89 or designated executive members. As provided in Section
90 23-15-641, if the signature does not correspond and the affidavit,
91 if one is required, is not sufficient and the commissioners of
92 election or designated executive members find that the applicant
93 is not a registered voter or is not otherwise qualified to vote,
94 the envelope shall be marked "REJECTED" and placed on file in the
95 office of the registrar as provided in Section 23-15-645. The
96 election commissioners or designated executive members shall write

97 on the absentee voter list of the voter's precinct the reason for
98 rejection.

99 (3) At the close of the regular balloting and at the close
100 of the polls, the election managers of each voting precinct shall
101 take the envelopes containing the absentee ballots of the electors
102 from the box, and the name, address and precinct inscribed on each
103 absentee ballot envelope shall be announced by the election
104 managers. If the voter has not appeared in person and voted at
105 the election, the absentee ballot envelope shall be opened and the
106 ballot removed from the envelope, without its being unfolded, or
107 permitted to be unfolded or examined. The election managers shall
108 deposit the ballot in the ballot box with the other ballots before
109 counting any ballots, shall write the voter's name in the receipt
110 book or booklet provided for that purpose and shall mark "VOTED"
111 in the pollbook as if he had been present and had voted in person.
112 If voting machines are used, all absentee ballots shall be placed
113 in the ballot box before any ballots are counted, and the election
114 managers in each precinct shall immediately count the absentee
115 ballots and add them to the votes cast in the voting machine or
116 other device.

117 SECTION 3. The Attorney General of the State of Mississippi
118 shall submit this act, immediately upon approval by the Governor,
119 or upon approval by the Legislature subsequent to a veto, to the
120 Attorney General of the United States or to the United States
121 district for the District of Columbia in accordance with the
122 provisions of the Voting Rights Act of 1965, as amended and
123 extended.

124 SECTION 4. This act shall take effect and be in force from
125 and after the date it is effectuated under Section 5 of the Voting
126 Rights Act of 1965, as amended and extended.