

By: Senator(s) Harden (By Request)

To: Elections

## SENATE BILL NO. 2544

1 AN ACT TO AMEND SECTIONS 23-15-637, 23-15-677, 23-15-685,  
2 23-15-687, 23-15-695 AND 23-15-699, MISSISSIPPI CODE OF 1972, TO  
3 PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY MAIL THAT HAVE BEEN CAST  
4 BY ABSENT ELECTORS UNDER THE ARMED FORCES ABSENTEE BALLOT LAW MUST  
5 BE RECEIVED BY THE REGISTRAR BY THE CLOSE OF THE POLLS ON ELECTION  
6 DAY; TO PROVIDE THAT ABSENT VOTERS MAY USE A DULY EXECUTED FEDERAL  
7 POSTCARD APPLICATION TO REQUEST A BALLOT OR TO REGISTER TO VOTE OR  
8 TO DO BOTH SIMULTANEOUSLY UNDER THE ARMED FORCES ABSENTEE BALLOT  
9 LAW; TO PROVIDE THAT A REQUEST FOR AN ABSENTEE BALLOT SHALL SERVE  
10 AS A REQUEST FOR AN ABSENTEE BALLOT FOR EACH ELECTION HELD WITHIN  
11 THE CALENDAR YEAR FOR WHICH THE VOTER IS ELIGIBLE TO VOTE; TO  
12 ALLOW NONCOMMISSIONED OFFICERS AND PETTY OFFICERS TO ADMINISTER  
13 AND ATTEST OATHS UNDER THE ARMED FORCES ABSENTEE BALLOT LAW; TO  
14 AUTHORIZE THE USE OF ELECTRONIC FACSIMILE DEVICES TO TRANSMIT  
15 ABSENTEE BALLOTS, TO RECEIVE VOTED ABSENTEE BALLOTS AND TO RECEIVE  
16 COMPLETED FEDERAL POSTCARD APPLICATIONS UNDER THE ARMED FORCES  
17 ABSENTEE BALLOT LAW; TO PROVIDE THAT ABSENT VOTERS WHO RESIDE  
18 OUTSIDE THE UNITED STATES, WHO ARE MEMBERS OF THE UNITED STATES  
19 ARMED FORCES OR WHO ARE FAMILY MEMBERS OF A MEMBER OF THE UNITED  
20 STATES ARMED FORCES, AND WHO ARE REGISTERED VOTERS IN THE STATE OF  
21 MISSISSIPPI, MAY USE THE FEDERAL WRITE-IN-ABSENTEE BALLOT UNDER  
22 CERTAIN CIRCUMSTANCES; TO REPEAL SECTION 23-15-689, MISSISSIPPI  
23 CODE OF 1972, WHICH PROVIDES THE MANNER IN WHICH PERSONS ARE  
24 REGISTERED TO VOTE UNDER THE ARMED SERVICES ABSENTEE VOTERS LAW;  
25 AND FOR RELATED PURPOSES.

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

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

29 23-15-637. (1) Except as provided in subsection (2) of this  
30 section, absentee ballots received by mail, excluding presidential  
31 ballots as provided for in Sections 23-15-731 and 23-15-733, must  
32 be received by the registrar by 5:00 p.m. on the date preceding  
33 the election; any received after such time shall be handled as  
34 provided in Section 23-15-647 and shall not be counted. All  
35 ballots cast by the absent elector appearing in person in the  
36 office of the registrar shall be cast not later than 12:00 noon on  
37 the Saturday immediately preceding elections held on Tuesday, the

38 Thursday immediately preceding elections held on Saturday, or the  
39 second day immediately preceding the date of elections held on  
40 other days. The registrar shall deposit all absentee ballots  
41 which have been timely cast in the ballot boxes upon receipt.

42 (2) Absentee ballots received by mail which have been cast  
43 by any absent voter as defined by Section 23-15-673 must be  
44 received by the registrar by the close of the polls on election  
45 day. Such absentee ballots received after the ballot boxes have  
46 been sent to the polling places shall be delivered by the  
47 registrar to the officials in charge of the election, who shall  
48 examine and act on such ballots as near as practicable to the  
49 procedures by which election managers act on absentee ballots at  
50 the close of polls.

51 SECTION 2. Section 23-15-677, Mississippi Code of 1972, is  
52 amended as follows:

53 23-15-677. All absent voters as defined in Section  
54 23-15-673(1) and (2) may use a duly executed federal postcard  
55 application (as provided for in the Uniformed and Overseas  
56 Citizens Absentee Voting Act, 42 USC 1973 ff et seq.) to request a  
57 ballot or to register to vote, or to do both simultaneously.

58 SECTION 3. Section 23-15-685, Mississippi Code of 1972, is  
59 amended as follows:

60 23-15-685. Within forty-five (45) days next prior to any  
61 election upon application first made to the registrar of the  
62 county by any absent voter as defined in this subarticle, such  
63 person shall be sent an absentee voter ballot \* \* \* of the county  
64 of which he is a citizen and resident. The registrar shall send  
65 to such absent voter a proper absentee voter ballot containing the  
66 names of all candidates who qualify or the proposition to be voted  
67 upon in such elections, and with such ballot there shall be sent  
68 an official envelope containing upon it in printed form the  
69 recitals and data hereinafter required.

70 SECTION 4. Section 23-15-687, Mississippi Code of 1972, is  
71 amended as follows:

72 23-15-687. The registrar shall keep all applications for  
73 absentee ballots and shall, within twenty-four (24) hours, if  
74 possible, send to such absent voter on whose behalf the

75 application is made the proper affidavit and the proper ballot or  
76 ballots applicable to the elections. One (1) application shall  
77 serve as a request for an absentee ballot for each election held  
78 within the calendar year for which the voter is eligible to vote.

79 The registrar shall preserve all applications for absentee voter  
80 ballots for one (1) year as a record to be furnished to any court  
81 or constituted authority for inspection or evidence if properly  
82 called for.

83 SECTION 5. Section 23-15-695, Mississippi Code of 1972, is  
84 amended as follows:

85 23-15-695. Those persons authorized to administer and attest  
86 oaths shall be:

87 (a) Any commissioned officer or noncommissioned officer  
88 (NCO) or petty officer in the active service of the armed forces;

89 (b) Any member of the Merchant Marine of the United  
90 States designated for this purpose by the Secretary of Commerce;

91 (c) The head of any department or agency of the United  
92 States;

93 (d) Any civilian official empowered by state or federal  
94 law to administer oaths; or

95 (e) Any civilian employee designated by the head of any  
96 department or agency of the United States.

97 SECTION 6. Section 23-15-699, Mississippi Code of 1972, is  
98 amended as follows:

99 23-15-699. The registrar shall be authorized to use  
100 electronic facsimile (FAX) devices to transmit absentee ballots  
101 and receive voted absentee ballots, and to receive completed  
102 federal postcard applications as described in Section 23-15-677,  
103 which shall serve to request absentee ballots or to register to  
104 vote or to do both simultaneously.

105 SECTION 7. An absent voter who resides outside the United  
106 States, who is a member of the United States Armed Forces or who  
107 is a family member of a member of the armed forces, and who is a

108 registered voter of the State of Mississippi, may use the Federal  
109 Write-In-Absentee Ballot as provided for by 42 USC 1973 ff-2 in  
110 general, special, primary and run-off elections for local, state  
111 and federal offices.

112 SECTION 8. Section 23-15-689, Mississippi Code of 1972,  
113 which provides the manner in which persons are registered to vote  
114 under the Armed Services Absentee Voters Law, is hereby repealed.

115 SECTION 9. The Attorney General of the State of Mississippi  
116 is directed to submit this act, immediately upon approval by the  
117 Governor, or upon approval by the Legislature subsequent to a  
118 veto, to the Attorney General of the United States or to the  
119 United States District Court for the District of Columbia in  
120 accordance with the provisions of the Voting Rights Act of 1965,  
121 as amended and extended.

122 SECTION 10. This act shall take effect and be in force from  
123 and after the date it is effectuated under Section 5 of the Voting  
124 Rights Act of 1965, as amended and extended.