

By: Fleming

To: Apportionment and
Elections

HOUSE BILL NO. 236

1 AN ACT TO AMEND SECTIONS 23-15-625, 23-15-637 AND 23-15-639,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ABSENTEE BALLOTS BE
3 RECEIVED AND MAINTAINED BY THE REGISTRAR AND COUNTED BY THE
4 ELECTION COMMISSIONER BEFORE THE POLLS CLOSE ON ELECTION DAY; AND
5 FOR RELATED PURPOSES.

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

7 SECTION 1. Section 23-15-625, Mississippi Code of 1972, is
8 amended as follows:[HS1]

9 23-15-625. The registrar shall be responsible for printing
10 applications for absentee voting as provided herein. At least
11 sixty (60) days prior to any election in which absentee voting is
12 provided for by law, the registrar shall order a sufficient number
13 of applications to be printed; provided, however, that in the
14 event a special election is called and set at a date which makes
15 it impractical or impossible to print applications for absent
16 elector's ballot sixty (60) days prior to such election, the
17 registrar shall print such applications as soon as practicable
18 after such election is called. The applications shall be printed
19 with sequential numbers appearing on the application and the
20 corresponding perforated stub. The registrar shall fill in the
21 date of the particular election on the application for which the
22 application will be used. Upon receipt of the applications for

23 the election from the printer, the registrar shall file an
24 affidavit with the election commission and a duplicate original of
25 the affidavit in the registrar's office stating the number of
26 applications which he received from the printer.

27 The registrar shall be authorized to disburse applications
28 for absentee ballots to any qualified elector within the county
29 where he serves. The registrar shall keep a permanent ledger for
30 the purpose of showing the number of applications and the persons
31 to whom the applications were given. Any person who presents to
32 the registrar the oral or written request for an absentee ballot
33 application for a voter entitled to vote absentee by mail, other
34 than the elector who seeks to vote by absentee ballot shall, in
35 the presence of the registrar, * * * sign the application and
36 print on the application his or her name and address and the name
37 of the elector for whom the application is being requested in the
38 place provided for on the application for that purpose. However,
39 if for any reason such person is unable to write the information
40 required, then the registrar shall write the information on a
41 printed form which has been prescribed by the Secretary of State.

42 The form shall provide a place for such person to place his mark
43 after the form has been filled out by the registrar. If an
44 elector picks up applications for another person, the elector
45 shall indicate on the ledger the name or names of the persons for
46 whom he is obtaining the applications.

47 The registrar in the county wherein a voter is qualified to
48 vote upon receiving the envelope containing the absentee ballots
49 shall keep an accurate list of all persons preparing such ballots,
50 which list shall be kept in a conspicuous place accessible to the
51 public near the entrance to his office. The registrar shall also
52 furnish to each precinct manager a list of the names of all
53 persons in each respective precinct voting absentee ballots to be

54 posted in a conspicuous place at the polling place for public
55 notice. The application on file with the registrar and the
56 envelopes containing the ballots shall be kept by the
57 registrar * * *. At the time such boxes are delivered to the
58 election commissioners or managers, the registrar shall also turn
59 over a list of all such persons who have voted * * *.

60 The registrar shall also be authorized to mail one (1)
61 application to any qualified elector of the county for use in a
62 particular election.

63 SECTION 2. Section 23-15-637, Mississippi Code of 1972, is
64 amended as follows:[HS2]

65 23-15-637. Absentee ballots received by mail, excluding
66 presidential ballots as provided for in Sections 23-15-731 and
67 23-15-733, must be received by the registrar by 5:00 p.m. on the
68 date preceding the election; any received after such time shall be
69 handled as provided in Section 23-15-647 and shall not be counted.

70 All ballots cast by the absent elector appearing in person in the
71 office of the registrar shall be cast not later than 12:00 noon on
72 the Saturday immediately preceding elections held on Tuesday, the
73 Thursday immediately preceding elections held on Saturday, or the
74 second day immediately preceding the date of elections held on
75 other days. The registrar shall deposit all absentee ballots
76 which have been timely cast in the ballot boxes upon receipt. All
77 absentee ballots received by the registrar shall be held by the
78 registrar.

79 SECTION 3. Section 23-15-639, Mississippi Code of 1972, is
80 amended as follows:[HS3]

81 23-15-639. The election manager shall count all timely

82 received absentee ballots at the registrar's office before the
83 close of the regular balloting and before the close of the polls.
84 The election managers of each voting precinct shall first take the
85 envelopes containing the absentee ballots of such electors * * *,
86 and the name, address and precinct inscribed on each such envelope
87 shall be announced by the election managers. The signature on the
88 application shall then be compared with the signature on the back
89 of the envelope. If it corresponds and the affidavit, if one is
90 required, is sufficient and the election managers find that the
91 applicant is a registered and qualified voter or otherwise
92 qualified to vote, and that he has not appeared in person and
93 voted at such election, the envelope shall then be opened and the
94 ballot removed from the envelope, without its being unfolded, or
95 permitted to be unfolded or examined. Having observed and found
96 the ballot to be regular as far as can be observed from its
97 official endorsement, the election managers shall * * * enter the
98 voter's name in the receipt book provided for that purpose and
99 mark "VOTED" in the pollbook or poll list as if he had been
100 present and voted in person. If voting machines are used, * * *
101 the election managers in each precinct shall immediately count
102 such absentee ballots and add them to the votes cast in the voting
103 machine or device.

104 SECTION 4. The Attorney General of the State of Mississippi
105 shall submit this act, immediately upon approval by the Governor,
106 or upon approval by the Legislature subsequent to a veto, to the
107 Attorney General of the United States or to the United States
108 District Court for the District of Columbia in Accordance with the
109 provisions of the Voting Rights Act of 1965, as amended and

110 extended.

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