

By: Denny

To: Apportionment and
Elections

HOUSE BILL NO. 421

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 ABSENTEE 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 the 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 USCS 1973 ff et seq.) to request
57 a 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
101 ballots * * * and receive voted absentee ballots, and to receive
102 completed federal postcard applications as described in Section
103 23-15-677, which shall serve to request absentee ballots or to
104 register to 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 USCS 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 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.