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To: Apportionment and  
Elections

HOUSE BILL NO. 765  
(As Passed the House)

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 TO GRANT THE SECRETARY OF STATE EMERGENCY POWERS IN THE CONDUCT OF  
26 ELECTIONS DURING MILITARY CONTINGENCIES OR ARMED CONFLICT; AND FOR  
27 RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

74 23-15-687. The registrar shall keep all applications for  
75 absentee ballots and shall, within twenty-four (24) hours, if

76 possible, send to such absent voter on whose behalf the  
77 application is made the proper affidavit and the proper ballot or  
78 ballots applicable to the elections. One (1) application shall  
79 serve as a request for an absentee ballot for each election held  
80 within the calendar year for which the voter is eligible to vote.

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

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

87 23-15-695. Those persons authorized to administer and attest  
88 oaths shall be:

89 (a) Any commissioned officer or noncommissioned officer  
90 (NCO) or petty officer in the active service of the Armed Forces;

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

93 (c) The head of any department or agency of the United  
94 States;

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

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

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

101 23-15-699. The registrar shall be authorized to use  
102 electronic facsimile (FAX) devices to transmit absentee  
103 ballots \* \* \* and receive voted absentee ballots, and to receive  
104 completed federal postcard applications as described in Section  
105 23-15-677, which shall serve to request absentee ballots or to  
106 register to vote or to do both simultaneously.

107 SECTION 7. An absent voter who resides outside the United  
108 States, who is a member of the United States Armed Forces or who

109 is a family member of a member of the Armed Forces, and who is a  
110 registered voter of the State of Mississippi, may use the Federal  
111 Write-In-Absentee Ballot as provided for by 42 USCS 1973 ff-2 in  
112 general, special, primary and run-off elections for local, state  
113 and federal offices.

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

117 SECTION 9. The Secretary of State may exercise emergency  
118 powers concerning absentee voting and registration of military  
119 personnel over any election during an armed conflict or other  
120 military contingencies involving United States Armed Forces or  
121 mobilization of those forces, including state national guard or  
122 reserve components. The Secretary of State shall adopt rules  
123 describing the emergency powers and the situations in which the  
124 powers will be exercised.

125 SECTION 10. The Attorney General of the State of Mississippi  
126 is directed to submit this act, immediately upon approval by the  
127 Governor, or upon approval by the Legislature subsequent to a  
128 veto, to the Attorney General of the United States or to the  
129 United States District Court for the District of Columbia in  
130 accordance with the provisions of the Voting Rights Act of 1965,  
131 as amended and extended.

132 SECTION 11. This act shall take effect and be in force from  
133 and after the date it is effectuated under Section 5 of the Voting  
134 Rights Act of 1965, as amended and extended.