

By: Tollison

To: Elections

SENATE BILL NO. 2811

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 GRANT THE SECRETARY OF STATE EMERGENCY
23 POWERS IN THE CONFLICT OF ELECTIONS DURING MILITARY CONTINGENCIES
24 OR ARMED CONFLICT; TO REPEAL SECTION 23-15-689, MISSISSIPPI CODE
25 OF 1972, WHICH PROVIDES THE MANNER IN WHICH PERSONS ARE REGISTERED
26 TO VOTE UNDER THE ARMED SERVICES ABSENTEE VOTERS LAW; 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:[CRG1]

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:[CRG2]

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:[CRG3]

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 to
67 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:[CRG4]

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:[CRG5]

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:[CRG6]

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. The Secretary of State may exercise emergency
115 powers over any election during an armed conflict or other
116 military contingencies involving United States Armed Forces, or
117 mobilization of those forces, including state National Guard and
118 Reserve components. The Secretary of State shall adopt rules
119 describing the emergency powers and the situations in which the
120 powers will be exercised.

121 SECTION 9. Section 23-15-689, Mississippi Code of 1972,
122 which provides the manner in which persons are registered to vote
123 under the Armed Services Absentee Voters Law, is repealed.

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

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