

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 765

By Senator(s) Committee

29 Amend by striking all after the enacting clause and inserting
30 in lieu thereof the following:

31

32 SECTION 1. Section 23-15-673, Mississippi Code of 1972, is
33 amended as follows:

34 23-15-673. (1) For the purposes of this subarticle, the
35 term "absent voter" shall mean and include the following:

36 (a) Any enlisted or commissioned members, male or
37 female, of the United States Army, or any of its respective
38 components or various divisions thereof; any enlisted or
39 commissioned members, male or female, of the United States Navy,
40 or any of its respective components or various divisions thereof;
41 any enlisted or commissioned members, male or female, of the
42 United States Air Force, or any of its respective components or
43 various divisions thereof; any enlisted or commissioned members,
44 male or female, of the United States Marines, or any of its
45 respective components or various divisions thereof; or any persons
46 in any division of the armed services of the United States, who
47 are citizens of Mississippi;

48 (b) Any member of the Merchant Marine and the American
49 Red Cross who is a citizen of Mississippi;

50 (c) Any disabled war veteran who is a patient in any
51 hospital and who is a citizen of Mississippi;

52 (d) Any civilian attached to and serving outside of the
53 United States with any branch of the Armed Forces or with the
54 Merchant Marine or American Red Cross, and who is a citizen of
55 Mississippi;

56 (e) Any citizen of Mississippi temporarily residing
57 outside the territorial limits of the United States and the
58 District of Columbia;

59 (f) Any citizen of Mississippi enrolled as a student at
60 a United States Military Academy.

61 (2) The spouse and dependents of any absent voter as set out
62 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
63 section shall also be included in the meaning of absent voter and
64 may vote an absentee ballot as provided in this subarticle if also
65 absent from the county of their residence on the date of the
66 election and otherwise qualified to vote in Mississippi.

67 (3) For the purpose of this subarticle, the term "election"
68 shall mean and include the following sets of elections: special
69 and runoff special elections, preferential and general elections,
70 first and second primary elections or general elections without
71 preferential elections, whichever system is applicable.

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

74 23-15-677. All absent voters as defined in Section
75 23-15-673(1) and (2) may use a duly executed federal postcard
76 application (as provided for in the Uniformed and Overseas
77 Citizens Absentee Voting Act, 42 USCS 1973 ff et seq.) to request
78 a ballot or to register to vote, or to do both simultaneously.

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

81 23-15-685. Within forty-five (45) days next prior to any
82 election upon application first made to the registrar of the
83 county by any absent voter as defined in this subarticle, such
84 person shall be sent an absentee voter ballot * * * of the county
85 of which he is a citizen and resident. The registrar shall send
86 to such absent voter a proper absentee voter ballot containing the

87 names of all candidates who qualify or the proposition to be voted
88 upon in such elections, and with such ballot there shall be sent
89 an official envelope containing upon it in printed form the
90 recitals and data hereinafter required.

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

93 23-15-687. The registrar shall keep all applications for
94 absentee ballots and shall, within twenty-four (24) hours, if
95 possible, send to such absent voter on whose behalf the
96 application is made the proper affidavit and the proper ballot or
97 ballots applicable to the elections. One (1) application shall
98 serve as a request for an absentee ballot for each election held
99 within the calendar year for which the voter is eligible to vote.

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

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

106 23-15-695. Those persons authorized to administer and attest
107 oaths shall be:

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

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

112 (c) The head of any department or agency of the United
113 States;

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

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

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

120 23-15-699. The registrar shall be authorized to use
121 electronic facsimile (FAX) devices to transmit absentee

122 ballots * * * and receive voted absentee ballots, and to receive
123 completed federal postcard applications as described in Section
124 23-15-677, which shall serve to request absentee ballots or to
125 register to vote or to do both simultaneously.

126 SECTION 7. An absent voter who resides outside the United
127 States, who is a member of the United States Armed Forces or who
128 is a family member of a member of the Armed Forces, and who is a
129 registered voter of the State of Mississippi, may use the Federal
130 Write-In-Absentee Ballot as provided for by 42 USCS 1973 ff-2 in
131 general, special, primary and run-off elections for local, state
132 and federal offices.

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

136 SECTION 9. The Secretary of State may exercise emergency
137 powers concerning absentee voting and registration of military
138 personnel over any election during an armed conflict or other
139 military contingencies involving United States Armed Forces or
140 mobilization of those forces, including state national guard or
141 reserve components. The Secretary of State shall adopt rules
142 describing the emergency powers and the situations in which the
143 powers will be exercised.

144 SECTION 10. The Attorney General of the State of Mississippi
145 shall submit this act, immediately upon approval by the Governor,
146 or upon approval by the Legislature subsequent to a veto, to the
147 Attorney General of the United States or to the United States
148 District Court for the District of Columbia in accordance with the
149 provisions of the Voting Rights Act of 1965, as amended and
150 extended.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 23-15-673, 23-15-677, 23-15-685,
2 23-15-687, 23-15-695 AND 23-15-699, MISSISSIPPI CODE OF 1972, TO
3 INCLUDE WITHIN THE DEFINITION OF THE TERM "ABSENT VOTER" UNDER THE
4 ARMED FORCES ABSENTEE BALLOT LAW, CITIZENS OF MISSISSIPPI WHO ARE
5 ENROLLED AT A UNITED STATES MILITARY ACADEMY; TO PROVIDE THAT
6 ABSENT VOTERS MAY USE A DULY EXECUTED FEDERAL POSTCARD APPLICATION
7 TO REQUEST A BALLOT OR TO REGISTER TO VOTE OR TO DO BOTH
8 SIMULTANEOUSLY UNDER THE ARMED FORCES ABSENTEE BALLOT LAW; TO
9 PROVIDE THAT A REQUEST FOR AN ARMED FORCES ABSENTEE BALLOT SHALL
10 SERVE AS A REQUEST FOR AN ABSENTEE BALLOT FOR EACH ELECTION HELD
11 WITHIN THE CALENDAR YEAR FOR WHICH THE VOTER IS ELIGIBLE TO VOTE;
12 TO 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.