MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002
By: Representatives Fleming, Rushing, Scott
(80th)
To: Apportionment and Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 201


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

SECTION 1. Section 23-15-625, Mississippi Code of 1972, is amended as follows:

23-15-625. The registrar shall be responsible for printing applications for absentee voting as provided herein. At least sixty (60) days prior to any election in which absentee voting is provided for by law, the registrar shall order a sufficient number of applications to be printed; provided, however, that in the event a special election is called and set at a date which makes it impractical or impossible to print applications for absent elector's ballot sixty (60) days prior to such election, the registrar shall print such applications as soon as practicable after such election is called. The applications shall be printed with sequential numbers appearing on the application and the corresponding perforated stub. The registrar shall fill in the date of the particular election on the application for which the application will be used. Upon receipt of the applications for the election from the printer, the registrar shall file an affidavit with the election commission and a duplicate original of the affidavit in the registrar's office stating the number of applications which he received from the printer.

The registrar shall be authorized to disburse applications for absentee ballots to any qualified elector within the county
where he serves. The registrar shall keep a permanent ledger for the purpose of showing the number of applications and the persons to whom the applications were given. Any person who presents to the registrar the oral or written request for an absentee ballot application for a voter entitled to vote absentee by mail, other than the elector who seeks to vote by absentee ballot shall, in the presence of the registrar, sign the application and print on the application his or her name and address and the name of the elector for whom the application is being requested in the place provided for on the application for that purpose. However, if for any reason such person is unable to write the information required, then the registrar shall write the information on a printed form which has been prescribed by the Secretary of State. The form shall provide a place for such person to place his mark after the form has been filled out by the registrar. If an elector picks up applications for another person, the elector shall indicate on the ledger the name or names of the persons for whom he is obtaining the applications.

The registrar in the county wherein a voter is qualified to vote upon receiving the envelope containing the absentee ballots shall keep an accurate list of all persons preparing such ballots, which list shall be kept in a conspicuous place accessible to the public near the entrance to his office. The registrar shall also furnish to each precinct manager a list of the names of all persons in each respective precinct voting absentee ballots to be posted in a conspicuous place at the polling place for public notice. The application on file with the registrar and the envelopes containing the ballots shall be kept by the registrar. At the time such boxes are delivered to the election commissioners, political party executive committee members or managers, the registrar shall also turn over a list of all such persons who have voted.
The registrar shall also be authorized to mail one (1) application to any qualified elector of the county for use in a particular election.

SECTION 2. Section 23-15-637, Mississippi Code of 1972, is amended as follows:

23-15-637. Absentee ballots received by mail, excluding presidential ballots as provided for in Sections 23-15-731 and 23-15-733, must be received by the registrar by 5:00 p.m. on the date preceding the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted. All ballots cast by the absent elector appearing in person in the office of the registrar shall be cast not later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. The registrar shall deposit all absentee ballots which have been timely cast in a safe repository upon receipt. All absentee ballots received by the registrar shall be held by the registrar. Before the pollbooks are sent to the precincts, the registrar shall note in the pollbooks all persons who have voted absentee.

SECTION 3. Section 23-15-639, Mississippi Code of 1972, is amended as follows:

23-15-639. The election commissioners or the members of the respective political party executive committees shall count all timely received absentee ballots at the registrar's office after the close of the regular balloting and after the close of the polls. The election commissioners or executive committee members shall * * * take the envelopes containing the absentee ballots of such electors * * *, and the name, address and precinct inscribed on each such envelope shall be announced by the election commissioners or executive committee members. The signature on the application shall then be compared with the signature on the
back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the election commissioners or executive committee members find that the applicant is a registered and qualified voter or otherwise qualified to vote, and that he has not appeared in person and voted at such election, the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined. Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the election commissioners or executive committee members shall enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if he had been present and voted in person. Upon verification, the election commissioners or executive committee members shall immediately count such absentee ballots and add them to the votes cast in said election.

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

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