

By: Representative Fleming

To: Apportionment and
Elections

HOUSE BILL NO. 161

1 AN ACT TO AMEND SECTIONS 23-15-625, 23-15-637 AND 23-15-639,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ABSENTEE BALLOTS BE
3 RECEIVED AND MAINTAINED BY THE REGISTRAR AND COUNTED BY THE
4 ELECTION COMMISSIONER AFTER THE POLLS CLOSE ON ELECTION DAY; AND
5 FOR RELATED PURPOSES.

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

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

9 23-15-625. The registrar shall be responsible for printing
10 applications for absentee voting as provided herein. At least
11 sixty (60) days prior to any election in which absentee voting is
12 provided for by law, the registrar shall order a sufficient number
13 of applications to be printed; provided, however, that in the
14 event a special election is called and set at a date which makes
15 it impractical or impossible to print applications for absent
16 elector's ballot sixty (60) days prior to such election, the
17 registrar shall print such applications as soon as practicable
18 after such election is called. The applications shall be printed
19 with sequential numbers appearing on the application and the
20 corresponding perforated stub. The registrar shall fill in the
21 date of the particular election on the application for which the
22 application will be used. Upon receipt of the applications for
23 the election from the printer, the registrar shall file an
24 affidavit with the election commission and a duplicate original of
25 the affidavit in the registrar's office stating the number of
26 applications which he received from the printer.

27 The registrar shall be authorized to disburse applications
28 for absentee ballots to any qualified elector within the county



29 where he serves. The registrar shall keep a permanent ledger for
30 the purpose of showing the number of applications and the persons
31 to whom the applications were given. Any person who presents to
32 the registrar the oral or written request for an absentee ballot
33 application for a voter entitled to vote absentee by mail, other
34 than the elector who seeks to vote by absentee ballot shall, in
35 the presence of the registrar, * * * sign the application and
36 print on the application his or her name and address and the name
37 of the elector for whom the application is being requested in the
38 place provided for on the application for that purpose. However,
39 if for any reason such person is unable to write the information
40 required, then the registrar shall write the information on a
41 printed form which has been prescribed by the Secretary of State.
42 The form shall provide a place for such person to place his mark
43 after the form has been filled out by the registrar. If an
44 elector picks up applications for another person, the elector
45 shall indicate on the ledger the name or names of the persons for
46 whom he is obtaining the applications.

47 The registrar in the county wherein a voter is qualified to
48 vote upon receiving the envelope containing the absentee ballots
49 shall keep an accurate list of all persons preparing such ballots,
50 which list shall be kept in a conspicuous place accessible to the
51 public near the entrance to his office. The registrar shall also
52 furnish to each precinct manager a list of the names of all
53 persons in each respective precinct voting absentee ballots to be
54 posted in a conspicuous place at the polling place for public
55 notice. The application on file with the registrar and the
56 envelopes containing the ballots shall be kept by the
57 registrar * * *. At the time such boxes are delivered to the
58 election commissioners, political party executive committee
59 members or managers, the registrar shall also turn over a list of
60 all such persons who have voted * * *.



61 The registrar shall also be authorized to mail one (1)
62 application to any qualified elector of the county for use in a
63 particular election.

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

66 23-15-637. Absentee ballots received by mail, excluding
67 presidential ballots as provided for in Sections 23-15-731 and
68 23-15-733, must be received by the registrar by 5:00 p.m. on the
69 date preceding the election; any received after such time shall be
70 handled as provided in Section 23-15-647 and shall not be counted.
71 All ballots cast by the absent elector appearing in person in the
72 office of the registrar shall be cast not later than 12:00 noon on
73 the Saturday immediately preceding elections held on Tuesday, the
74 Thursday immediately preceding elections held on Saturday, or the
75 second day immediately preceding the date of elections held on
76 other days. The registrar shall deposit all absentee ballots
77 which have been timely cast in a safe repository upon receipt.
78 All absentee ballots received by the registrar shall be held by
79 the registrar. Before the pollbooks are sent to the precincts,
80 the registrar shall note in the pollbooks all persons who have
81 voted absentee.

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

84 23-15-639. The election commissioners or the members of the
85 respective political party executive committees shall count all
86 timely received absentee ballots at the registrar's office after
87 the close of the regular balloting and after the close of the
88 polls. The election commissioners or executive committee members
89 shall * * * take the envelopes containing the absentee ballots of
90 such electors * * *, and the name, address and precinct inscribed
91 on each such envelope shall be announced by the election
92 commissioners or executive committee members. The signature on
93 the application shall then be compared with the signature on the



94 back of the envelope. If it corresponds and the affidavit, if one
95 is required, is sufficient and the election commissioners or
96 executive committee members find that the applicant is a
97 registered and qualified voter or otherwise qualified to vote, and
98 that he has not appeared in person and voted at such election, the
99 envelope shall then be opened and the ballot removed from the
100 envelope, without its being unfolded, or permitted to be unfolded
101 or examined. Having observed and found the ballot to be regular
102 as far as can be observed from its official endorsement, the
103 election commissioners or executive committee members shall * * *
104 enter the voter's name in the receipt book provided for that
105 purpose and mark "VOTED" in the pollbook or poll list as if he had
106 been present and voted in person. Upon verification, the election
107 commissioners or executive committee members shall immediately
108 count such absentee ballots and add them to the votes cast in said
109 election.

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

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

