

By: Senator(s) Blackwell

To: Elections

SENATE BILL NO. 2109

1 AN ACT TO ESTABLISH THE MISSISSIPPI STUDENT ABSENTEE VOTER
2 ACT; TO PROVIDE THAT MISSISSIPPI CITIZENS WHO RESIDE OUTSIDE THE
3 COUNTY OR MUNICIPALITY OF THEIR RESIDENCE BECAUSE OF THEIR
4 ENROLLMENT AT AN INSTITUTION OF HIGHER LEARNING MAY REQUEST AND
5 RECEIVE AN ABSENT ELECTOR'S BALLOT; TO DEFINE THE TERM "ABSENT
6 VOTER" UNDER THE MISSISSIPPI STUDENT ABSENTEE VOTER ACT; TO
7 AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE RULES AND
8 REGULATIONS AS MAY BE NECESSARY; TO PROVIDE THAT ABSENT VOTERS
9 MUST USE A DULY EXECUTED MISSISSIPPI POSTCARD APPLICATION TO
10 REQUEST AN ABSENTEE BALLOT; TO PROVIDE THAT A REQUEST FOR AN
11 ABSENTEE BALLOT SHALL SERVE AS A REQUEST FOR AN ABSENTEE BALLOT
12 FOR EACH ELECTION HELD WITHIN THE CALENDAR YEAR FOR WHICH THE
13 VOTER IS ELIGIBLE TO VOTE; TO AUTHORIZE THE USE OF ELECTRONIC
14 FACSIMILE DEVICES, POSTAL MAIL AND ELECTRONIC MAIL TO TRANSMIT
15 ABSENTEE BALLOTS, TO RECEIVE VOTED ABSENTEE BALLOTS AND TO RECEIVE
16 COMPLETED MISSISSIPPI POSTCARD APPLICATIONS UNDER THE STUDENT
17 ABSENTEE VOTER ACT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) For the purposes of this act, the term
20 "absent voter" shall mean and include any person who meets the
21 following conditions:

- 22 (a) Is qualified and registered to vote in Mississippi;
- 23 (b) Is enrolled in a college, university, community
24 college or other such institution of higher education; and



25 (c) Will be absent from the municipality or county of
26 his or her voting residence on the date of any primary, general,
27 special or runoff election because of his or her studies at the
28 institution.

29 (2) Nothing in this act shall suspend the voter registration
30 deadlines otherwise provided by law.

31 **SECTION 2.** (1) All absent voters as defined in Section 1 of
32 this act must use a duly executed Mississippi Student Postcard
33 Application to request a ballot and to vote in the manner provided
34 in this act.

35 (2) The following shall be established by rule duly adopted
36 by the Secretary of State:

37 (a) The official form and instructions for the
38 Mississippi Student Postcard Application, including the penalties
39 for vote fraud;

40 (b) Procedures that allow an absent voter to designate
41 whether he or she will receive ballots and balloting materials by
42 mail, facsimile device (FAX) or electronic mail delivery (email)
43 and to change this designation;

44 (c) The method of verifying an absent voter's
45 enrollment in an institution of higher learning;

46 (d) The method of submitting, cancelling and updating
47 an absent voter's application to receive absentee ballots in the
48 manner provided in this act;



49 (e) The reasons for which a registrar may reject an
50 application submitted under this act; and

51 (f) Instructions on how absent voters may comply with
52 the voter identification requirements of Section 23-15-563.

53 **SECTION 3.** The official student absentee voter ballots shall
54 be prepared and printed in the same form and shall be of the same
55 size and texture as the regular official ballot, except that they
56 shall be printed on tinted paper of a tint different from that of
57 the regular official ballot.

58 **SECTION 4.** Except as otherwise provided in this act, all
59 official student absentee ballots shall be sent out and returned
60 in envelopes on which there is printed across the face two (2)
61 parallel horizontal bars, each one-fourth (1/4) of an inch wide,
62 extending from one side of the envelope to the other side, with an
63 intervening space of one-fourth (1/4) of an inch, the top bar to
64 be one and one-fourth (1-1/4) inches from the top of the envelope,
65 and with the words "OFFICIAL ELECTION BALLOTING MATERIAL-VIA AIR
66 MAIL" between the bars. In the upper right corner of each such
67 envelope there shall be printed in a box the words "FREE OF U.S.
68 POSTAGE, INCLUDING AIR MAIL." All printing on the face of such
69 envelopes shall be in black, and there shall be printed in black
70 in the upper left corner of all such ballot envelopes an
71 appropriate inscription for the return address of the sender.

72 **SECTION 5.** In any election, as soon as the deadline for the
73 qualification of candidates has passed, or forty-five (45) days



74 prior to the election, whichever is later, student absentee
75 ballots shall be prepared and printed for the elections. The
76 respective ballots shall be printed with the names of all
77 candidates who originally qualify as candidates. Further, such
78 ballots shall be printed on paper of different tints or colors and
79 shall be styled so as to show which ballot is to be used for the
80 first election and which ballot is to be used for the second
81 election. When the proper application is made and approved, the
82 registrar shall send the absent voter the proper absent-voter
83 ballots for the elections along with separate official envelopes
84 for the return thereof. No additional ballot shall be thereafter
85 sent to the absent voter for the second election, but the absent
86 voter shall ascertain which of the candidates who originally
87 qualified are candidates in the second election and he or she may
88 vote for his or her choice between them on the second election
89 ballot previously sent him or her. If an absentee voter shall
90 vote for any candidate on the second election ballot who is not a
91 candidate in the second election, his or her vote for that office
92 shall be disregarded.

93 **SECTION 6.** (1) A person must submit an application at least
94 forty-five (45) days before any election in which he or she
95 intends to vote in the manner provided in this act. The date of
96 approval to vote by absentee ballot shall be the date the
97 application was initially received by the registrar or, if
98 submitted by mail, the postmark date, regardless of the date on



99 which the registrar makes a final determination on the
100 application.

101 (2) The registrar shall process the application within
102 fourteen (14) days of receipt and shall notify the applicant of
103 the status of his or her application.

104 (3) If the registrar rejects an application for a student
105 absentee ballot, the registrar shall provide the person with the
106 reasons for the rejection.

107 (4) If the application is approved, the registrar shall send
108 to the absent voter on whose behalf the application is made, the
109 proper affidavit and the proper ballot or ballots applicable to
110 the elections. Such information shall be processed through the
111 Statewide Election Management System.

112 (5) One (1) approved application for a student absentee
113 ballot shall serve as a request by the applicant for an absentee
114 ballot for:

115 (a) The next federal general election, including all
116 primary and runoff elections associated with the election; and

117 (b) All state and county primary, general, special and
118 runoff elections that occur after the receipt of the application
119 by the registrar through the date of the next federal general
120 election that occurs after the receipt and approval of the
121 application by the registrar.

122 (6) The registrar shall preserve all applications for
123 absentee ballots for one (1) year as a record to be furnished to



124 any court or other duly constituted authority for inspection or
125 evidence if properly requested.

126 **SECTION 7.** Within forty-five (45) days next prior to any
127 election upon application first made to the registrar of the
128 county by any absent voter as defined in Section 1 of this act,
129 such person shall be sent an absentee voter ballot of the county
130 of which he or she is a citizen and resident. The registrar shall
131 send to the absent voter a proper absentee voter ballot containing
132 the names of all candidates who qualify or the proposition to be
133 voted upon in such elections, and with such ballot there shall be
134 sent an official envelope containing upon it in printed form the
135 recitals and data hereinafter required.

136 **SECTION 8.** (1) As soon as possible after the printing of
137 the official absentee ballot for any election, the registrar of
138 the county shall send the official absentee voter ballot or
139 ballots provided for in Section 6 of this act, and the
140 instructions for voting and returning the ballot. If the ballot
141 is sent by mail, the registrar shall send a self-addressed
142 envelope or envelopes with the ballot and the instructions.

143 (2) If the ballot is sent by mail, the gummed flap of the
144 envelope provided for the return of the ballot must be separated
145 by wax paper or other appropriate protective insert from the
146 remaining balloting material. The voting instructions shall
147 require a notation of the facts on the back of the envelope duly
148 signed by the voter.



149 (3) If applicable, the instructions shall indicate that the
150 ballot shall be marked in ink or indelible pencil.

151 **SECTION 9.** (1) The absent voter, upon receipt of the
152 absentee ballot, shall complete any affidavit or any other such
153 certification as may be required by rule duly promulgated by the
154 Secretary of State.

155 (2) When the absentee ballot has been voted and the envelope
156 sealed, signed and certified as provided above, the absentee voter
157 shall mail the envelope containing the ballot to the registrar.

158 **SECTION 10.** (1) Absent voters who have requested to receive
159 absentee ballots and balloting materials may choose to receive
160 such ballots and balloting materials by mail, facsimile device
161 (FAX) or electronic mail delivery (email).

162 (2) Consistent with the choice that the absent voter
163 exercises pursuant to subsection (1) of this section, the
164 registrar shall, in addition to mail, be authorized to use
165 electronic facsimile (FAX) devices and electronic mail delivery
166 (email) to transmit balloting materials and absentee ballots. If
167 the absent voter does not indicate a preference, delivery of such
168 information shall be by mail.

169 (3) The registrar is authorized to receive by electronic
170 facsimile (FAX) devices, electronic mail delivery (email) and any
171 other method designated by the Secretary of State:

172 (a) Voted absentee ballots;



173 (b) Any affidavit or other such certification as may be
174 required by rule duly promulgated by the Secretary of State; and

175 (c) Completed Mississippi Student Postcard Applications
176 as described in Section 2 of this act.

177 (4) Once the registrar has received a voted absentee ballot
178 pursuant to this section, he shall place the ballot in an absentee
179 ballot envelope designated for absentee ballots under this act and
180 fill out the required information on the envelope. The registrar
181 shall then notate on the envelope that the ballot was received
182 under this section and a signature across the flap of the envelope
183 shall not be required. Except as provided in this section,
184 absentee ballots received under this subsection (4) shall be
185 treated in the same manner as other absentee ballots received
186 under this act.

187 (5) Access to voted absentee ballots before they are placed
188 in an absentee ballot envelope shall be strictly limited to
189 election officials who must process the ballot, and any election
190 official who views the ballots before they are placed in the
191 envelope shall have the duty to protect the secrecy of the ballot
192 choices; however, the failure of an election official to comply
193 with this subsection (5) shall not invalidate the ballot.

194 (6) Each circuit clerk shall furnish a suitable electronic
195 mail delivery (email) address that can be used to allow absent
196 voters to comply with the provisions of this act. Absentee
197 ballots returned by any absent voter as defined in Section 1 of



198 this act must be received by the deadline for receipt of mail
199 absentee ballots provided for in Section 23-15-637.

200 **SECTION 11.** The Secretary of State shall adopt such rules
201 which are necessary and essential to implement this act. The
202 Secretary of State shall furnish the Legislature with a copy of
203 such rules sixty (60) days after adoption by the Secretary of
204 State.

205 **SECTION 12.** This act shall take effect and be in force from
206 and after July 1, 2023.

